

SPAULDING TOWNSHIP, MICHIGAN

CODE OF ORDINANCES

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DIRECTORY OF CITY OFFICIALS

SPAULDING TOWNSHIP, MICHIGAN

2022 TOWNSHIP OFFICIALS

Ed Masters, Supervisor

Mark Seamon, Clerk

Tiffany Fortier, Treasurer

Tracie Prueter, Trustee

Jay Bruns, Trustee

ADOPTING ORDINANCE

ORDINANCE NO. 03-15-22

TOWNSHIP OF SPAULDING

SAGINAW COUNTY, MICHIGAN

ADOPTED: March 15, 2022

PUBLICATION DATE: March 23, 2022

EFFECTIVE: March 24, 2022

An ordinance of the Township of Spaulding, Saginaw County, Michigan, to protect the health, safety and general welfare of Spaulding Township through the enactment of a Code of Ordinances, to revise, amend, restate, codify, and compile certain existing general ordinances of the Township of Spaulding dealing with subjects embraced in such code of ordinances, to provide a name for this Ordinance, to provide a Purpose of this Ordinance, to provide that pending proceedings are not affected, to provide for severability, to repeal all Ordinances or parts of Ordinances in conflict herewith, to provide for an Effective Date, to declare an emergency measure, and to direct the publication of this Ordinance or a legally-permissible summary.

WHEREAS, the Spaulding Township Board of Trustees desires to amend the arrangement and classification of the present general and permanent ordinances of the Township of Spaulding to ensure the complete preservation of the public peace, health, safety and general welfare of the Township of Spaulding and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Michigan empower and authorize the Township of Spaulding to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Board of Trustees of the Township of Spaulding has authorized a general compilation, revision and codification of the ordinances of the Township of Spaulding of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the Township of Spaulding and for the immediate preservation of the public peace, health, safety and general welfare of the Township of Spaulding that this ordinance take effect at an early date.

THE TOWNSHIP OF SPAULDING SAGINAW COUNTY, MICHIGAN ORDAINS:

SECTION I

NAME

This Ordinance shall be known and cited as the "Spaulding Township Code of Ordinances Adopting Ordinance."

SECTION II

PURPOSE

In the interest of maintaining public health, safety and the general welfare and the comfort and repose of Spaulding Township residents, businesses, proprietors and property owners Spaulding Township hereby provides for the revising, amending, restating, codifying and compiling certain existing general ordinances of the Township of Spaulding dealing with subjects embraced in such code of ordinances. The matters discussed herein are matters closely affecting the public interest. The public interest requires that the Township's Code of Ordinances be appropriately and comprehensively codified.

SECTION III

CODIFICATION OF ORDINANCES

The general ordinances of the Township of Spaulding as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the Township of Spaulding," which may be amended by the Township Board from time-to-time.

SECTION IV

TITLES OF CODE OF ORDINANCES

The Code of Ordinances of the Township of Spaulding shall consist of the following titles, which may be amended by the Township Board from time-to-time:

- a) General Provisions.
- b) Administration.
- c) Public Works.
- d) Traffic Code.
- e) General Regulations.
- f) Business Regulations.
- g) General Offenses.
- h) Land Usage.
- i) Special Ordinances.

SECTION V

INCORPORATION AND REPEAL

All prior ordinances pertaining to the subjects treated in the Code of Ordinances of the Township of Spaulding shall be deemed incorporated in the Code of Ordinances of the Township of Spaulding by reference as though each were fully restated therein and further repealed from the Ordinances' prior codification and classification after the effective date of this ordinance except as the Ordinances are included and re-ordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

SECTION VI

FORCE AND EFFECT

The Code of Ordinances of the Township of Spaulding shall be in full force and effect as provided herein, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

SECTION VII

PENDING PROCEEDINGS NOT AFFECTED

Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited herein; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION VIII

SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid. The Spaulding Township Board of Trustees hereby declares that it would have enacted this Ordinance even without whatever provision may be declared invalid by a court of competent jurisdiction.

SECTION IX

REPEAL OF CONFLICTING ORDINANCES

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

SECTION X

EFFECTIVE DATE

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect the day following publication as required by law following adoption by the Township Board.

SECTION XI

EMERGENCY MEASURE

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of the Township of Spaulding and shall take effect at the earliest date provided by law.

SECTION XII

TOWNSHIP PUBLICATION

The Township Clerk is hereby ordered and directed to cause this Ordinance to be published, either in full or in the form of a legally-permitted summary, in a newspaper of general circulation within Spaulding Township.

This Ordinance is hereby declared to have been adopted by the Spaulding Township Board of Trustees, County of Saginaw, State of Michigan, at a regular meeting held on the 15th day of March 2022 and ordered to be given publication in the manner prescribed by law.

/s/ Ed Masters

ED MASTERS, Supervisor

/s/ Mark Seamon

MARK SEAMON, Clerk

Date of Publication: March 23, 2022.

Newspaper: Birch Run/Bridgeport Herald.

CERTIFICATION

ADOPTED

YEAS:

/s/

NAYS:

None

ABSENT:

None

State of Michigan, County of Saginaw,

I, the undersigned Township Clerk for the Township of Spaulding, Saginaw County, Michigan, certify that the above Ordinance No. 03-15-22, adopted by the Township Board of Trustees of the Township on the 15th day of March 2022, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: March 15, 2022.

/s/ Mark Seamon

MARK SEAMON, Clerk

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 How code designated and cited
- 10.02 Definitions
- 10.03 Section catchlines and other headings
- 10.04 Certain ordinances not affected by code
- 10.05 Continuation of ordinances
- 10.06 Prior rights, offenses and the like
- 10.07 Ordinances repealed not reenacted

- 10.08 Amendments to code
- 10.09 Supplementation of code
- 10.10 Appearance tickets
- 10.11 Severability

- 10.99 General penalty

§ 10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the Spaulding Township Code.

§ 10.02 DEFINITIONS.

- (A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.
- (B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL INFRACTION. An act or omission that is prohibited by this code or any ordinance of the township, but which is not a crime under this code or any other ordinance of the township, and for which civil sanctions, including without limitation, fines, damages, expenses and costs may be ordered, as authorized by Chapter 87 of the Revised Judicature Act of 1961, Public Act 236 of 1961, being M.C.L.A. §§ 600.8701 through 600.8735, as amended. A municipal **CIVIL INFRACTION** is not a lesser included offense of any criminal offense in this code.

CODE. The Spaulding Township Code as designated in §10.01.

COMPUTATION OF TIME. The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

COUNTY. County of Saginaw, Michigan.

JUVENILE. A person under 17 years of age.

MINOR. A person under 21 years of age.

OFFICER, DEPARTMENT, BOARD AND THE LIKE. Whenever any officer, department, board or other public agency is referred to by title only, the reference shall be construed as if followed by the words "of the Township of Spaulding, Michigan". Whenever, by the provisions of this code, any officer of the township is assigned any duty or empowered to perform any act or duty, reference to the **OFFICER** shall mean and include the officer or his or her deputy or authorized subordinate.

ORDINANCES. The ordinances of the township and all amendments thereto.

PERSON. Any natural individual, firm, trust, partnership, association or corporation. Whenever the word **PERSON** is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners or members thereof and, as applied to corporations, the word includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE. The term **THE STATE** or **THIS STATE** shall be construed to mean the State of Michigan.

TOWNSHIP. Spaulding Township, Michigan.

§ 10.03 SECTION CATCHLINES AND OTHER HEADINGS.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of the sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted. No provision of this code shall be held invalid by reason of deficiency in any catchline or in any heading or title to any chapter, subchapter or division.

§ 10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

Nothing in this code or the ordinance adopting this code shall affect any ordinance not in conflict with or inconsistent with this code:

- (A) Promising or guaranteeing the payment of money for the township, authorizing the issuance of any bonds of the township, any evidence of the township's indebtedness, any contract or obligations assumed by the township;
- (B) Containing any administrative provisions of the Township Board;
- (C) Granting any right or franchise;
- (D) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating and the like, any street or public way in the township;
- (E) Making any appropriation;
- (F) Levying or imposing taxes;
- (G) Establishing or prescribing grades in the township;
- (H) Providing for local improvements and assessing taxes therefor;
- (I) Dedicating or accepting any plat or subdivision in the township;
- (J) Extending or contracting the boundaries of the township;
- (K) Prescribing the number, classification or compensation of any township officers or employees;
- (L) Prescribing specific parking restrictions, no parking zones, specific speed zones, parking meter zones and specific stop or yield intersections or other traffic ordinances pertaining to specific streets;
- (M) Pertaining to rezoning; and
- (N) Any other ordinance, or part thereof, which is not of a general and permanent nature; and all ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. The ordinances are on file in the township office.

§ 10.05 CONTINUATION OF ORDINANCES.

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of these ordinances and not as new enactments.

§ 10.06 PRIOR RIGHTS, OFFENSES AND THE LIKE.

Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of adoption of this code, shall not be affected by the adoption, but may be enjoined, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the adoption had not been effected.

§ 10.07 ORDINANCES REPEALED NOT REENACTED.

- (A) No ordinance or part of any ordinance heretofore repealed shall be considered re-ordained or reenacted by virtue of this code, unless specifically reenacted.
- (B) The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

§ 10.08 AMENDMENTS TO CODE.

(A) Amendments to any of the provisions of this code shall be made by amending the provisions by specific reference to the section number of this code in the following language: "That section _____ of the Spaulding Township Code, is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

(B) If a new section not heretofore existing in the code is to be added, the following language shall be used: "That the Spaulding Township Code is hereby amended by adding a section, to be numbered _____, which section reads as follows:..." The new section shall then be set out in full as desired.

§ 10.09 SUPPLEMENTATION OF CODE.

(A) By contract or by township personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Township Board. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

- (B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.
- (C) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in

ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate divisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other divisions of the code printed in the supplement, and make changes in catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary, to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this subchapter", "this division" and the like, as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and
- (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

§ 10.10 APPEARANCE TICKETS.

The following public servants are hereby authorized to issue and serve appearance tickets with respect to ordinances of the township, as provided in the Code of Criminal Procedure by Public Act 147 of 1968, being M.C.L.A. §§ 764.9a through 764.9e, as amended, when the public servant has reasonable cause to believe that a person has committed an offense in violation of a township ordinance:

- (A) Building Inspector;
- (B) Fire Marshal;
- (C) Fire Chief; and
- (D) Supervisor.

§ 10.11 SEVERABILITY.

Each section, division, sentence, clause and provision of this code is separable and if any provision shall be held unconstitutional or invalid for any reason, the decision shall not affect the remainder of this code, or any part thereof, other than that part affected by the decision.

§ 10.99 GENERAL PENALTY.

Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment; unless there is a fine or penalty specifically set forth in that penalty which provides for a greater penalty, and in that event, such greater penalty shall control. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance.

TITLE III: ADMINISTRATION

Chapter

30. MUNICIPAL ORDINANCE VIOLATIONS BUREAU
31. POLICE DEPARTMENT
32. FREEDOM OF INFORMATION ACT

CHAPTER 30: MUNICIPAL ORDINANCE VIOLATIONS BUREAU

Section

Municipal Ordinance Violations Bureau

- 30.01 Title
- 30.02 Establishment, location and personnel of Municipal Ordinance Violations Bureau
- 30.03 Bureau authority
- 30.04 Ordinance violation notice requirements admission/denial of responsibility
- 30.05 Schedule of civil fines/costs
- 30.06 Records and accounting
- 30.07 Availability of other enforcement options

Municipal Sanctions for Ordinance Violations

- 30.20 Title
- 30.21 Ordinances affected
- 30.22 Civil infraction fine

MUNICIPAL ORDINANCE VIOLATIONS BUREAU

§ 30.01 TITLE.

This subchapter shall be known and cited as the "Spaulding Township Municipal Ordinance Violations Bureau Ordinance".

(Ord. 8-24-09B, passed 8-24-2009)

§ 30.02 ESTABLISHMENT, LOCATION AND PERSONNEL OF MUNICIPAL ORDINANCE VIOLATIONS BUREAU.

(A) *Establishment.* The Spaulding Township Municipal Ordinance Violations Bureau (hereafter "Bureau") is established pursuant to the Revised Judicature Act of 1961, Public Act 12 of 1994, being M.C.L.A. § 600.8396, as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

(B) *Location.* The Bureau shall be located at 5025 East Road, Spaulding Township, or such other location in the township as may be designated by the Township Board.

(C) *Personnel.* All personnel of the Bureau shall be township employees. The Township Board may by resolution designate a Bureau Clerk with the duties prescribed in this subchapter and as otherwise may be delegated by the Township Board.

(Ord. 8-24-09B, passed 8-24-2009)

§ 30.03 BUREAU AUTHORITY.

The Bureau shall only have the authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this subchapter or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

(Ord. 8-24-09B, passed 8-24-2009)

§ 30.04 ORDINANCE VIOLATION NOTICE REQUIREMENTS ADMISSION/DENIAL OF RESPONSIBILITY.

(A) *Ordinance violation notice requirements.*

- (1) Municipal civil infraction violation notices shall be issued and served by authorized township officials as provided by law.
- (2) A municipal ordinance violation notice shall include, at a minimum, all of the following:
 - (a) The violation;
 - (b) The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;

- (c) The amount of the scheduled fines/costs for the violation;
- (d) The methods by which the violation may be admitted or denied;
- (e) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
- (f) The address and telephone number of the Bureau; and
- (g) The days and hours that the Bureau is open.

(B) *Denial of responsibility.* Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated township employee(s) shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall be processed in the manner required by law.

(Ord. 8-24-09B, passed 8-24-2009)

§ 30.05 SCHEDULE OF CIVIL FINES/COSTS.

(A) Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

| <i>Violation Number</i> | <i>Fine</i> | <i>Judgment Fee</i> | <i>Total</i> |
|--|-------------|---------------------|--------------|
| 1st violation | \$95 | \$10 | \$105 |
| 2nd violation | \$145 | \$10 | \$155 |
| 3rd or subsequent violation | * | \$10 | * |
| *The Court shall exercise its discretion in setting the appropriate fine | | | |

(B) In addition to the above-prescribed civil fines, costs in the amount of \$10 shall be assessed by the Bureau if the fine and costs are paid within ten days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the Bureau.

(Ord. 8-24-09B, passed 8-24-2009)

§ 30.06 RECORDS AND ACCOUNTING.

The Bureau Clerk or other designated township official/ employee shall retain a copy of all municipal ordinance violation notices, and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the General Fund of the township.

(Ord. 8-24-09B, passed 8-24-2009)

§ 30.07 AVAILABILITY OF OTHER ENFORCEMENT OPTIONS.

Nothing in this subchapter shall be deemed to require the township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction the township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

(Ord. 8-24-09B, passed 8-24-2009)

MUNICIPAL SANCTIONS FOR ORDINANCE VIOLATIONS

§ 30.20 TITLE.

This subchapter shall be known and cited as the "Spaulding Township Municipal Sanctions for Ordinance Violations Ordinance".

(Ord. 8-24-09C, passed 8-24-2009)

§ 30.21 ORDINANCES AFFECTED.

The ordinances of the township which are affected by this subchapter are as follows:

| <i>Ordinance Number</i> | <i>Subject</i> | <i>Code Section</i> |
|-------------------------|---|------------------------|
| Ord. eff. 12-1-2019 | Zoning | Ch. 156 |
| 8-10-82 | Noise control | §§ 90.65 through 90.69 |
| 5-11-83 | Nuisance, litter and debris | §§ 90.50 through 90.54 |
| 8-21-84 | Public dance halls | Ch. 113 |
| | State plumbing, mechanical and electrical codes | Ch. 150 |
| | State building code | Ch. 150 |
| Ord. passed 8-20-2019 | Cross-connection | Ch. 51 |
| Ord. passed 8-20-2019 | Water system | Ch. 51 |
| 12-05-72 | Refuse collection | Ch. 50 |
| | Weed control | §§ 90.30 through 90.38 |
| 31703-1 | Kennel | §§ 91.35 through 91.42 |
| 31703-2 | Dog control | §§ 91.15 through 91.24 |
| 97-10-20 | Land division | Ch. 155 |
| 1999-12-201 | Sewage disposal system | |

(Ord. 8-24-09C, passed 8-24-2009)

§ 30.22 CIVIL INFRACTION FINE.

(A) (1) The referenced ordinances included in the table in §30.21 are hereby amended by deleting that portion of the section which provides for punishment as a misdemeanor, and replacing it with the following:

(2) Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines shall be determined pursuant to the following schedule:

| <i>Violation Number</i> | <i>Fine</i> | <i>Judgment Fee</i> | <i>Total</i> |
|--|-------------|---------------------|--------------|
| 1st violation | \$95 | \$10 | \$105 |
| 2nd violation | \$145 | \$10 | \$155 |
| 3rd or subsequent violation | * | \$10 | * |
| *The Court shall exercise its discretion in setting the appropriate fine | | | |

(B) In addition to the above-prescribed civil fines, costs in the amount of \$10 shall be assessed if the fine and costs are paid within ten days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the Bureau.

(C) A violator of this subchapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under state law. Each day a violation of the ordinance continues to exist constitutes a separate violation.

CHAPTER 31: POLICE DEPARTMENT

Section

Police Department

- 31.01 Short title
- 31.02 Establishment; members
- 31.03 Regulation by Township Board; traffic officers
- 31.04 Ordinance enforcement
- 31.05 Criminal and civil process
- 31.06 Co-operation with other police agencies
- 31.07 "On duty" defined

Hazardous Materials Incident Cost Recovery

- 31.20 Title
- 31.21 Purpose
- 31.22 Definitions
- 31.22 Liability for expense of an emergency response
- 31.23 Notice to be published

- 31.99 Penalty

POLICE DEPARTMENT

§ 31.01 SHORT TITLE.

This chapter shall be known and may be cited as the "Spaulding Township Police Department Ordinance".

(Prior Code, § 40.051) (Ord. 51485, eff. 7-21-1985)

§ 31.02 ESTABLISHMENT; MEMBERS.

There is hereby created and established the Township Police Department which shall be composed of a Police Chief and such patrol officers, detectives and other officers and members as may be required for the proper and efficient operation and maintenance of said Department.

(Prior Code, § 40.052) (Ord. 51485, eff. 7-21-1985)

§ 31.03 REGULATION BY TOWNSHIP BOARD; TRAFFIC OFFICERS.

The Township Board shall from time to time by resolution make and establish rules and regulations for the governing of the employees and officers thereof, their compensation, and for the care and management of the motor vehicles, equipment, property and buildings pertaining thereto as shall be necessary for the proper and efficient operation and maintenance of the Township Police Department and shall prescribe the duties of the officers and employees thereof. The Police Chief and all officers shall be appointed by the Township Supervisor with the approval of the Township Board. Any officer of the Township Police Department and any Sheriff, Deputy or officer of the Saginaw County Sheriff's office shall be a traffic officer within the meaning of § 13 of Public Act 33 of 1951, being M.C.L.A. § 41.813.

(Prior Code, § 40.053) (Ord. 51485, eff. 7-21-1985)

§ 31.04 ORDINANCE ENFORCEMENT.

The Township Police Department shall have the responsibility to enforce and see to the prosecution of all violations of ordinances of the township and shall aid the Building Inspector in enforcement of all building and zoning ordinances of the township, as authorized by the Township Board.

(Prior Code, § 40.054) (Ord. 51485, eff. 7-21-1985)

§ 31.05 CRIMINAL AND CIVIL PROCESS.

Any officer or member of the Township Police Department may and shall serve and execute all criminal and civil processes of the township. The Police Chief and said department shall be under the immediate control and direction of the Supervisor of the township.

(Prior Code, § 40.055) (Ord. 51485, eff. 7-21-1985)

§ 31.06 CO-OPERATION WITH OTHER POLICE AGENCIES.

The Police Chief and all officers of the Township Police Department shall be deputized by the County Sheriff, whenever possible, and shall co-operate with the County Sheriffs' Department, the State Police and any other duly constituted police agency for the purpose of prevention and discovery of crimes and the apprehension of criminals.

(Prior Code, § 40.056) (Ord. 51485, eff. 7-21-1985)

§ 31.07 "ON DUTY" DEFINED.

Every member of the Township Police Department shall be subject to orders at any time, the Police Chief and officers shall be deemed to be on duty at all times for the purpose of apprehending criminals and preserving law and order.

(Prior Code, § 40.057) (Ord. 51485, eff. 7-21-1985)

HAZARDOUS MATERIALS INCIDENT COST RECOVERY

§ 31.20 TITLE.

This subchapter provides for the establishment of service fees for Police and Fire Department responses to incidents involving hazardous materials, and for the recovery of those fees.

(Prior Code, § 40.101) (Ord. 101392, eff. 11-12-1992)

§ 31.21 PURPOSE.

The township finds that a significant potential exists for Police and Fire Department responses to incidents involving the release or threatened release of hazardous materials. Such incidents create a great likelihood of personal injury and/or property damage. The control and abatement of such incidents place a significant financial and operational burden upon the township's police, firefighting and rescue services. The purpose of the subchapter is to provide for the assessment of specific fees for the above services which are rendered to nonresidents of the township.

(Prior Code, § 40.102) (Ord. 101392, eff. 11-12-1992)

§ 31.22 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

EMERGENCY RESPONSE. The providing, sending and/or utilizing of police, firefighting, emergency medical and rescue services by the township, or by a private industrial entity or corporation operating at the request or direction of the township or state, for an incident involving a hazardous materials release or threatened release.

EXPENSES OF AN EMERGENCY RESPONSE. The direct and reasonable costs incurred by the township or by a private person, corporation or other assisting government agency which is operating at the request or direction of the township, when making an emergency response to the hazardous materials incident, including the costs of providing police, firefighting, rescue services, emergency medical services, containment and abatement of all hazardous conditions at the scene of the incident. The costs further include all of the salaries and wages of township personnel responding to the incident, salaries and wages of township personnel engaged in the investigation, supervision and report preparation regarding said incident, all salaries and wages of personnel of assisting government agencies operating at the request or direction of the township, and all costs connected with the administration of the incident relating to any prosecution of the person(s) responsible, including those relating to the production and appearance of witnesses at any court proceedings in relation thereto. Costs shall also include such items as disposable materials and supplies used during the response to said incident, the rental or leasing of equipment used for the specific response, replacement of equipment which is contaminated beyond reuse or repair during the

response to said incident, special technical services and laboratory costs, and services and supplies purchased for any specific evacuation relating to said incident.

HAZARDOUS MATERIAL. Explosives, pyrotechnics, flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, poisonous solid, irritating material, etiological material, radioactive material, corrosive material or liquified petroleum gas. The term shall also include any hazardous substance as that term is defined in the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. §§ 9601 et seq.

NONRESIDENT. Any person who, at the time of the emergency response incident, is not domiciled within, or named on the current real property assessment roll of, the township. In the case of a corporation, partnership or other entity other than a natural person, the term **NONRESIDENT** shall include all entities which do not have a place of business located within the township.

OWNER. Any person having a vested or contingent interest in the property, premises, container or vehicle involved in the hazardous materials incident, including, but not limited to, any duly authorized agent or attorney, purchaser, devisee or fiduciary of said person having said vested or contingent interest.

PREMISES. Any lot or parcel of land, exclusive of buildings, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junkyard, wharf, pier, public roadway and any other place or enclosure, however owned, used or occupied.

(Prior Code, § 40.103) (Ord. 101392, eff. 11-12-1992)

§ 31.23 LIABILITY FOR EXPENSE OF AN EMERGENCY RESPONSE.

(A) *Person(s) responsible.* The owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle shall be required to reimburse the township for all expenses of an emergency response to said hazardous materials incident.

(B) *Charge against person.* The expense of an emergency response shall be a charge against the person liable for the expenses under this subchapter. The charge constitutes a debt of that person and is collectible by the township in the same manner as in the case of an obligation under contract, express or implied.

(C) *Cost recovery schedule.* The township shall, by resolution, adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available at the office of the Township Clerk for inspection by the public at all times.

(D) *Billing.* The township may, within ten days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first class mail or personal service to the person liable for the expenses as enumerated under this subchapter. The bill(s) shall require full payment within 30 days from the date of mailing or service of said bill upon the responsible person.

(E) *Failure to pay; procedure to recover costs.* Any failure by the person described in this subchapter as liable or responsible for expenses of an emergency response to pay said bill within 30 days of mailing or service of the bill shall constitute a default on said bill. In the event of default, the township may institute a civil action in a court of competent jurisdiction to collect the fee. The township shall be entitled to recover its costs of suit, including actual attorney fees, incurred by the township.

(Prior Code, § 40.104) (Ord. 101392, eff. 11-12-1992)

§ 31.24 NOTICE TO BE PUBLISHED.

The Township Clerk shall publish this subchapter in the manner required by law, including notice of the fact that a complete copy of this subchapter is available at the office of the Clerk for inspection by the public at all times.

(Prior Code, § 40.105) (Ord. 101392, eff. 11-12-1992)

§ 31.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) (1) Any person who violates any provision of §§31.01 through 31.07 shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than 90 days in jail, or both. Each day's failure of compliance with any provision of §§ 31.01 through 31.07 shall constitute a separate offense.

(2) Legal proceedings to enjoin the violation of any of the provisions of §§31.01 through 31.07 may be brought in any court of competent jurisdiction in the names of the township. Such action shall be taken only as authorized by the Township Board.

(Prior Code, § 40.058) (Ord. 51485, eff. 7-21-1985)

CHAPTER 32: FREEDOM OF INFORMATION ACT

Section

32.01 Procedure and guidelines; location

§ 32.01 PROCEDURE AND GUIDELINES; LOCATION.

Provisions for the Freedom of Information Act ("FOIA"), including procedures and guidelines, request forms and associated fees, can be found on the township's website at spauldingtwp.com/foia.

TITLE V: PUBLIC WORKS

Chapter

50. REFUSE

51. WATER SYSTEM

52. SEWER USE

CHAPTER 50: REFUSE

Section

50.01 Short title

50.02 Definitions

50.03 Collection by township

50.04 Collection supervised by the Supervisor

50.05 Precollection practices

50.06 Collection practices

50.07 On-site burning

50.08 Scavenging of refuse materials

50.09 Service charges

50.10 Disposal of refuse

50.11 Necessity

50.99 Penalty

§ 50.01 SHORT TITLE.

This chapter shall be known and may be cited as "Municipal Refuse Collection Service Ordinance of the Township of Spaulding".

(Prior Code, § 35.001) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ASHES. The residue from the burning of wood, coal, coke or other combustible materials.

DWELLING UNIT. A building, or a portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

FAMILY. One or two persons or parents with their direct lineal descendants and adopted children (and including the domestic employees thereof); together with not more than two persons not related, living together in the whole or part of a dwelling unit comprising a single housekeeping unit.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

REFUSE. All putrescible and nonputrescible solid wastes (except body wastes, animal droppings or entrails) including garbage, rubbish, ashes, street cleanings and solid market wastes.

RESIDENCE. Any building or a portion thereof which is occupied for living purposes, but does not include a building used as a motel, hotel or mobile home in a state licensed park.

RUBBISH. Nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, household appliances and similar materials.

SUPERVISOR. The Township Supervisor of the Township of Spaulding.

TOWNSHIP. The Township of Spaulding.

(Prior Code, § 35.002) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.03 COLLECTION BY TOWNSHIP.

(A) All refuse accumulated in the township shall be collected, conveyed and disposed of by the township or contract hauler under contract to the township. No person shall collect, convey over any of the streets or alleys of the township, or dispose of, any refuse accumulated in the township.

(B) All dwelling units, multi-family residences and residences shall be required to use the services of the township or contract hauler provided by the township for disposal of refuse and shall engage such service within 30 days after mailing of a notice of such availability to such premises by appropriate township personnel.

(C) The township shall not pick up, haul or dispose of the refuse accumulated by any commercial or industrial establishment, within the township, except that it is hereby provided that all such commercial or industrial establishments shall make adequate and proper provision for the disposal of refuse accumulated on the premises of such commercial or industrial establishment so as to prevent such accumulation from becoming unsafe, unsanitary, unsightly or a nuisance.

(Prior Code, § 35.003) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.04 COLLECTION SUPERVISED BY THE SUPERVISOR.

All refuse accumulated in the township shall be collected, conveyed and disposed of by the contract hauler under the supervision of the Township Supervisor. The Township Supervisor shall have the authority to make regulations concerning the days of collection, routes of collection vehicles, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he or she shall find necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions hereof.

(Prior Code, § 35.004) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.05 PRECOLLECTION PRACTICES.

(A) *Preparation of refuse.*

(1) *Garbage.* All garbage, before being placed in garbage cans for collections, shall have drained from it all free liquids and shall be wrapped in paper.

(2) *Rubbish.* All rubbish shall be drained of liquid before being deposited for collection.

(3) *Trimmings and clippings.* Tree trimmings, hedge clippings and similar material shall be cut to length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.

(B) *Refuse containers.*

(1) *Duty to provide and maintain in sanitary condition.* Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this chapter, or that may have ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. The Supervisor shall have the authority to refuse collection services for failure to comply herewith.

(2) *Materials.* Containers shall be made of metal or plastic, equipped with suitable handles and tight-fitting covers, and shall be water-tight. Disposable waterproof bags may also be used.

(3) *Capacity.* Containers shall have a capacity of not more than 20 gallons and shall be of a kind suitable for collection purposes, and shall be of such weight that they can be handled by one worker.

(4) *Sanitation.* Containers shall be of a type approved by the township and shall be kept in a clean, neat and sanitary condition at all times.

(C) *Storing of refuse.*

(1) *Public or private places.* No person shall place any refuse in any street, alley or other public place, or upon any private property, whether owned by such person or not, within the township, except if it be in proper containers for collection, or under express approval granted by the Supervisor. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(2) *Burning and burying.* No person shall throw any refuse upon the grounds or bury the same on any premises, public or private, or burn the same in any manner that may menace the public health, cause a nuisance or smoke ash or offensive odors, or burn the same in any manner that may constitute a sight hazard.

(3) *Unauthorized accumulation.* Any unauthorized accumulation or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation or refuse within 30 days after the effective date of this chapter shall be deemed a violation of this chapter.

(4) *Scattering of refuse.* No person shall cast, place, sweep, or deposit anywhere within the township any refuse in such manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the township.

(5) *Cleanliness.* It shall be the duty of each owner, tenant, lessee or occupant of any building, residential or commercial, having refuse, to provide for and have within the building storage containers of sufficient size to handle the accumulation of refuse on the premises during the interval between collection periods.

(D) *Points of collection.* Refuse containers in residential areas shall be placed for collection at the curbside in front of the property after 12:00 p.m. (noon) the day prior to collection, and removed when emptied the same day of collection.

(Prior Code, § 35.005) (Ord. 12-05-72, eff. 1-4-1973) Penalty, see § 50.99

§ 50.06 COLLECTION PRACTICES.

(A) *Frequency of collection.* Refuse accumulated by residences, dwelling units or multi-family residences shall be collected once each week throughout the entire year. The collection schedule shall be arranged so that the collection shall fall upon the same day of the week, except for interruptions due to holidays. Should a collection day fall upon a holiday, then the Supervisor shall set another day for the collection of the refuse and give reasonable notice of the collection day.

(B) *Limitation on quantity.* A reasonable accumulation of refuse for each residence or dwelling unit shall be collected during a collection period for the standard charge.

(Prior Code, § 35.006) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.07 ON-SITE BURNING.

(A) No person shall burn or permit to be burned on the premises within his or her control, any rubbish unless the same shall be burned in a completely enclosed incinerator properly designed to prevent the emission of smoke, flying paper and ash therefrom.

(B) A permit must be obtained from the Chief of the Fire Department for any open burning. The permit will be issued at the discretion of the Chief of the Fire Department.

(Prior Code, § 35.007) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.08 SCAVENGING OF REFUSE MATERIALS.

Scavenging and junk picking of refuse materials placed for collection at the curb is hereby expressly prohibited and any person found guilty of such act shall be subject to the penalties as set forth in § 50.99.

(Prior Code, § 35.008) (Ord. 12-05-72, eff. 1-4-1973) Penalty, see § 50.99

§ 50.09 SERVICE CHARGES.

(A) *Amount of service charge.* The service charges for collection and disposal of refuse placed for collection at curb-side for residences, dwelling units and multiple family residences shall be set for each calendar year by resolution of the Township Board for the township and cover all or any part of the cost to the township for operation of the system and a portion thereof as may be deemed sufficient to be set aside as a sinking fund for the development of the system, and shall control for the ensuing calendar year.

(B) *Persons to be charged.* The service charge shall be made to the owners of all residences, multiple-family residences and dwelling units in the township and shall pay to the township the service charge for availability of such service as established by the Township Board.

(C) *Billing procedure.* The charge for refuse service for the entire preceding year shall be spread upon the tax roll for the calendar year as a charge for availability of such services for the preceding calendar year, and such charge for refuse service shall be collected, returned and enforced in the same manner as the township taxes are certified, assessed, collected and returned.

(Prior Code, § 35.009) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.10 DISPOSAL OF REFUSE.

The township shall contract with a licensed contractor who has complied with all the statutes of the state and the municipal ordinance of the township and its rules and regulations relative to the collection, transportation and disposal of refuse. The contract hauler may be selected at the discretion of the Township Board after providing adequate and sufficient public liability and property damage insurance, as well as performance bond, all of the policies of insurance to be in an amount determined by the Township Board. The Township Board shall accept bids from qualified contract haulers and upon acceptance of a bid from a suitable contract hauler shall enter into a contract for service with such bidder as in the discretion of the Township Board that shall adequately serve the needs and requirements of the residences of the township.

(Prior Code, § 35.010) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.11 NECESSITY.

The provisions of this chapter are declared to be necessary for the public health, safety, morals and general welfare.

(Prior Code, § 35.014) (Ord. 12-05-72, eff. 1-4-1973)

§ 50.99 PENALTY.

For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Prior Code, § 35.011) (Ord. 12-05-72, eff. 1-4-1973; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 51: WATER SYSTEM

Section

Water System Generally

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- 51.02 Definitions
- 51.03 Supervision and control of system
- 51.04 Connection
- 51.05 Charges
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WATER SYSTEM GENERALLY

§ 51.01 SHORT TITLE.

This chapter shall be known and may be cited as “The December 2022 Spaulding Township Water System Amending Ordinance.”

(Ord. 10-09-84, passed 8-20-2019; Amend. Ord. 10-09-84, passed 6-15-2021; Amend. Ord. 10-19-21, passed 10-19-21; Ord. 10-19-21, passed 10-19-2021; Amend. Ord. 10-09-84, passed 12-20-2022)

§ 51.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BACKFLOW. Water of questionable quality, waste or other contaminants entering the system due to a reversal of flow.

CHARGES FOR WATER SERVICES or **CHARGES.** The amount charged to each premises in the township connected to the system for the purpose of receiving a supply of water.

CONNECTION COST CHARGE. The amount charged to any applicant for the installation of the water main connection from the public water main to the property line as determined by the Township Board.

COUNTY. The County of Saginaw, State of Michigan.

CROSS-CONNECTION. A connection or arrangement of piping or appurtenances through which a backflow could occur.

DWELLING UNIT. A structure containing one or more rooms, with bathroom and principal kitchen facilities, designed as self-contained unit for occupancy by one family for living, cooking and sleeping.

PREMISES. A lot or parcel of land, exclusive of buildings, however owned or occupied.

RESIDENTIAL EQUIVALENT UNIT or **REU.** The portion of a user’s facility that has an impact on the water system equivalent to a single-family residence.

REVENUES and **NET REVENUES.** Whenever used in this chapter, they shall be understood to have the meanings as defined in the Revenue Bond Act of 1933, § 3, Public Act 94 of 1933, being M.C.L.A. § 141.103, as amended.

SYSTEM. The complete water supply facilities of the township, including all water lines, pumps, storage or treatment facilities, and all other facilities used or useful in the transmission and distribution of potable water, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

TAP-IN-CHARGES or **TAP-IN-FEES.** A charge made to any applicant for water services for the privilege of connection to such water service.

TOWNSHIP. The Township of Spaulding, State of Michigan.

TOWNSHIP BOARD. The Township Board of Spaulding, and the legislative and governing body thereof.

TOWNSHIP WATER SYSTEM OPERATOR. The Director of Department of Public Works or Water Department, or an agent designated by the Director.

WATER SERVICE. The providing of a supply of water to premises connected to the system.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.03 SUPERVISION AND CONTROL OF SYSTEM.

(A) *Designation of authority.* The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the Township Board.

(B) *Application for water connection.* Any person, firm or corporation desiring public water service, in an area of the township which has public water service mains shall file an application with the township containing: the name and address of the applicant; the size of the water service connection pipes desired; and the distance, if known, that the property is located from any existing public water main.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.04 CONNECTION.

(A) *Installation of connection.* The township reserves to itself the right to install any required service connection or main extension, to subcontract the same to any private licensed contractor, an inspection and supervision fee shall be paid by the applicant to the township.

(B) *Security deposit.* The township reserves to itself the right to obtain a security deposit for any water services. The amount of the required deposit shall be determined by resolution of the Township Board. This amount will be evaluated and adjusted as needed by resolution of the Township Board.

(C) *Size and installation.* All water service connections from the water main to the curb stop valve shall be one-inch K copper or two-inch poly tubing SDR-9 with bronze fittings and shall be installed by the township at the expense of the property owner. The service line from the curb box to the water meter shall be installed by the owner at the owner's expense and must be inspected by the township. Any water loss from the service line will be the responsibility of the owner.

(D) *Turn-on.* No person other than an authorized representative of the township shall turn on or off any water service to any public or private premises at the connection of the premises to the water main.

(E) *Water meters.*

(1) All premises connected to the public water system shall be equipped with a water meter, so located that all water entering the premises shall pass through such meter and be measured as to volume consumed for period computation of water charges.

(2) At the discretion of the township, any service line 200 feet or longer may be connected to the system with a meter pit installed within 50 feet of the water main. The water meter will be installed in the meter pit.

(F) *Outdoor register.* All individual meters shall be equipped with an outdoor register, the register to be installed by the township and charges therefor will be paid for by the water user.

(G) *Escape through defective plumbing prohibited.* The escape of water through defective plumbing is prohibited. This shall include knowingly or recklessly permitting defective plumbing to remain out of repair and water to escape. The "plumbing" shall include, but not be limited to, water service lines from the water meter to the curb shut off valve.

(H) *Compliance and cooperation with smart meter installation.*

(1) All residents and property owners (hereinafter "water customer(s)") who reside at and/or own property that receives municipal water service from the township shall permit the installation of a new "smart" water meter (hereinafter "the water meter") at their respective property/properties (hereinafter "the property").

(2) The installation shall only be completed by the township and/or its designee. The water customer(s) shall cooperate with the township and/or its designee in scheduling and completing the installation of the water meter.

(3) If the water customer fails to so cooperate with the township and/or its designee and/or fails to permit the installation of the water meter, the water customer shall be assessed a meter-read fee of \$75 per quarter to defray the township's administrative, labor and other expenses associated with completing a manual water-meter read at the water customer's property. The meter-read fee shall be billed and collected in the same manner as other water fees and charges.

(Ord. 10-09-84, passed 8-20-2019; Amend. Ord. 10-19-21, passed 10-19-2021) Penalty, see § 51.99

§ 51.05 CHARGES.

(A) *Connection cost charges.* All connections to the system shall be made by the township at a reasonable charge. The owner of the premises shall pay, in addition to all other charges and fees provided herein, in advance of the commencement of such connection, the actual cost to the township plus a percentage thereof to be determined from time to time by the Township Board. The owner of the premises shall pay the cost of a meter or meters installed, all of which shall be equipped with an outdoor register. The connection charges may be changed from time to time by resolution of the Township Board to reflect changes in connection costs and to maintain a fairly uniform charge within the township.

(B) *Tap-in-charges.*

(1) *Tap-in-fee.* The tap-in-fee for any service line shall be \$1,100 and shall be borne entirely by the property owner. No access to the township water system shall be permitted unless the installation fee is first paid to the township. This provision shall only apply to a residential property at which an existing, accessible water main is located within 200 feet. Additional water system fees outlined in this chapter shall also be borne entirely by the property owner.

(2) *Condition of tap-in-charges.*

(a) A tap-in-charge is hereby established for the privilege of connecting premises within the township, or which are to be connected to the system, upon which are located buildings or structures, or for which use of water is requested to the water system if the following conditions are met:

1. A direct connection to the system is available to the premises; and
2. All connection and other charges have been paid and the plumbing to be connected has been fully inspected and approved by the township.

(b) Tap-in-charges may be changed from time to time to reflect changes in construction costs and to maintain a fairly uniform charge within the township.

(3) *Minimum tap-in-charge.* If a special assessment for the construction of the water system has been paid in full on the premises for which water is requested, a tap-in-charge shall be charged at the time that an application for connection to the water system is made. The tap-in-charge shall be established and adjusted from time to time by resolution of the Township Board.

(4) *Tap-in-charge - special assessment district.* If the premises requesting use of water is currently subject to a special assessment, the tap-in-charge shall be the greater of the minimum fee established in this section or the amount of the special assessment. If the premises requesting use of water is located within the boundaries of a special assessment district, but is not subject to a special assessment, the tap-in-charge shall be equal to the special assessment which was assessed on other premises located within the special assessment district. The total tap-in-charge shall be paid prior to connecting the premises to the water system.

(5) *Multiple dwelling units.* If a premises contains more than one building or structure which is used as a dwelling unit and which constitutes a permitted use under the township zoning regulations in Chapter 156 of this code of ordinances, there shall be one tap-in-fee for the premises. However, each such building or structure which constitutes a permitted use as a dwelling unit shall be separately metered and shall be subject to all other charges as provided in this chapter. A dwelling unit which is not a permitted use under the township zoning regulations shall not be connected to the system.

(C) *Additional water system fees.* In addition to the tap-in-fee referenced in division (B) above, the property owner of the property that is gaining access to the township's water system (hereinafter "the subject property") shall bear the entirety of all fees and expenses up to a maximum of \$5,500 related to the subject property gaining access to the township's water system. The maximum fees and expenses may be increased from time to time by the Township Board. The fees and expenses shall be billed to the property owner on a time and materials basis.

(1) The fees and expenses may include, but shall not be limited to, any underground boring necessary to connect the subject property to the township's water system. Additionally, it shall be the sole responsibility of the property owner to appropriately connect the subject property to the township's water system from the curb box to the structure located on the subject property. For any work required and/or performed between the curb box and the structure located on the subject property, it shall be the sole responsibility of the property owner to contract with a private entity to ensure that the work is appropriately and efficaciously completed.

(2) The property owner shall completely and entirely bear all expenses and fees related to any work performed from the curb box to the structure located on the subject property. The maximum fee described in this division (C) shall only apply to a residential property at which an existing, accessible water main is located within 200 feet. For any property at which an existing, accessible water main is not located within 200 feet, no maximum fee shall apply.

(D) *Responsibility for charges and fees.* Notwithstanding any agreement or lease between a property owner(s) and his, her or its tenant(s), the property owner of any property (hereinafter "subject property") located in the township shall, at all times, be entirely responsible and liable for any and all water and/or sewer bill(s) (hereinafter "utility bill") assessed to the subject property, including, but not limited to, past-due utility bill(s), regardless of whether the property owner(s) was residing or making use of the subject property at the time that the water and/or sewer charges and/or fees were incurred or assessed. Any and all charges and/or fees assessed under this section shall constitute a lien on the subject property, and any other property/properties located in the township owned by one or more owners of the subject property, and are hereby recognized to constitute a lien, and whenever any charge against any piece of property shall be delinquent for six months, the township official or officials in charge of the collection thereof shall certify annually, on September 1 of each year, to the tax-assessing officer of the township the facts of the delinquency, whereupon the charge shall be by the officer entered upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against the premises are collected and the lien thereof enforced.

(Ord. 10-09-84, passed 8-20-2019; Amend. Ord. 10-09-84, passed 6-15-2021; Ord. 10-19-21, passed 10-19-2021) Penalty, see § 51.99

§ 51.06 RATES FOR WATER SERVICE.

The rates for water service are hereby established as follows.

(A) *Ready to serve charge.* Ready to serve charge shall be equal to the residential equivalent unit times the residential equivalent unit factor for a water user.

(B) *Residential equivalent unit factor.* Residential equivalent unit factor shall be based upon the water user's water meter size as follows:

| Meter Size | REU Factor |
|------------|------------|
| 5/8-inch | 1 |
| 1-inch | 1.67 |
| 1-1/2 inch | 3.33 |
| 2-inch | 5.33 |
| 3-inch | 10.67 |
| 4-inch | 16.67 |

(C) *Calculation.* Residential equivalent unit charge shall be calculated based upon the total water system operation and maintenance expenses, including labor and benefit expenses, divided by the total REUs serviced by the township water system.

(D) *Water commodity charge.* The water commodity charge shall be calculated based upon the water commodity charge paid by the township to the City of Saginaw (based upon 1,000 gallon units of water) and the City of Saginaw ready to serve charge (based upon 1,000 gallon units of water).

(E) *REU capital improvement charge.* REU capital improvement charge shall be calculated based upon the combined annual budgeted capital improvement expenses of the township water system divided by the total residential equivalent units serviced by the township water system.

(F) *Water rate.* The water rate shall be calculated on a monthly or quarterly basis and shall include the following charges:

- (1) Ready to serve charge, based upon user's REU factor;
- (2) Capital improvement charge based upon user's REU factor; and
- (3) Water commodity charge based upon units of water as metered to the user (unit of water equals 1,000 gallons).

(G) *Current water rates; adjustment.* The current water rates shall be established and adjusted from time to time by resolution of the Township Board.

(H) *Township charges.* The township shall pay for all water used by it at the foregoing rates, except that for fire hydrant service, the charge shall be a hydrant fee each year for each hydrant in the township. Charges against the township shall be payable in quarterly installments from any township funds not earmarked for other purposes or from the proceeds of taxes which the township, within constitutional limits, is hereby authorized to levy within the system in an amount sufficient for that purpose. The hydrant fee shall be established and adjusted from time to time by resolution of the Township Board.

(I) *Rate revisions authorized.* The rates hereinbefore established are estimated to be sufficient to provide for the payment of the expenses of administration and operation of the system and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order; and to provide for such other expenditures and funds for the system as are required by this provision. Rates shall be fixed and revised from time to time by township resolution so as to produce the foregoing amounts, and the township covenants and agrees to maintain at all times such rates for services furnished by the system as shall be sufficient to provide for the foregoing.

(J) *Estimated water use.* Water consumption charges will be based on an actual reading. The township, however, reserves the right to estimate water usage if the meters cannot be read.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.07 REGULATION.

(A) *Billing.* Bills will be rendered quarterly, payable without penalty within 15 days after the date thereon. Payments received after such period shall bear a penalty of 10% of the amount of the bill.

(B) *Enforcement.*

(1) The charges for services which are under the provisions of § 21 of the Revenue Bond Act of 1933, Public Act 94 of 1933, being M.C.L.A. § 141.121, as amended, are made a lien on all premises served thereby, unless notice is given that a tenant is responsible, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six months, the township official or officials in charge of the collection thereof shall certify annually, on September 1 of each year, to the tax-assessing officer of the township the facts of such delinquency, whereupon such charge shall be by the officer entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced.

(2) However, where notice is given that a tenant is responsible for such charges and service as provided by § 21 of the Revenue Bond Act of 1933, no further service shall be rendered to such premises until a cash deposit shall have been made as security for payment of such charges and service. The amount of the cash deposit shall be established and adjusted from time to time by the Township Board.

(C) *Discontinuation of service.* In addition to the forgoing, the township shall have the right to shut off any premises for which charges for water service are more than 30 days delinquent, and such service shall not be re-established until all delinquent charges, penalties, a turn off charge and a turn on charge have been paid. The turn off and turn on charge shall be established and adjusted from time to time by resolution of the Township Board. Further, such charges and penalties may be recovered by the township by court action, including attorney fees and costs. The above charges shall be subject to modification by resolution the Township Board.

(D) *Tampering prohibited.* No person other than an authorized employee or representative of the township shall break or injure the seal on or change the location of, alter or interfere in any way with any meter that is property of or has been furnished by the township.

(E) *Faulty metering.* In the event a meter shall fail to register properly, the Township Supervisor is empowered to estimate the quantity of water used on the basis of former consumption and bill accordingly.

(F) *Inspection and reading.* No person shall refuse to admit to premises owned or occupied by him or her or hinder any authorized agent of the township entering the premises for the purposes of reading a water meter or inspecting a water meter or any piping in connection with the water distribution system.

(G) *Damaged meters or hydrants.* Whenever a water meter or a water hydrant is damaged because of any act or negligence on the part of the owner or occupant of the premises where such meter is installed or hydrant is located, the expense to the township caused thereby shall be charged to and collected from such owner or occupant.

(H) *Damaged water lines.* All repairs to damaged water lines connecting the water main to the curb stop valve, meter or dwelling unit shall be charged to and collected from the owner or occupant of the premises.

(I) *Use of fire hydrants.* No fire hydrant shall be used for any purpose other than for fire protection without the prior approval of the authority.

(J) *No free service.* No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(K) *No resale.* No resale of water service shall be furnished from the system by any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. 10-09-84, passed 8-20-2019) Penalty, see § 51.99

§ 51.08 FUNDS.

Upon receipt of billings and any other receipts, such moneys shall be deposited in such funds as may be required by ordinances and resolutions provided by the Township Board for financing of the system and such other funds as the Township Board may deem appropriate. The Township Board hereby creates a fund to be known as the Township Water Fund.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.09 INVESTMENTS.

Moneys in any fund or account established by the provisions of this chapter may be invested in obligations of the United States of America in the manner and subject to the limitations provided in the Revenue Bond Act of 1933, Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.138, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which such investments were made.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.10 WATER CONSERVATION.

(A) *Determination of need for water conservation.* When the Township Supervisor determines that the consumption of water by the township has or is about to equal or exceed 80% of the total supply being received from the City of Saginaw, he or she shall declare that a period of water conservation is necessary and the following water uses are restricted as explained during the period of such need for water conservation.

(B) *Restrictions and uses restricted during water conservation period.* When the Township Supervisor declares that water conservation is necessary as provided herein, the use and withdrawal of water by any person from the system for any of the following purposes is hereby restricted such that customers with odd-numbered street addresses may use water for the following purposes on odd-numbered days only and customers with even-numbered street addresses may use water for the following purposes on even-numbered days only:

(1) *Watering of yards.* The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation, except in conjunction with the operation of a commercial greenhouse;

(2) *Cleaning outdoor surfaces.* The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces; and

(3) *Swimming pools.* Swimming and wading pools not employing a filter and recirculating system.

(C) *Notice of water conservation period.*

(1) When the Township Supervisor declares that water conservation period is necessary as provided herein, notice thereof shall be given to the official newspaper of the township and to all radio and television stations maintaining offices or studios within the township.

(2) Such notice shall advise of the time of commencement of such water conservation period; that the water conservation period will continue until notice of termination is given by the Supervisor; the restrictions and restricted uses; and the penalty for violations.

(Ord. 10-09-84, passed 8-20-2019) Penalty, see § 51.99

§ 51.11 WATER EMERGENCY.

(A) *Determination of water emergency.* When the Township Supervisor determines that the consumption of water by the township has or is about to equal or exceed the total supply being received from the City of Saginaw, he or she shall declare that critical water consumption period exists and the following water uses are prohibited during the continuance of such water emergency.

(B) *Uses prohibited during water emergency.* When the Township Supervisor declares that a water emergency exists as provided herein, the use and withdrawal of water by any person from the system for any of the following purposes is hereby prohibited:

(1) *Watering of yards.* Sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation, except in conjunction with the operation of a commercial greenhouse;

(2) *Cleaning outdoor surfaces.* The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces; and

(3) *Swimming pools.* Swimming and wading pools not employing a filter and recirculating system.

(C) *Notice of water emergency.* When the Township Supervisor declares that a water emergency exists as provided herein, notice thereof shall be given to the official newspaper of the township and to all radio and television stations maintaining offices or studios within the township. Such notice shall advise of the time of commencement of such emergency; that the emergency will continue until notice of termination is given by the Supervisor; the prohibited uses; and the penalty for violations.

(D) *Termination of water emergency.* When the Township Supervisor determines the conditions which caused the declaration of the water emergency no longer exists, he or she shall so declare and give notice of such determination as provided above.

(Ord. 10-09-84, passed 8-20-2019) Penalty, see § 51.99

§ 51.12 CONSTRUCTION OF CHAPTER.

This chapter does not supersede the State Plumbing Code which has been adopted by reference as the Plumbing Code for the township, or any other ordinances that the township has adopted, but is supplementary to them.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.13 EMERGENCY WATER SERVICE SHUT-OFF PROVISION.

If Spaulding Township ("the Township") determines that excessive unintentional water usage (e.g., an infrastructure leak, etc.) may have occurred/is occurring at a particular property in the township, the township shall contact the property owner and occupant of the aforesaid property via United States Certified Mail Return Receipt Requested. In the aforesaid mailing, the township shall apprise the property owner/occupant that excessive unintentional water usage has been detected at the subject property. The township shall further apprise the property owner/occupant of the aforesaid subject property that the property owner and/or occupant shall contact the township within five days from the date of the mailing to advise the township that either the water usage in question was intentional or, alternatively, that the excessive unintentional water usage has ceased/been remedied (e.g., the leak has been repaired, etc.) so as to stop any excessive unintentional water usage at the subject property. If the property owner and/or occupant does not advise the township as described in this section, the township may shut-off/cease water service to the subject property in order to prevent any additional excessive unintentional water usage. If water service is shut-off pursuant to this section, the township shall restore water service to the subject property following the subject property owner and/or occupant providing the township with sufficient evidence/information to demonstrate that excessive unintentional water usage has ceased/been remedied (e.g., the leak has been repaired, etc.) so as to stop any excessive unintentional water usage at the subject property. In addition to the mailing described herein, the township will also reasonably endeavor to contact the subject property owner and/or occupant via phone to convey that excessive unintentional water usage has been detected at the subject property and that water service to the subject property will be shut-off unless the owner of the subject property complies with the provisions of this section. Notwithstanding anything else stated herein, the township is not required to restore water service to a property if unrelated/alternative bases for the water shut-off exist.

(Amend. Ord. 10-09-84, passed 12-20-2022)

CROSS-CONNECTION CONTROL PROGRAM

§ 51.25 INTRODUCTION.

In accordance with the requirements set forth by the State Department of Environmental Quality, the township adopts by reference the current version of, and future amendments to, the Water Cross-Connection Rules of the Michigan Department of Environmental, Great Lakes and Energy (EGLE), Drinking Water and Environmental Health Division, R325.10101 to 325.12820 of the Michigan Administrative Code.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.26 LOCAL ORDINANCE.

The authority to carry out and enforce a local cross-connection control program will be in accordance with this chapter, any other amendments thereto and in accordance with the Cross-Connection Rules Manual published by the State Department of Environmental Quality.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.27 LOCAL INSPECTION.

The township water system operator and/or his or her designated agent, or such other person designated by the Township Board, shall be responsible for making the initial cross-connection inspections and re-inspections to check for the presence of cross-connections with the system. Individuals responsible for carrying out the cross-connection inspections and re-inspections shall have obtained necessary training through any available manuals on cross-connection prevention including the Cross-Connection Rules Manual published by the State Department of Environmental Quality and attendance at any cross-connection training sessions sponsored by the State Department of Environmental Quality or other recognized agencies.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.28 COMPLIANCE TIME.

The time allowed for correction or elimination of any cross-connection found shall be as follows.

(A) Cross-connections which pose an imminent and extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.

(B) Cross-connections which do not pose an imminent and extreme hazard to the system should be corrected within a reasonable period of time. A reasonable period of time allowed for correction may vary depending on the type of device necessary for protection. The township shall indicate to each customer where a cross-connection is found to exist the time period allowed for compliance.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.29 ANNUAL REPORTING AND RECORD KEEPING.

Sufficient data to complete an annual report to the State Department of Environmental Quality and to monitor the program adequately for township purposes shall be maintained by the Township Water Department, or that person designated by the township so to do, and their responsible agents. An inspection form will be used during the initial inspection procedure and all re-inspections. Inspection forms will be used to monitor the status of the protective device as well as the test results reported by a qualified backflow tester.

(Ord. 10-09-84, passed 8-20-2019)

CROSS-CONNECTIONS PROHIBITED

§ 51.40 INSPECTIONS.

(A) It shall be the duty of the township to cause inspections to be made of all properties served by the system where cross-connections with the system are deemed possible.

(B) The frequency of inspections and re-inspections, based on potential health hazards involved, shall be established by the Township Board and approved by the State Department of Environmental Quality.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.41 RIGHT OF ACCESS, INFORMATION.

(A) The township water system operator and/or his or her designated agent, or such other person designated by the Township Board, shall have the right to enter, at any reasonable time, any property served by a connection to the system for the purpose of inspecting the piping system or systems thereof for cross-connections.

(B) On request, the owner, lessees or occupants of any property so served shall furnish to the representative any pertinent information regarding the piping system or systems on such property.

(C) The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.42 DISCONTINUING WATER SERVICE.

The township is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any cross-connection in violation of this chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the system. Water service to such property shall not be restored until the cross-connection or connections have been eliminated in compliance with the provisions of this chapter.

(Ord. 10-09-84, passed 8-20-2019)

§ 51.43 PROTECTION OF POTABLE WATER.

The system's water shall be protected from possible contamination as specified by this chapter, the State Plumbing Code of the township as adopted and in conjunction with any acts of the State Department of Environmental Quality. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the system must be labeled in a conspicuous manner as: "Water Unsafe for Drinking".

(Ord. 10-09-84, passed 8-20-2019)

§ 51.99 PENALTY.

- (A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.
- (B) Any person, firm or corporation, public or private, or any public agency or instrumentality that receives water service without actually notifying the township in writing and without having paid the appropriate charges shall be punished by a civil infraction sanction of \$500 in addition to being assessed appropriate charges for water service previously received as reasonably estimated by the township.
- (C) (1) When the water system operator becomes aware of an unauthorized water usage, the operator shall disconnect the water line and notify the Township Ordinance Enforcer. The Ordinance Enforcer shall issue a civil infraction, which shall include a fine up to \$500 for unauthorized water use.
 (2) The water cannot be reconnected until all fines and fees, including the turn on fee provided in §51.07(C) have been paid in full. Also, the water usage will be estimated back to the time the water service was available, and billed equal to the maximum usage for each year or billing cycle.
- (D) (1) Any person who shall knowingly, during any water restriction, use or withdraw water from the township water distribution system for any of the purposes prohibited in §1.10, shall be punished by a civil infraction sanction of \$500. Each day's failure of compliance with any provision of § 51.10 shall constitute in a separate offense.
 (2) Legal proceedings to enjoin the violation of any of the provisions of §51.10 may be brought in any court of competent jurisdiction in the name of the township. Such action shall be taken only as authorized by the Township Board.
- (E) (1) Any person who shall knowingly, during any water emergency, use or withdraw water from the township water distribution system for any of the purposes prohibited in §1.11 shall be punished by a civil infraction with a fine of not more than \$500. Each day's failure of compliance with any provision of § 51.11 shall constitute a separate offense.
 (2) Legal proceedings to enjoin the violation of any of the provisions of §51.11 may be brought in any court of competent jurisdiction in the name of the township. Such action shall be taken only as authorized by the Township Board.
- (E) (1) Any person or other entity who violated any of the provisions of this chapter is responsible for a municipal civil infraction as defined by state law and subject to civil fine determined in accordance with the following schedule:

| | |
|--|-------|
| 1st violation within 3-year period * | \$95 |
| 2nd violation within 3-year period* | \$145 |
| 3rd violation within 3-year period * | \$500 |
| *Determined on the basis of the date of violation(s) | |

(2) Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has put in connection with the violation. In no case, however, shall costs of less than \$100 or more than \$500 be ordered. A violator of this chapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under state law. Each day a violation of the chapter continues to exist constitutes a separate violation.

(Ord. 10-09-84, passed 8-20-2019)

CHAPTER 52: SEWER USE

Section

- 52.01 Purpose and objectives
- 52.02 Definitions
- 52.03 Use of public sewers
- 52.04 Building sewers and connections
- 52.05 Protection from damage
- 52.06 Power and authority of inspectors

- 52.99 Penalty

§ 52.01 PURPOSE AND OBJECTIVES.

- (A) This chapter sets forth uniform requirements for dischargers into the township wastewater collection and treatment systems, and enables the township to protect public health in conformity with all applicable local, state and federal laws relating thereto. It is unlawful to discharge sewage, industrial wastes, or other wastes to the sewage works without having complied with the terms of this chapter.
- (B) The objectives of this chapter are:
 - (1) To prevent the introduction of pollutants into the township wastewater systems which will interfere with the normal operation of the systems or contaminate the resulting municipal sludge;
 - (2) To prevent the introduction of pollutants into the township wastewater systems which do not receive adequate treatment in the publicly owned treatment works (POTW), and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
 - (4) To regulate the use of public and private sewers and drains;
 - (5) To regulate the installation and connection of sewer connections; and
 - (6) To provide penalties for the violation thereof.

(Prior Code, § 25.300) (Ord. 030888, passed 3-8-1988)

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY. The Township of Spaulding, Saginaw County, Michigan.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.

- (1) **BUILDING DRAIN, SANITARY.** A building drain which conveys sanitary and/or industrial sewage only.
- (2) **BUILDING DRAIN, STORM.** A building drain which conveys storm water or other clear water drainage only.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal (also called **HOUSE CONNECTION**).

- (1) **BUILDING SEWER, SANITARY.** A building sewer which conveys sanitary and/or industrial sewage only.

(2) **BUILDING SEWER, STORM.** A building sewer which conveys storm water or other clear water drainage only.

COMBINED SEWAGE. A combination of both sanitary and industrial wastewater and storm or surface water.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

COMMERCIAL USER. A user of the treatment works engaged in the purchase or sale of goods or services or the transaction of business.

COMPATIBLE POLLUTANT.

(1) Biochemical oxygen demand and suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term **SUBSTANTIAL DEGREE** is not subject to precise definition, but generally contemplates removal in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered **SUBSTANTIAL**.

(2) Examples of the additional pollutants which may be considered **COMPATIBLE** include:

- (a) Chemical oxygen demand;
- (b) Total organic carbon;
- (c) Phosphorus and phosphorus compounds;
- (d) Nitrogen and nitrogen compounds; and
- (e) Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

CONTROL MANHOLE. Consists of a structure built on a sewer service through which sewage passes and can be sampled and will permit flow measurements taken.

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the township.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the commercial handling, storage and sale of produce.

GOVERNMENTAL USER. A federal, state or local governmental user of the treatment works which has an executive, legislative, judicial, administrative or regulatory activity.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids.

INDUSTRIAL USER. Any sewer system user discharging a trade or process waste shall be considered an **INDUSTRIAL USER**.

INDUSTRIAL WASTE. Any solids, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources. It does not include, and is distinct from, sanitary sewage generated by employees.

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (**INFILTRATION** does not include, and is distinguished from, inflow).

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW. The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellars, yards and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connection from storm sewers and combined sewers, catchbasins, storm waters, surface runoff, street wash waters or drainage. (**INFLOW** does not include, and is distinguished from, infiltration.)

INSTITUTIONAL USER. A user of the treatment works involved in a social, charitable, religious, educational or other special purpose activity.

MAJOR CONTRIBUTING INDUSTRY. An industry that shall meet one or more of the following conditions:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the wastes;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under § 307(a) of the Clean Water Act, being 33 U.S.C. § 1317(a), (Public Law No. 92-500); or
- (4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

MAY. Is permissive.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL DOMESTIC SEWAGE. Sewage resulting from a normal household with a flow of 333 gallons per day and containing 0.57 pounds per day of BOD and suspended solids.

NPDES PERMIT. A permit issued under the national pollutant discharge elimination system for discharge of wastewaters to the navigable waters of the United States pursuant to § 402 of the Clean Water Act, being 33 U.S.C. § 1342 (Public Law No. 92-500).

PERSON. Any individual, firm, company, municipality, association, society, corporation or group discharging any wastewater to the treatment works.

pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

PRIVATE SEWER. A sewer which is not owned by the township.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions, normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLIC SEWER. A sewer which is owned and controlled by the township and will consist of the following components:

- (1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewater from individual point source discharges.
- (2) **FORCEMAIN.** A pipe in which wastewater is carried under pressure.
- (3) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to convey wastewaters from collector sewers to the sewage treatment plant.
- (4) **PUMPING STATION.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

RESIDENTIAL USER. A user of a treatment works whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from normal living activities of its inhabitants.

SANITARY SEWER. A sewer which carries sanitary and industrial wastes only, and to which storm, surface and ground water are not intentionally or legally admitted.

SEWAGE. The combination of liquid and solid wastes from residences, commercial buildings, industrial plants, institutions and governmental edifices (including polluted cooling water). The three most common types of sewage are as follows.

- (1) **COMBINED SEWAGE.** A combination of wastes including sanitary sewage, industrial sewage and intentionally admitted storm water, infiltration and inflow.
- (2) **INDUSTRIAL SEWAGE.** A combination of liquid and solid waste discharged from any industrial establishment, resulting from any trade or process carried on in that establishment. (This shall include the wastes from pretreatment facilities and polluted cooling water but is separate and distinct from sanitary sewage from employees).
- (3) **SANITARY SEWAGE.** The combination of liquids and solid waste discharged from toilet and other sanitary plumbing facilities resulting from human habitation.

SHALL. Is mandatory.

SLUG. Any discharge of sewage or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 30 minutes, more than three times the average 24-hour concentration of flows during normal operation and shall adversely affect the treatment works.

STORM SEWER. A sewer for conveying storm water, ground water or unpolluted water from any other source and to which sewage is not intentionally admitted.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNTS. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism, will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to § 307(a) of the Clean Water Act, being 33 U.S.C. § 1317(a) (Public Law No. 92-500).

TREATMENT WORKS. All devices and systems used in the storage, treatment, recycling and reclamation of wastewater including intercepting sewers, outfall sewers and wastewater collection systems.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the treatment works.

WASTEWATER. Water polluted with sanitary sewage, industrial sewage, combined sewage or any other substance which when contained in wastewater must be removed or diluted to a substantial degree before such wastewater can be reclaimed for discharge to a watercourse or reused.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

(Prior Code, § 25.301) (Ord. 030888, passed 3-8-1988)

§ 52.03 USE OF PUBLIC SEWERS.

(A) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water. The township shall require the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities.

(B) Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the township.

(C) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the authority, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(D) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter.

(E) (1) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater except as hereinafter provided.

(2) In the event any existing private sewage system shall, in the opinion of the Township Board, become a hazard to health, safety or general welfare of any persons or property, then the owner thereof shall be required, at his or her expense, to install suitable sewage facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so.

(3) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system in accordance with the specification of the County Health Department and the township.

(4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the township.

(5) In the event that the owner of the property, upon which the same is located, shall fail to abandon and correct upon reasonable notice a private sewage disposal system, then and in such case, the township may do so, and charge the cost thereof to the property owner and to the occupant of the property, and such charges shall become a debt, collectible as such.

(F) Within six months from the time a collector sewer becomes available (within 50 feet of the property line) to any person, such person shall make connection. Such connection, however, shall be subject to the review and approval of the township and shall be contingent upon the availability of capacity in all downstream sewers, pump stations, forcemains and the sewage treatment plant including compatible pollutant capacity.

(G) No person shall discharge, or cause to be discharged to any public sewer, any wastes which would interfere with the operation or performance of the treatment works. Specifically, the following wastes shall not be introduced into the treatment works:

(1) Wastes which create a fire or explosion hazard in the treatment works;

(2) Wastes which will cause corrosive structural damage to treatment works, but in no case with a pH lower than 6.0;

(3) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to, the following concentrations of materials in the wastes as received at the influent of the wastewater treatment plant; or any pollutant identified pursuant to § 307 of the Act, being 33 U.S.C. § 1317:

| | |
|--|--------------|
| Arsenic | 0.1 mg/l |
| Cadmium | 0.50 mg/l |
| Chloroform | 1.0 mg/l |
| Copper | 1.0 mg/l |
| Cyanide (HCN) | 2.0 mg/l |
| Free oil | 5.0 mg/l |
| Lead | 0.2 mg/l |
| Mercury | 0.005 mg/l |
| Nickel | 2.0 mg/l |
| Phenolic compounds which cannot be removed by the City of Saginaw's wastewater treatment processes | 0.5 mg/l |
| Silver | 0.00002 mg/l |
| Total chromium | 5.0 mg/l |
| Zinc | 0.5 mg/l |

(4) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;

(5) Any substance which may cause the wastewater disposal systems effluent or any other product of the wastewater treatment process such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the wastewater disposal system cause the system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act; any criteria; guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Wastes Disposal Act, also known as Subtitle D of the Resource Conservation and Recovery Act (RCRA), being 42 U.S.C. §§ 6941 et seq., the Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq., or state standards applicable to the sludge management method being used;

(6) Any substance which will cause the wastewater disposal system to violate its NPDES permit or the receiving water quality standards;

(7) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body;

(8) Any liquid or vapor having a temperature higher than 120°F (49°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C);

(9) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 25 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C);

(10) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(11) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulations;

(12) Any waters or wastes having a pH in excess of 9.0 or less than 6.5;

(13) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as but not limited to, Fullers earth, lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as dye wastes and vegetative tanning solutions); and

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

(14) Solid or viscous wastes in amounts which would cause obstruction of the flow in sewers, or other interference with the proper operation of the treatment works; and

(15) Wastes at a flow rate and/or pollutant discharge rate (slugs) which are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(H) Treatment authority management, whenever necessary, with regard to discharge or proposed discharge of industrial wastes into any sewer, shall have the right to:

(1) Require new industries or industries with significant increase in discharge to submit information on wastewater characteristics and obtain prior approval for discharges;

(2) Reject the wastes in whole or in part for any reason deemed appropriate by the township;

(3) Require pretreatment of such wastes to within the limits of normal sewage as defined; and

(4) Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works.

(I) Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the United States Environmental Protection Agency (USEPA) and published in the Federal Register, June 26, 1978, and any more stringent requirements established by the township and any subsequent federal guidelines and rules and regulations. (As specific pretreatment levels are established, they should be incorporated into this section.)

(J) Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the township and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his or her expense and shall be subject to periodic inspection by the township to determine that such facilities are being operated in conformance with applicable federal, state and local laws and permits. The owner shall maintain operating records and shall submit to the township a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison

against the township monitoring records.

(K) The township may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, test and analysis shall be made at the users' expense. If made by the township an appropriate charge may be assessed to the user as established by the township.

(L) The owner of any property serviced by a building sewer carrying industrial wastes or other nonresidential wastewater may be required by the township to install a control manhole together with such necessary meters and other appurtenances in the building to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the township. The structures shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(M) The strength of wastewaters shall be determined, for periodic establishment of charges provided for in this chapter, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the township may elect, or, at any place mutually agreed upon between the user and the township. Appropriate charges for sampling and analysis may be assessed to the user at the option of the township. The results of routine sampling and analysis by the user may also be used for determination.

(N) All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with latest edition *Standard Methods*, except for applications for NPDES permits and reports thereof which shall be conducted in accordance with rules and regulations adopted by the U.S. Environmental Protection Agency, published in the Federal Register (40 C.F.R. part 136), and any subsequent revisions subject to approval by the township.

(O) (1) Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the township 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 or traps will not be required for private living quarters or dwelling units.

(2) All interceptors or traps shall be of a type and capacity approved by the township and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, to be gas-tight, water-tight and equipped with easily removable covers.

(3) Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(P) Users of the treatment works shall immediately notify the township of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

(Q) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the township and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the township for treatment. In all such cases the provisions set forth herein in the sewage rate regulations will be governing factors in any contracts entered into.

(Prior Code, § 25.302) (Ord. 030888, passed 3-8-1988)

§ 52.04 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the township.

(B) After the permit for a service connection has been granted and before the connection is made, the owner shall pay a permit fee for tapping the public sewer and for that portion of the building sewer situated between the property line and the public sewer as established by the township.

(C) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building.

(D) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the township, to meet all requirements of this chapter.

(E) The building sewer shall be polyvinyl chloride (PVC) or acrylonitrile-butadiene-styrene (ABS) pipe with solvent weld joints. Wall thickness shall be Schedule 40 with all materials conforming to ASTM D-2661, D-2665 and D-1785. An approved transition device shall be installed between the six-inch sewer service and the PVC or ABS building sewer.

(F) The size and slope of the building sewer shall be subject to the approval of the township, but in no event shall the diameter be less than four inches. The slope of such building sewer shall be not less than one-eighth inch per foot if six-inch or larger diameter pipe is used, and one-quarter inch slope per foot if four-inch diameter pipe is used.

(G) 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 or within three 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 and fittings.

(H) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer, the cost to be borne by the property owner.

(I) All joints and connections shall be gas-tight and water-tight, utilizing premium rubber joints conforming to the requirements of ASTM Des. C-425.

(J) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the township. Pipe laying and backfill shall be performed in accordance with good practice, except that no backfill shall be placed until the work has been inspected.

(K) The connection of the building sewer into the public sewer shall be made only at a wye branch provided for that purpose.

(Prior Code, § 25.303) (Ord. 030888, passed 3-8-1988)

§ 52.05 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Prior Code, § 25.304) (Ord. 030888, passed 3-8-1988) Penalty, see § 52.99

§ 52.06 POWER AND AUTHORITY OF INSPECTORS.

Agents of the township, the State Department of Natural Resources and the U.S. Environmental Protection Agency shall be permitted to enter all properties for purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(Prior Code, § 25.305) (Ord. 030888, passed 3-8-1988)

§ 52.99 PENALTY.

(A) In the event of nonpayment of any charges made by the township to users of the treatment works, such charge is hereby made a lien upon the corresponding lot, parcel of land or premises served by the treatment works, and if the same is not paid when due and payable, it shall be certified to the township who shall place the same on the tax duplicate as a tax lien or assessment against such lot or parcel of land with interest and penalties allowed by law and be collected in the same manner and at the same time as other taxes are collected.

(B) In addition, any user whose violating discharge causes downstream damages shall be liable totally for all expenses incurred to repair such damages. Each day that such violation continues shall constitute a separate and distinct offense.

(C) For appropriate civil penalty provisions for violation of this chapter, see § 30.22.

(Prior Code, § 25.306) (Ord. 030888, passed 3-8-1988; Ord. 8-24-09C, passed 8-24-2009)

TITLE VII: TRAFFIC CODE

Chapter

70. PARKING

71. ABANDONED AND JUNK VEHICLES

72. OFF-ROAD VEHICLES

CHAPTER 70: PARKING

Section

- 70.01 Stopping, standing or parking prohibited in specified places
- 70.02 Moving vehicle into prohibited area, away from curb
- 70.03 Limited parking area
- 70.04 Limitations, prohibitions; determining, posting
- 70.05 Nuisance; impoundment

§ 70.01 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

(A) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a Chief of Police, Sheriff or other police officer or traffic-control device, in any of the following places located on property owned or leased by the township and used for public purposes:

- (1) On that portion of a sidewalk improved for pedestrian use;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant;
- (5) Within 20 feet of a crosswalk at an intersection unless specifically permitted;
- (6) Within 30 feet upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a road;
- (7) Within 50 feet of the nearest rail of a railroad crossing;
- (8) Upon any bridge or other elevated structure;
- (9) At any place where official signs prohibit stopping or parking; and
- (10) Between the curb and the sidewalk or behind the curb where there is no sidewalk.

(B) Provided, however, that nothing in this section shall prohibit parking in such parking areas so located, as may exist at the time of the adoption of this prohibition and at such additional paved areas as may hereafter be created in compliance with the applicable provisions of township ordinances.

(Prior Code, § 20.001) (Ord. 8-12-80, passed 9-11-1980) Penalty, see § 70.99

§ 70.02 MOVING VEHICLE INTO PROHIBITED AREA, AWAY FROM CURB.

No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

(Prior Code, § 20.002) (Ord. 8-12-80, passed 9-11-1980) Penalty, see § 70.99

§ 70.03 LIMITED PARKING AREA.

It shall be unlawful to park any vehicle for a longer consecutive period of time than that designated in any area designated as a limited parking area and so marked. It shall further be unlawful to park any vehicle in an area designated as a limited parking area and so marked if the vehicle is parked at a time not permitted for the parking area.

(Prior Code, § 20.003) (Ord. 8-12-80, passed 9-11-1980) Penalty, see § 70.99

§ 70.04 LIMITATIONS, PROHIBITIONS; DETERMINING, POSTING.

The Township Chief of Police and/or Sheriff or any other person authorized by the Township Board of Trustees shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitation or prohibition. The areas where parking is limited or prohibited, and the extent of such limitation or prohibition, shall be determined and established from time to time by the Township Board of Trustees.

(Prior Code, § 20.004) (Ord. 8-12-80, passed 9-11-1980)

§ 70.05 NUISANCE; IMPOUNDMENT.

A vehicle which is parked in violation of this chapter or of any rule or regulation adopted hereunder, regulating the parking of vehicles, is hereby declared to be a nuisance which may be abated or caused to be abated by the Township Chief of Police and/or Sheriff or his or her authorized deputy by impounding or causing to be impounded, said motor vehicle by removing and conveying, or causing to be removed or conveyed, such vehicle to place of impoundment. Before the owner or operator may remove any vehicle which has thus been impounded, said owner shall pay to the township the expenses incurred for the removal and conveyance of said vehicle to the place of impoundment and for the storage of the vehicle. The payment of said expense shall not release the owner or operator of such vehicle of any penalty imposed for violation of traffic laws, ordinances, rules and regulations issued pursuant thereto, but the remedy of impoundment shall be cumulative and in addition to other legal remedies.

(Prior Code, § 20.006) (Ord. 8-12-80, passed 9-11-1980)

§ 70.99 PENALTY.

Any person who shall violate, disobey, omit, neglect or refuse to comply with, or who resists the enforcement of any of the provisions of this chapter, on conviction thereof, shall be punished by a fine not to exceed \$100, and the costs of prosecution, or imprisonment in the common jail of the county not to exceed ten days, or both such fine and imprisonment, in the discretion of the court or magistrate before the condition is had. Each day that a violation is permitted to exist shall constitute a separate offense.

(Prior Code, § 20.005) (Ord. 8-12-80, passed 9-11-1980)

CHAPTER 71: ABANDONED AND JUNK VEHICLES

Section

- 71.01 Title
 - 71.02 Definitions
 - 71.03 Storing, parking or leaving a dismantled motor vehicle prohibited; declared nuisance; exceptions
 - 71.04 Notice to remove a nuisance
 - 71.05 Responsibility for removal of vehicle
 - 71.06 Notice procedure on private property
 - 71.07 Content of notice
 - 71.08 Request for hearing
 - 71.09 Procedure for public hearing
 - 71.10 Removal of motor vehicle from property
 - 71.11 Notice of removal
 - 71.12 Disposition of vehicles; value; deposition; public sale
 - 71.13 Contents of public sale notice
 - 71.14 Public sale; certificate of sale
 - 71.15 Redemption of impounded vehicle
 - 71.16 Liability of owner or occupant; liens on property
- 71.99 Penalty

§ 71.01 TITLE.

This chapter shall be known and may be cited as the "Abandoned and Junk Vehicle Ordinance".

(Prior Code, § 20.051) (Ord. 9-13-77, passed 10-13-1977)

§ 71.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular mandatory and not merely directory.

BUILDING INSPECTOR. The Building Inspector of the Township of Spaulding.

JUNKED MOTOR VEHICLE. Any motor vehicle, as defined by in the definition below, which has an expired license plate or plates affixed thereto, or has no license plate affixed thereto, or which is in a wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded condition.

MOTOR VEHICLE. Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY. Any real property within the township which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY. Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

TOWNSHIP. The Township of Spaulding.

(Prior Code, § 20.052) (Ord. 9-13-77, passed 10-13-1977)

§ 71.03 STORING, PARKING OR LEAVING A DISMANTLED MOTOR VEHICLE PROHIBITED; DECLARED NUISANCE; EXCEPTIONS.

No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled condition whether attended or not, upon any public or private property within the township for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the township and properly operated in the appropriate business zone, pursuant to the zoning laws of the township.

(Prior Code, § 20.053) (Ord. 9-13-77, passed 10-13-1977) Penalty, see § 71.99

§ 71.04 NOTICE TO REMOVE A NUISANCE.

Whenever it comes to the attention of the Building Inspector that any nuisance as defined in § 71.03 exists in the township, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his or her agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter.

(Prior Code, § 20.054) (Ord. 9-13-77, passed 10-13-1977)

§ 71.05 RESPONSIBILITY FOR REMOVAL OF VEHICLE.

(A) Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal.

(B) In the event of removal and disposition by the township, the owner or occupant of the private property where same is located, shall be liable for the expenses incurred.

(Prior Code, § 20.055) (Ord. 9-13-77, passed 10-13-1977)

§ 71.06 NOTICE PROCEDURE ON PRIVATE PROPERTY.

(A) The Building Inspector of the township shall give notice of removal to the owner of the private property where such vehicle is located, at least 14 days before the time of compliance.

(B) It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his or her last known address.

(Prior Code, § 20.056) (Ord. 9-13-77, passed 10-13-1977)

§ 71.07 CONTENT OF NOTICE.

The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the township or its designee may undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

(Prior Code, § 20.057) (Ord. 9-13-77, passed 10-13-1977)

§ 71.08 REQUEST FOR HEARING.

The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Township Board or its designee within the 14-day period of compliance prescribed in § 71.06 for the purpose of defending the charges by the township.

(Prior Code, § 20.058) (Ord. 9-13-77, passed 10-13-1977)

§ 71.09 PROCEDURE FOR PUBLIC HEARING.

The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least seven days in advance thereof. At any such hearing, the township and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

(Prior Code, § 20.059) (Ord. 9-13-77, passed 10-13-1977)

§ 71.10 REMOVAL OF MOTOR VEHICLE FROM PROPERTY.

(A) If the violation described in the notice has not been remedied within the 14-day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Township Board or its designee, the Chief of Police and/or Sheriff or his or her designee, shall have the right to take possession of the junked motor vehicle and remove it from the premises.

(B) It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(Prior Code, § 20.060) (Ord. 9-13-77, passed 10-13-1977) Penalty, see § 71.99

§ 71.11 NOTICE OF REMOVAL.

Within 48 hours of the removal of such vehicle, the Chief of Police and/or Sheriff shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles is stored, and the costs incurred by the township for removal.

(Prior Code, § 20.061) (Ord. 9-13-77, passed 10-13-1977) Penalty, see § 71.99

§ 71.12 DISPOSITION OF VEHICLES; VALUE; DEPOSITION; PUBLIC SALE.

(A) Upon removing a vehicle under the provisions of § 71.10, the township shall after ten days cause it to be appraised. If the vehicle is appraised at \$100 or less, the Chief of Police and/or Sheriff shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle.

(B) The Chief of Police and/or Sheriff, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$100, the Chief of Police and/or Sheriff shall give notice of public sale not less than 14 days before the date of the proposed sale.

(Prior Code, § 20.062) (Ord. 9-13-77, passed 10-13-1977)

§ 71.13 CONTENTS OF PUBLIC SALE NOTICE.

The notice of sale shall state:

(A) The sale is of abandoned property in the possession of the township;

(B) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle;

(C) The terms of the sale; and

(D) The date, time and place of the sale.

(Prior Code, § 20.063) (Ord. 9-13-77, passed 10-13-1977)

§ 71.14 PUBLIC SALE; CERTIFICATE OF SALE.

(A) The vehicle shall be sold to the highest and best bidder.

(B) At the time of payment of the purchase price, the Chief of Police and/or Sheriff shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the Building Inspector of the township.

(C) Should the sale for any reason be invalid, the township's liability shall be limited to the return of the purchase price.

(Prior Code, § 20.064) (Ord. 9-13-77, passed 10-13-1977)

§ 71.15 REDEMPTION OF IMPOUNDED VEHICLE.

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Township Clerk of such sum as he or she may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expense, not to exceed \$50 plus \$10 per day for storage for each vehicle.

(Prior Code, § 20.065) (Ord. 9-13-77, passed 10-13-1977)

§ 71.16 LIABILITY OF OWNER OR OCCUPANT; LIENS ON PROPERTY.

Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the township to pay the unrecovered expenses incurred by the township in such removal, a lien shall be placed upon the property for the amount of such expenses.

(Prior Code, § 20.066) (Ord. 9-13-77, passed 10-13-1977)

§ 71.99 PENALTY.

Any person, firm, partnership, association, corporation, company or organization of any kind who violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500 or imprisonment in the county jail for not more than 90 days or both such fine and imprisonment; in that each day a violation shall be considered a separate offense and that any sentence hereunder shall not exempt the offender from complying with the provisions hereof.

(Prior Code, § 20.067) (Ord. 9-13-77, passed 10-13-1977)

CHAPTER 72: OFF-ROAD VEHICLES

Section

- 72.01 Definitions
- 72.02 Operation on right
- 72.03 Road or street under jurisdiction of municipality
- 72.04 Adoption
- 72.05 Road closures
- 72.06 Operation on maintained portion of street
- 72.07 Operation on state or federal highway
- 72.08 Conditions of operation
- 72.09 Operation by children under 16 years of age
- 72.10 When driver's license required
- 72.11 Deposit of fines
- 72.12 Maintenance of roads and streets

- 72.99 Penalty

§ 72.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ATV. A three-, four- or six-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50 cc to 1,000 cc gasoline engine or an engine of comparable size using other fuels.

COUNTY. The County of Saginaw.

DRIVER'S LICENSE. An operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L.A. §§ 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

LOCAL UNIT OF GOVERNMENT. A county, township or municipality.

LOW-SPEED VEHICLE. A self-propelled motor vehicle which conforms to the definition of a low-speed vehicle under 49 C.F.R. § 571.3(b) and meets the standard for low-speed vehicles under 49 C.F.R. § 571.500.

MUNICIPALITY. A city or village.

OPERATE. To ride in or on and be in actual physical control of the operation of an ORV.

OPERATOR. A person who operates or is in actual physical control of the operation of an ORV.

ORV or VEHICLE.

(1) A motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. **ORV or VEHICLE** includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a golf cart that satisfies the criteria of an **ORV**, a motorcycle or related two-wheel, three-wheel, four-wheel or six-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind.

(2) **ORV or VEHICLE** does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

ROAD. A county primary road or county local road as described in the Michigan Transportation Fund Act, § 5 of Public Act 51 of 1951, being M.C.L.A. § 247.655.

ROAD COMMISSION. The Board of Road Commissioners for the County of Saginaw.

SAFETY CERTIFICATE. A certificate issued pursuant to the Off-Road Vehicle Act, Public Act 451 of 1994, being M.C.L.A. § 324.81129, as amended, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

STREET. A city or village major street or city or village local street as described in § 9 of the Michigan Transportation Fund Act, Public Act 51 of 1951, being M.C.L.A. § 247.659.

TOWNSHIP. An individual township within the County of Saginaw.

TOWNSHIP BOARD. A Board of Supervisors of any township within the County of Saginaw.

VISUAL SUPERVISION. The direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

(County Ord. 119, passed 9-17-2013)

§ 72.02 OPERATION ON RIGHT.

An ORV may be operated on the far right of the maintained portion of a road or street located within the county.

(County Ord. 119, passed 9-17-2013)

§ 72.03 ROAD OR STREET UNDER JURISDICTION OF MUNICIPALITY.

This chapter is not intended to authorize the operation of an ORV on a street or road which is under the jurisdiction of a municipality.

(County Ord. 119, passed 9-17-2013)

§ 72.04 ADOPTION.

A Township Board of a township in the county may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the county. The Township Board of a township in the county may adopt an ordinance authorizing the operation of ORVs pursuant to the Off-Road Vehicle Act, Public Act 451 of 1994, being M.C.L.A. § 324.81131(3).

(County Ord. 119, passed 9-17-2013)

§ 72.05 ROAD CLOSURES.

The County Road Commission may close no more than 30% of the total linear miles of roads in the county to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The Road Commission may not close a municipal street to ORVs opened under § 72.06.

(County Ord. 119, passed 9-17-2013)

§ 72.06 OPERATION ON MAINTAINED PORTION OF STREET.

The legislative body of a municipality in the county may adopt an ordinance authorizing the operation of ORVs on the maintained portion of one or more streets within the municipality pursuant to the Off-Road Vehicle Act, Public Act 451 of 1994, being M.C.L.A. § 324.81131(5).

(County Ord. 119, passed 9-17-2013)

§ 72.07 OPERATION ON STATE OR FEDERAL HIGHWAY.

An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal highway in the county, except to the extent necessary to cross such roads.

(County Ord. 119, passed 9-17-2013)

§ 72.08 CONDITIONS OF OPERATION.

Any ORV being operated on a road or street in the county pursuant to this chapter shall operate at all times in accordance with the Off-Road Vehicle Act, Public Act 451 of 1994, being M.C.L.A. §§ 324.81101 through 324.81151 and shall meet the following conditions, as applicable:

- (A) The ORV is operated at a speed of no more than 25 mph or any applicable lower posted ORV speed limit;
- (B) The ORV is operated with the flow of traffic and in a manner which does not interfere with traffic on the road or street;
- (C) The ORV travels in a single file line except when overtaking and passing another ORV;
- (D) The ORV is not operated when visibility is substantially reduced due to weather conditions unless said ORV is displaying a proper lighted headlight and a proper lighted taillight;
- (E) The ORV is not operated earlier than one-half hour before sunrise or later than one-half hour after sunset unless said ORV is displaying a proper lighted headlight and a proper lighted taillight;
- (F) The ORV is operated displaying a proper lighted headlight and a proper lighted taillight at all hours;
- (G) The ORV is operated while the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt;
- (H) The ORV has a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle;
- (I) The ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation; and
- (J) The ORV is operated pursuant to the noise emission standards defined by law.

(County Ord. 119, passed 9-17-2013)

§ 72.09 OPERATION BY CHILDREN UNDER 16 YEARS OF AGE.

- (A) A child less than 16 years of age shall not operate an ORV on a road or street in the county unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a state issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- (B) A parent or legal guardian of a child not less than 12 years of age shall not permit the child to operate a four-wheeled ATV on a road or street in the county.
- (C) A parent or legal guardian of a child less than 16 years of age shall not permit the child to operate a three-wheeled ATV on a road or street in the county.

(County Ord. 119, passed 9-17-2013)

§ 72.10 WHEN DRIVER'S LICENSE REQUIRED.

Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the county if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

(County Ord. 119, passed 9-17-2013)

§ 72.11 DEPOSIT OF FINES.

(A) The Treasurer of the local unit of government providing for the operation of ORVs on the roads and streets within its boundaries shall deposit fines collected by that local unit of government under the Revised Judicature Act of 1961, Public Act 236 of 1961, being M.C.L.A. § 600.8379 and § 72.99(A) and damages collected under § 72.99(B) into a fund to be designated as the ORV Fund.

(B) The legislative body of the local unit of government shall appropriate revenue in the ORV Fund as follows:

- (1) Fifty percent to the Board of County Road Commissioners or, in the case of a city or village, to the department responsible for street maintenance in the city or village, for repairing damage to roads or streets and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether roads or streets are open or closed to the operation of ORVs; and

(2) Fifty percent to the County Chief of Police and/or Sheriff.

(County Ord. 119, passed 9-17-2013)

§ 72.12 MAINTENANCE OF ROADS AND STREETS.

Except as otherwise provided by law, neither the county nor the Board of County Road Commissioners has the duty to maintain the roads or streets within the county in a condition that is reasonably safe and convenient for the operation of ORVs and are immune from liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on a road or street within the county.

(County Ord. 119, passed 9-17-2013)

§ 72.99 PENALTY.

- (A) Any person who violates this chapter is guilty of a civil infraction and may be ordered to pay a civil fine of not more than \$500.
- (B) A court may order a person who causes damage to any street, highway, environment or public property as a result of the operation of an ORV in an area permitted by this chapter to pay full restitution for that damage above and beyond the penalties paid for civil fines or civil infraction violations.

(County Ord. 119, passed 9-17-2013)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. NUISANCES**
- 91. ANIMALS**
- 92. FIRE PREVENTION**
- 93. TOWNSHIP PARK**
- 94. CEMETERY**

CHAPTER 90: NUISANCES

Section

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- 90.03 Dangerous structures and premises; emergency abatement
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NUISANCES GENERALLY

§ 90.01 NUISANCE DEFINED AND PROHIBITED.

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a **PUBLIC NUISANCE**. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this subchapter. No person shall commit, create or maintain any nuisance.

(Ord. 8-24-09A, passed 8-24-2009)

§ 90.02 DANGEROUS STRUCTURES AND PREMISES; GENERALLY.

No person shall maintain any structure which is a menace to the health, morals or safety of the public. No person owning or occupying any premises shall permit any condition to exist thereon which endangers the public health or safety.

(Ord. 8-24-09A, passed 8-24-2009)

§ 90.03 DANGEROUS STRUCTURES AND PREMISES; EMERGENCY ABATEMENT.

The Code Enforcement Officer may abate any such public nuisance, if the public safety or health requires immediate action, without preliminary order of the Township Board. Thereafter, the cost of abating such nuisance shall be charged against the premises and the owner thereof.

(Ord. 8-24-09A, passed 8-24-2009)

§ 90.04 GRAFFITI.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GRAFFITI. Any mark or marks on any surface or structure made without the prior permission of the property owner and made in any manner, including, but not limited to, writing, inscribing, drawing, tagging, sketching, spray-painting, painting, etching, scratching, carving, engraving, scraping, or attaching. Chalk marks on sidewalks is not **GRAFFITI**.

(B) No person shall apply graffiti to any surface or structure.

(C) A violation of this section shall be a civil infraction punishable by one or more of the following:

- (1) Community service that is as relevant and appropriate to the violation as possible;
- (2) Restitution; and/or
- (3) A civil fine.

(D) The victim may proceed with any private right of action provided under law against a person who has applied graffiti or the parent or guardian of a minor.

(Ord. 8-24-09A, passed 8-24-2009) Penalty, see § 90.99

§ 90.05 TRASH ACCUMULATION; DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXTERIOR. Any area of property outside a fully enclosed and covered building, except in refuse containers.

TRASH. Refuse, garbage and rubbish as well as scrap materials, including, but not limited to, wrecked or scrapped vehicles, rags, paper products, scrap metal, used appliances, scrap plumbing supplies, or parts of any of the foregoing or similar property.

(Ord. 8-24-09A, passed 8-24-2009)

§ 90.06 PROHIBITION OF TRASH ACCUMULATION.

Except in the case of licensed premises (junk yards) no person owning or occupying property in the township shall fail to keep the exterior area of that property free from accumulations of trash. Violation of this section constitutes a civil infraction plus costs and all other remedies available by statute. Each day upon which such violation shall occur shall constitute a separate offense.

(Ord. 8-24-09A, passed 8-24-2009) Penalty, see § 90.99

§ 90.07 REMOVAL OF TRASH BY TOWNSHIP.

If property is not cleared of trash in violation of §90.06 within ten days after notice is sent to the owner as indicated on records of the Assessor and, if occupied, to the address of the property, the township may remove or have removed the trash from the premises. Prior to or during removal of the trash, the items removed shall be photographed and, to the extent possible, inventoried. All items having an apparent value of less than \$20 may be immediately deposited in a licensed landfill. Items having an apparent value of \$20 or more each shall be stored for five days prior to disposal or sale. The reasonable cost of the removal, storage and disposal of the trash shall be charged to the owner and assessed against the property.

(Ord. 8-24-09A, passed 8-24-2009)

§ 90.08 STORED ITEMS.

Items removed and stored by the township pursuant to this subchapter will be released to the owner of the premises from which they were removed upon payment of reasonable storage and removal charges.

(Ord. 8-24-09A, passed 8-24-2009)

§ 90.09 COURT ORDERS.

Upon the request of the Code Enforcement Officer, the Township Attorney may commence suit in a court of appropriate jurisdiction to obtain an order requiring a property owner or occupant to comply with this chapter.

(Ord. 8-24-09A, passed 8-24-2009)

§ 90.10 INCOMPLETE CONSTRUCTION.

(A) **INCOMPLETE CONSTRUCTION** is any form of unfinished exterior construction, including excavations, on which there has been no substantial construction activity for at least six months.

(B) An owner of real estate containing incomplete construction shall be deemed guilty of maintaining a nuisance. Each day such a nuisance exists constitutes a separate offense. Each offense is punishable by a fine.

(C) An incomplete construction nuisance may be abated pursuant to an order of the Township Board. The cost of such abatement shall be charged against the property.

(D) The Code Enforcement Officer may authorize the continuation of incomplete construction for an additional period of up to six months. Such permission shall be conditioned on the posting of a cash bond or letter of credit. The form of such security must be approved by the Township Attorney. The amount of the security shall not be less than the Building Inspector's estimate of the cost of removal of the construction and restoration of the property.

(Ord. 8-24-09A, passed 8-24-2009) Penalty, see § 90.99

§ 90.11 ANIMAL NUISANCES.

No person shall keep, house or maintain one or more animals in a manner that constitutes a public nuisance. A person who violates this section is subject to a civil infraction and/or a civil nuisance action in the County Circuit Court.

(Ord. 8-24-09A, passed 8-24-2009) Penalty, see § 90.99

§ 90.12 ABANDONED REFRIGERATORS.

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight door or lock which may not be released for opening from the inside of said ice box, refrigerator or container.

(Ord. 8-24-09A, passed 8-24-2009) Penalty, see § 90.99

§ 90.13 ABANDONED REFRIGERATORS; LOCK REMOVAL.

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight snap-lock or other device thereon without first removing the said snap-lock or doors from said ice box, refrigerator or container.

(Ord. 8-24-09A, passed 8-24-2009) Penalty, see § 90.99

§ 90.14 PRIVATE LANDFILLS; FILLING OF ANOTHER'S LAND.

No person shall fill any land owned by another person without the permission of said other person or his or her agent.

(Ord. 8-24-09A, passed 8-24-2009) Penalty, see § 90.99

§ 90.15 CONDITION OF LANDFILLS.

No person owning or controlling any land which is open to public view or access, shall fill, or cause or permit any other to fill, such land unless such owner or person controlling such land keeps the surface free of litter, refuse, waste, junk or other noxious or unsightly material; provided, however, this provision shall not apply to construction sites where work is progressing under a township building permit.

(Ord. 8-24-09A, passed 8-24-2009)

TALL GRASS AND WEED CONTROL

§ 90.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GRASS. Any type of grass or weed, not including crops grown as a source of income.

OCCUPANT. Any person who has the right to occupy a parcel of land due to being an owner or pursuant to a rental agreement with the owner or agent thereof.

OWNER. Any person holding ownership interest in land in the Township of Spaulding. For the purposes of this subchapter, the name and address listed on the township tax assessment roll shall indicate ownership interest in such land.

WEEDS. Any plant which, in the opinion of the Township Board, comes under the provisions of the Noxious Weed Act, Public Act 359 of 1941, being M.C.L.A. §§ 247.61 et seq., as amended.

(Ord. passed - -)

§ 90.31 LAND SUBJECT TO REGULATION.

(A) On parcels of land with a structure within the township to a depth of 165 feet or the depth of ownership, whichever is lesser; and

(B) Vacant lots within a platted subdivision in which buildings have been erected upon 50% or more of the lots.

(Ord. passed - -)

§ 90.32 NON-APPLICABILITY.

(A) Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, barley, oats or rye; and

(B) Naturally wooded areas, regulated wetlands or meadows.

(Ord. passed - -)

§ 90.33 UNLAWFUL ACTS.

(A) It is unlawful for the owner and/or occupant of any lot or parcel of land to which this subchapter applies to allow or maintain upon such lot or parcel any growth of tall grass or weeds as defined herein, or to permit the deposit or accumulation of any brush, yard debris or dead vegetation as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, traffic or fire hazard.

(B) Growth of grass to a length greater than nine inches shall be considered to be a nuisance for the purposes of this section.

(Ord. passed - -) Penalty, see § 90.99

§ 90.34 DUTY TO CUT GRASS.

(A) The owner and/or occupants of land to which this subchapter applies shall not allow tall grass or weeds to grow over nine inches in height, including grass and weeds in the right-of-way; it shall be the duty of all owners and/or occupants of land located in the township to either cut or otherwise destroy by lawful means all tall grass and weeds, as defined in this subchapter, growing upon said property.

(B) To provide for a clear line of site, tall grass and weeds on an undeveloped lot bordering an intersection of two roadways must be cut back at a distance of at least 30 feet from each roadway.

(Ord. passed - -) Penalty, see § 90.99

§ 90.35 NOTICE OF VIOLATION.

(A) (1) Public notice of weed control requirements shall be made prior to April 15 of each year with an initial compliance date of May 1 of each year and as needed thereafter.

(2) On or after that date, a designated representative of the Township Board shall make inspection and determine if any property is in violation of this subchapter.

(B) (1) After inspection, if any property is determined to be in violation of this subchapter, a violation notice will be given to the property owner and/or occupant of said premises by posting a copy of said notice on the property or by sending notice via first class mail to the owner's name that appears in the last local assessment record of the township.

(2) The notice will give the property owner 15 days from the date of notice to cut the tall grass and weeds.

(Ord. passed - -) Penalty, see § 90.99

§ 90.36 ENFORCEMENT AND RIGHT OF ENTRY.

This subchapter shall be enforced by a person or persons designated by the Township Board to inspect, remove and/or destroy all tall grass and weeds as prohibited under this subchapter. Said representatives will be empowered to enter upon any premises or land in township for the purpose of carrying out this responsibility.

(Ord. passed - -)

§ 90.37 FAILURE TO COMPLY.

If tall grass and weeds are not removed within 15 days of notice, an appointed township representative shall have the authority to enter upon the land and cause the lawn to be mowed, even if the property owner and/or occupant failed to actually receive said notice. The township, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscaping and the like during the mowing of property in violation of this subchapter.

(Ord. passed - -)

§ 90.38 ASSESSMENT OF COSTS AND PENALTIES.

In the event of noncompliance of this subchapter, the Township Board shall order the work done and all labor and administrative costs shall be charged to the property owner of record at a rate to be determined by the Board. Said property owner shall have 15 days to make payment; thereafter the charges become a lien against the property and will be placed on the property owner's taxes as a special assessment.

(Ord. passed - -)

NUISANCE, LITTER AND DEBRIS

§ 90.50 TITLE.

This subchapter shall be known as the "Spaulding Township Nuisance, Litter and Debris Ordinance".

(Prior Code, § 20.201) (Ord. 5-11-83, eff. 6-10-1983; Ord. passed 5-18-1998)

§ 90.51 UNREASONABLE ACCUMULATION OF LITTER, DEBRIS AND JUNK.

(A) No person, firm or corporation shall permit any junk, debris, waste material, combustible material or other miscellaneous unused, unsanitary or dangerous material or equipment, or other source of filth or cause of sickness to accumulate in unreasonable or abnormal quantities in, on or adjoining the property owned or occupied by such person, firm or corporation. The determination of whether such accumulation is unreasonable shall be made by the Township Board.

(B) This is based upon the following standards:

(1) The existence of disease, rodents, or other evidence of unsanitary conditions or cause of sickness connected therewith; and

(2) The likelihood of such accumulation creating a nuisance or cause of sickness or an unsanitary or unsafe conditions.

(Prior Code, § 20.202) (Ord. 5-11-83, eff. 6-10-1983; Ord. passed 5-18-1998) Penalty, see § 90.99

§ 90.52 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PRIVATE PROPERTY. Includes, but is not limited to, the following: exterior locations owned by private individuals, firms, corporations, institutions or organizations; and yards, grounds, driveways, entrance ways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

PUBLIC PROPERTY. Includes, but is not limited to, the following exterior locations: streets; roads; public rights-of-way; public parking lots; school grounds; municipal (county) housing projects grounds; municipal (county) waterways; and bodies of water.

(Prior Code, § 20.203) (Ord. 5-11-83, eff. 6-10-1983; Ord. passed 5-18-1998)

§ 90.53 ACCUMULATION OF DEBRIS DECLARED A NUISANCE.

(A) Owners, agents, occupants or lessees, whose property faces or connects with a county road or street shall be responsible for keeping that property free of litter. It shall be unlawful to push, sweep or dump litter onto or next to any road or street. Conditions which violate this subchapter are hereby declared a nuisance. On order from the Township Board, any owner, occupant or person in control of any land which is declared a nuisance shall abate within five days. If said conditions is not abated within the said time, the Township Board shall have a lien upon such land until all expenses incurred in the abatement are paid by the owner or owners of such land.

(B) Any person, firm or corporation having debris disposed of on their property by another person, and can prove it not to be theirs shall have the property cleaned by the township, with no cost occurred upon the property owner, firm or corporation.

(C) Any person, firm or corporation caught disposing debris on another person's property will be fined.

(D) It shall be the duty of every person distributing commercial handbills, leaflets, flyers or any other information material to take whatever measures that may be necessary to keep such material from littering public or private property.

(E) It shall be the duty of the nonresident owner of a vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter.

(Prior Code, § 20.204) (Ord. 5-11-83, eff. 6-10-1983; Ord. passed 5-18-1998) Penalty, see § 90.99

§ 90.54 VIOLATIONS.

(A) *Notice of violation.* Whenever township representative determines that a violation of this subchapter exists, the township representative shall issue a notice of violation which specifies all circumstances found to be in violation.

(B) *Service of notice.* Such notice shall be directed to each owner of, or party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records. If the notice, after reasonable effort, cannot be served either personally or by certified mail, notice shall be sufficient if a copy of the notice is posted upon a conspicuous part of the building or structure which is located on the property at which the violation is alleged to exist.

(C) *Violation correction.* All violations shall be corrected within a period of 15 days after the violation notice is issued, or in such longer period of time, not to exceed 30 days, as the township representative shall determine necessary and appropriate.

(D) *Removal of violation by township.*

(1) If the owner or occupant fails to comply with the order of the township, the township or its designee may undertake the removal of the garbage, junk, rubbish, construction refuse or industrial refuse from the property. Cost of the removal shall be paid by the owner to the township within 30 days of the date on which the owner is notified of the cost.

(2) (a) If the owner fails to pay the cost of removal which is incurred by the township, the cost shall constitute a lien against the real property and shall be reported to the assessing officer of the township, who shall assess the cost against the property on which the garbage, junk, rubbish, construction refuse or industrial refuse was located.

(b) The assessing officer shall add the same to the next tax roll of the township and shall collect it in the same manner as is provided for the collection of taxes by the township.

(Prior Code, § 20.201) (Ord. 5-11-83, eff. 6-10-1983; Ord. passed 5-18-1998) Penalty, see § 90.99

NOISE

§ 90.65 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCIES. Essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

GENERAL PURPOSE SOUND LEVEL METER. A device for measuring sound level in decibel units.

LOCAL AMBIENT. The highest sound level repeating itself during a six-minute period as measured with a general purpose sound level meter, using "A" weighting. The **LOCAL AMBIENT** shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue.

NOISE LEVEL. The maximum continuous sound level or repetitive peak level produced by a source or group of sources as measured with a general purpose sound level meter using "A" weighting scale.

PROPERTY PLANE. A vertical plane passing through a property line, which determines the property boundaries in space.

SOUND LEVEL. Expressed in decibels (dB) is a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology", paragraph 2.9 or successor reference. All references to dB in this subchapter utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this section.

VEHICLE. Any device by which any person or property may be propelled, moved or drawn on a highway or street.

(Prior Code, § 20.151) (Ord. 8-10-82, eff. 9-9-1982)

§ 90.66 RESIDENTIAL PROPERTY NOISE LIMITS.

No person shall produce, suffer or allow to be produced by any machine, animal, or device or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property planes.

(Prior Code, § 20.152) (Ord. 8-10-82, eff. 9-9-1982)

§ 90.67 PUBLIC PROPERTY NOISE LIMITS.

(A) No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than 20 dB above the local ambient at a distance of 25 feet or more from the sound source, unless otherwise provided in this subchapter.

(B) Sound performances and special events not exceeding 80 dB measured at a distance of 50 feet from the sound source are exempt from this subchapter when approval therefor has been obtained from the Township Board.

(C) Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when the vehicle is at rest, or when a situation endangering life, health or property is not imminent.

(Prior Code, § 20.153) (Ord. 8-10-82, eff. 9-9-1982)

§ 90.68 SPECIAL PROVISIONS.

(A) *Daytime exceptions.* Any noise source that does not produce a noise level exceeding 80 dBA at a distance of 25 feet from the sound source under its most noisy condition of use shall be exempt from the provisions of §§ 90.66 and 90.67 between the hours of 8:00 a.m. and 8:00 p.m. daily, except on Sundays and holidays, when the exemption herein shall apply between 10:00 a.m. and 6:00 p.m.

(B) *Safety and emergency devices.* Emergencies are exempt from this subchapter.

(D) *Construction.* Notwithstanding any other provision of this subchapter, between the hours of 8:00 a.m. and 8:00 p.m. daily, except on Sundays and holidays, when the exemption herein shall apply between 10:00 a.m. and 6:00 p.m., construction, alteration or repair activities that are authorized by a valid permit shall be allowed. In addition, all construction undertaken by a public utility or state or local municipality shall be allowed.

(E) *Exceptions.* Nothing in this chapter shall prohibit the use of powered tools, including but not limited to, lawn mowers, chain saws, garden tractors, snow removal devices and similar tools, during daytime hours as defined in division (A) above.

(Prior Code, § 20.154) (Ord. 8-10-82, eff. 9-9-1982)

§ 90.69 NUISANCE PER SE.

A violation of this subchapter is hereby declared to be a nuisance per se, immediately enjoinable in the Circuit Courts for the county.

(Prior Code, § 20.156) (Ord. 8-10-82, eff. 9-9-1982)

§ 90.99 PENALTY.

(A) Except as otherwise specifically provided in this chapter, violations of any provision of the chapter shall be punishable as a civil infraction.

(B) Any person, firm or corporation found violating the provisions of this chapter, shall be punished by a fine as established by the township municipal civil infraction ordinance. Each day that a violation shall continue is to constitute a separate offense. Provisions of this chapter may also be enforced by suit for injunction, damages or other appropriate legal action.

(C) For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Prior Code, § 20.155) (Ord. 5-11-83, eff. 6-10-1983; Ord. 8-24-09A, passed 8-24-2009; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 91: ANIMALS

Section

General Provisions

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Dog Control

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91.18 Owning and keeping of dogs; licensing requirements

91.19 Dogs running at large; restraint

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GENERAL PROVISIONS

§ 91.01 ANIMALS, BIRDS AND BEES.

To provide for the public welfare and ensure the safety, health and comfort of the public, the following provisions shall control and regulate all areas of the township except farms.

(A) No person shall harbor or keep an animal, bird or bee which causes annoyance in the neighborhood either by:

(1) Barking, howling, braying, crowing or other sound common to its species; or

(2) Failure of the owner, caretaker or custodian to maintain in a clean and sanitary condition, devoid of rodents and vermin, and free from objectionable odor, all structures, pens, coops or yards wherein any animal, fowl or bee is kept.

(B) No person shall harbor or keep any swine.

(C) No person shall throw or deposit any poisonous substance on any exposed public or private place, where it may endanger any animal, bird or bee.

(D) No person shall deposit, place or throw any dead or fatally sick or injured animal, or part thereof, on any public or private place, on into or on the banks of, any stream, lake, pond, sewer, well or other body of water.

(Prior Code, § 35.100) (Ord. 7-27-77, eff. 8-26-1977) Penalty, see § 91.99

DOG CONTROL

§ 91.15 TITLE.

This subchapter shall be known as the "Spaulding Township Dog Control Ordinance".

(Ord. 31703-2, eff. 4-17-2003)

§ 91.16 PURPOSE.

The township hereby declares that it is necessary to regulate the control and care of dogs within the limits of the township.

(Ord. 31703-2, eff. 4-17-2003)

§ 91.17 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OWNER. Any person in possession of any dog, or who shall permit such dog to remain about the premises or to be fed within the person's house or on the person's premises, for the space of ten days shall, for the purpose of this subchapter, be deemed the **OWNER** thereof.

PERSON. A single person, group of persons, association, partnership or corporation owning or keeping a dog.

(Ord. 31703-2, eff. 4-17-2003)

§ 91.18 OWNING AND KEEPING OF DOGS; LICENSING REQUIREMENTS.

It shall be unlawful for any person to own, possess, harbor or be in charge of a dog six months of age or older in the township unless such dog shall wear a collar or harness to which is attached a current year state license tag. No dog shall be permitted upon the public streets or off the premises of the owner unless such dog has been immunized against rabies in the manner approved by the state.

(Ord. 31703-2, eff. 4-17-2003) Penalty, see § 91.99

§ 91.19 DOGS RUNNING AT LARGE; RESTRAINT.

(A) It shall be unlawful for any person, possessing or having charge of any dog, to allow such dog to be at large in the township or to stray beyond the premises of such owner or keeper unless the said dog is under the reasonable control of the owner by a leash or has had obedience training.

(B) Any person, acting in the interest of public safety, may, at his or her own risk, place under reasonable restraint any dog running at large which shall attack, bite or cause injury to any person in his or her presence; provided that any person exercising the authority hereby conferred, shall forthwith notify the County Dog Warden that he or she has so placed a dog under restraint, so the dog may be promptly picked up.

(C) Whenever any dog running at large shall be found upon the premises of any owner or occupant of residential or business property within the township, destroying property or committing a nuisance upon such premises such owner or occupant, or a member of his or her family, or any duly authorized employee, may at his or her own risk, while such dog remains on the premises of such owner or occupant, place it under reasonable restraint for the purposes of having it promptly picked up. Any such person shall notify the County Dog Warden that he or she has placed the dog under restraint so the dog may be picked up.

(Ord. 31703-2, eff. 4-17-2003) Penalty, see § 91.99

§ 91.20 DOGS IN HEAT.

It shall be unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper when she is in heat, unless properly restricted by leash or under the reasonable control of the owner or keeper or some other person duly authorized.

(Ord. 31703-2, eff. 4-17-2003) Penalty, see § 91.99

§ 91.21 LOUD OR BARKING DOGS.

It shall be unlawful for any person to keep or harbor a dog which by reason of frequent or habitual loud barking, yelping or howling shall cause serious annoyance amounting to a nuisance to the people of the neighborhood where such dog is kept, or to people using the public streets in such neighborhood.

(Ord. 31703-2, eff. 4-17-2003) Penalty, see § 91.99

§ 91.22 YARD CLEANLINESS.

All yard and exercise dog runs shall be kept free of dog droppings, uneaten food and maintained a sanitary manner so as not to be a nuisance because of odor or attraction of flies and vermin.

(Ord. 31703-2, eff. 4-17-2003) Penalty, see § 91.99

§ 91.23 DOG BITES; RABIES; PROCEDURE.

(A) It shall be unlawful for any person to own or harbor a fierce or vicious dog, or a dog that has been bitten by an animal known to have been afflicted with rabies.

(B) Any person who shall have in his or her possession a dog which has contracted or is suspected of having contracted rabies, or which has been bitten by an animal known to have been afflicted with rabies, shall, upon demand of the County Dog Warden submit said dog to be held for observation and treatment to whatever may be deemed necessary. Any such dog may also be surrendered to a registered veterinarian or to any approved, non-profit corporation organized for the purpose of sheltering dogs for a period of 15 days, or until the dog is deemed fit to be released back to the owner. It shall be unlawful for any person to remove or allow the removal of a dog so confined for observation without written permission of the dog warden.

(C) It shall be the duty of any person owning or harboring a dog which has been attacked by or bitten by any other dog or animal showing symptoms of rabies to give immediate notice to the County Dog Warden that such person has such a dog in his or her possession.

(Ord. 31703-2, eff. 4-17-2003) Penalty, see § 91.99

§ 91.24 CRUEL TREATMENT.

It shall be unlawful for any person who owns or harbors a dog to beat a dog in a cruel or inhuman manner, or willfully or negligently cause or permit any dog to suffer unnecessary torture or pain.

(Ord. 31703-2, eff. 4-17-2003) Penalty, see § 91.99

KENNELS

§ 91.35 TITLE.

This subchapter shall be known as the "Spaulding Township Kennel Ordinance".

(Ord. 31703-1, eff. 4-17-2003)

§ 91.36 PURPOSE.

The township hereby declares that it is necessary to regulate the operation of a boarding kennel within the limits of the township.

(Ord. 31703-1, eff. 4-17-2003)

§ 91.37 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARDING KENNEL. An establishment where dogs six months and older are kept for sale, training and boarding.

OWNER. Any person in possession of any dog, or who shall permit such dog to remain about the premises or to be fed within the person's house or on the person's premises, for the space of ten days shall, for the purpose of this subchapter, be deemed the **OWNER** thereof.

PRIVATE KENNEL. A dwelling that only houses animals owned by the occupants of the dwelling. No private license is required, but all dogs must have a license and be immunized by the state.

SUITABLE STALL SPACE. The dog must be able to walk, stand, eat and sleep in comfort.

(Ord. 31703-1, eff. 4-17-2003)

§ 91.38 PRIVATE KENNEL STANDARDS.

The kennels shall be clean, odorless and all animals must be protected from all environments. No more than three dogs six months or older shall be allowed in a private kennel and each dog must be kept in a suitable stall space.

(Ord. 31703-1, eff. 4-17-2003) Penalty, see § 91.99

§ 91.39 BOARDING KENNEL STANDARDS.

- (A) No boarding kennels are allowed in a residential area.
- (B) All boarding kennels must comply with the zoning regulations of the township.
- (C) All boarding kennels must obtain an annual certificate, by April 1 of each year, from the Building Inspector that the applicant's boarding kennel has been inspected as to adequate construction and comfortable housing for the dogs kept within.
- (D) All boarding kennels must obtain an annual certification, by April 1 of each year, from the township that the applicant has not been convicted of any violations of §§1.15 through 91.24 in the proceeding year.
- (E) All outdoor kennel enclosures shall be enclosed with a cyclone fence and heavy shrubbery or with a solid fencing which shall be at least six feet high for the purpose of the fencing completely barricading the location of the kennel from sight.
- (F) All floors and runs of the kennel shall be of cement, and sloped to drain easily.
- (G) All kennel closures, stalls and/or runs must be kept free of any accumulation of dirt, mud, fecal matter and debris. All kennel licensees shall clean any and all refuse matter, including fecal matter daily from inside the kennel to a type of holding tank or septic tank that shall be emptied at least once a year, or when needed.
- (H) Stall spaces within the kennel must be suitable stall spaces for the size of dog.
- (I) All boarding kennels must be reasonably open to inspection at all times.

(Ord. 31703-1, eff. 4-17-2003)

§ 91.40 BOARDING KENNEL LICENSE REQUIRED.

- (A) Any person who operates a boarding kennel as defined herein, shall annually apply to the township office or an authorized representative for a boarding license, which upon issuance shall entitle such person to keep or operate such kennel. No license shall be issued under the provisions of this subchapter unless the applicant fully complies with the boarding kennel standards stated in § 91.39.
- (B) The kennel license shall be issued by the township on a form prepared and supplied by the township and shall entitle the licensee to keep the number of dogs specified in the license.

(Ord. 31703-1, eff. 4-17-2003)

§ 91.41 ANNUAL FEES.

An annual fee will be required to be paid with each application for operation of a boarding kennel. The annual fee will be set by the Township Board each year by resolution. The annual fee for 2002 and 2003 shall be \$50.

(Ord. 31703-1, eff. 4-17-2003)

§ 91.42 DOG LICENSING TAGS.

- (A) With each boarding kennel license the township office or other authorized representative will issue the number of dog licensing tags, each of durable metal, for the number of dogs authorized to be kept in the kennel. All new dogs will be required to obtain a new license, no license is to be reused on another dog. Such dogs shall be readily distinguished from the individual license tags issued by the state.
- (B) The licensee of a boarding kennel must at all times keep one dog collar tag attached to each dog kept by the licensee under the kennel license. No dog bearing a kennel tag shall be permitted to stay or be permanently taken outside the limits of the boarding kennel. This does not prohibit the taking of dogs having boarding kennel license outside the limits of the kennel temporarily as long as the dog is leashed, nor does it prohibit the taking of such dogs outside the kennel temporarily for the purposes of hunting, breeding, trial or show by the owner only.

(Ord. 31703-1, eff. 4-17-2003) Penalty, see § 91.99

§ 91.99 PENALTY.

- (A) Any violation of this chapter is hereby declared to be a civil infraction. The person in violation shall be issued infraction citation pursuant to the Township Municipal Ordinance Violations Bureau regulations and the township municipal sanctions for ordinance violations regulations. The party in violation shall be subject to all applicable fines and other penalties as provided by law.
- (B) The rights and remedies provided in this chapter are civil in nature. The imposition of any fine or jail sentence or both shall not exempt the violator from compliance with the provisions of this chapter.
- (C) A boarding kennel license will not be reissued to a party found in violation of §§1.35 through 91.42.
- (D) For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Ord. 31703-1, eff. 4-17-2003; Ord. 31703-2, eff. 4-17-2003; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 92: FIRE PREVENTION

Section

Fireworks

- 92.01 Name
- 92.02 Purpose
- 92.03 Definitions
- 92.04 Novelties
- 92.05 Consumer fireworks
- 92.06 Articles pyrotechnic and display fireworks
- 92.07 Sanctions
- 92.08 Fireworks enforcement officers
- 92.09 Complaint

- 92.99 Penalty

FIREWORKS

§ 92.01 NAME.

This subchapter shall be known and cited as the "Spaulding Township Fireworks Ordinance".

(Ord. 6-18-19, passed 6-18-2019)

§ 92.02 PURPOSE.

In the interest of maintaining public health, safety and the general welfare and the comfort and repose of the township residents, the township hereby provides for the regulation and use of fireworks in the township, as provided in the Michigan Fireworks Safety Act, Public Act 256 of 2011, being M.C.L.A. §§ 28.451 et seq., as may be amended, and repeals all ordinances or parts of ordinances in conflict herewith.

(Ord. 6-18-19, passed 6-18-2019)

§ 92.03 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APA. American Pyrotechnics Association.

ARTICLES PYROTECHNIC. Pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 C.F.R. part 172.101.

CONSUMER FIREWORKS. Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States consumer product safety commission under 16 C.F.R. parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3 or 3.5. **CONSUMER FIREWORKS** does not include low-impact fireworks.

DEPARTMENT. Department of Licensing and Regulatory Affairs (LARA), State of Michigan.

DISPLAY FIREWORKS. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 C.F.R. § 555.11, 49 C.F.R. part 172 and APA standard 87-1, 4.1.

FIREWORK or FIREWORKS. Any composition or device, except for a stalling pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. **FIREWORKS** consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.

LOW-IMPACT FIREWORKS. Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.

MINOR. An individual who is less than 18 years old.

NATIONAL HOLIDAY. As defined in 5 U.S.C. § 6103 and includes: New Year's Day (January 1); Martin Luther King Jr. Day (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25).

NFPA. National Fire Protection Association.

NOVELTIES. As defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5 and all of the following:

(1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than 0.25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap;

(2) Toy pistols, toy cannons, toy canes, toy trick noisemakers and toy guns in which toy caps as described in division (1) above are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion; and

(3) Flitter sparklers in paper tubes not exceeding one-eighth inch in diameter.

PERSON. Individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

SPECIAL EFFECTS. A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical or thermal effect as in integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

(Ord. 6-18-19, passed 6-18-2019)

§ 92.04 NOVELTIES.

This subchapter does not apply to and does not regulate the use of novelties in the township.

(Ord. 6-18-19, passed 6-18-2019)

§ 92.05 CONSUMER FIREWORKS.

(A) Consumer fireworks may be used in the township on the day preceding, the day of and the day after a national holiday without restriction.

(B) At any time other than the day preceding, the day of and/or the day after a national holiday, consumer fireworks may be used in the township subject to the following requirements and restrictions.

(1) On Sundays through Thursdays, consumer fireworks may be used up to 10:00 p.m., Eastern Standard Time.

(2) On Fridays and Saturdays, consumer fireworks may be used up to midnight, Eastern Standard Time.

(3) Use of consumer fireworks must be in compliance with all other township ordinances, including those relating to nuisances.

(4) Consumer fireworks shall not be used if a burn ban is in effect.

(5) No person shall ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.

(6) No person shall use consumer fireworks or low-impact fireworks while under the influence of alcohol, a controlled substance or a combination of alcohol and a controlled substance.

(7) Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.

(Ord. 6-18-19, passed 6-18-2019)

§ 92.06 ARTICLES PYROTECHNIC AND DISPLAY FIREWORKS.

(A) The Township Board may permit articles pyrotechnic, display fireworks and special effect fireworks in the township, pursuant to the provisions of M.C.L.A. §§ 28.451 et seq. and this chapter.

(B) Any person wishing to conduct an articles pyrotechnic, display fireworks or special effects display shall, at least 45 days prior to any display, submit an application on a form furnished by the township, pay the required fee and shall secure permission from the Township Board prior to any such fireworks display.

(C) (1) The site plan of the area where the articles pyrotechnic, display fireworks or special effects display is to be conducted shall be submitted with the application. The site plan shall set forth all structures in the area and within the discharge site fallout area.

(2) The site plan shall furthermore set forth the distance separating any fireworks and any spectator viewing areas.

(3) All site plans shall be forwarded to the Fire Chief and/or his or her designated alternate for approval, including any recommended conditions, prior to coming before the Township Board for its approval.

(D) A copy of any required state or federal permit for the fireworks display shall be submitted with the application.

(E) Proof of insurance conforming to the requirements of this chapter and the Michigan Fireworks Safety Act, Public Act 256 of 2011, being M.C.L.A. §§ 28.451 et seq., shall be submitted with the application.

(F) The application shall include information as to the competency and qualifications of the fireworks display operators, as required by NFPA 1123.

(G) The Township Board shall approve an application for an articles pyrotechnic, display fireworks or special effects display if it finds that all of the following standards are satisfied:

(1) The application and accompanying documentation is complete and conforms to the requirements of this chapter;

(2) The operator of the fireworks display is competent and qualified to conduct the fireworks display, per NFPA 1123;

(3) The Fire Chief or his or her designated alternate has approved the application and site plan;

(4) The fireworks display will not have an adverse effect upon public safety;

(5) The time, duration, location of the fireworks or special effects display will not, due to noise and other factors, unreasonably disturb the peace of persons residing within the vicinity or otherwise violate the township's nuisance provisions in Chapter 90 of this code of ordinances or any other township ordinances; and

(6) The Township Board, in approving an application hereunder, shall have the authority to impose such conditions as it determines in its sole reasonable discretion are necessary to assure that the fireworks display will satisfy the above standards.

(H) Requirements and restrictions.

(1) The person conducting the fireworks display shall follow NFPA 1123 for fireworks display and/or the township requirements set forth herein, whichever are more restrictive.

(2) (a) A minimum safe area of 250-foot radius, plus an additional 70-foot radius for each inch by which the fireworks shell exceeds three inches in diameter shall be required.

(b) The Township Board shall have the authority to grant a variance from this requirement where it determines in its sole reasonable discretion that, given:

1. The nature of the subject site;
2. The nature of the surrounding area; and/or
3. The nature of the proposed fireworks display, that a variance will not have a material adverse impact on public safety. In no event, however, shall the applicant fail to comply with the minimum requirements of NFPA 1123.

(3) The applicant shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000 for each event. The township shall be named as an additional insured on the insurance policy.

(4) The Township Board shall not issue a permit to a nonresident person until the person has appointed in writing a member of the state bar or a resident agent to be the person's legal representative upon whom all process in an action or proceeding against the person may be served.

(5) The applicant shall be responsible for all shells being fired. In the event one or more of the shells does not explode, the applicant shall secure the area until the unexploded shell(s) is found and properly disposed of.

(6) The consumption of alcohol immediately prior to and during the fireworks display by any person involved in conducting the display is prohibited.

(7) A fireworks display conducted hereunder shall conform with all specifications set forth in the approved application and site plan, as well as with any conditions imposed by the Township Board in granting such approval.

(8) The applicant shall cause the site of the fireworks display to be cleaned up within 24 hours after the fireworks display has ended.

(9) A permit is not transferable and shall not be granted to a minor.

(Ord. 6-18-19, passed 6-18-2019) Penalty, see § 92.99

§ 92.07 SANCTIONS.

Any person that violates any provision of this subchapter shall be deemed responsible for a municipal civil infraction and fined in accordance with the schedule in §2.99.

(Ord. 6-18-19, passed 6-18-2019)

§ 92.08 FIREWORKS ENFORCEMENT OFFICERS.

The Township Board of Trustees hereby designates as Fireworks Enforcement Officers any duly appointed County Sheriff Officer, any duly appointed National Park Law Enforcement Officer, the Township Code Enforcement Officer and the Township Zoning Administrator. Further, the Board authorizes any Enforcement Officer(s) to issue municipal civil infraction citation(s) directing an alleged violator of this subchapter to appear in court.

(Ord. 6-18-19, passed 6-18-2019)

§ 92.09 COMPLAINT.

A Fireworks Enforcement Officer(s) shall investigate an alleged violation of this subchapter upon communication from a complainant.

(Ord. 6-18-19, passed 6-18-2019)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) (1) Any person that violates any provision of §§92.01 through 92.09 shall be deemed responsible for a municipal civil infraction and fined in accordance with the following schedule:

| | <i>Minimum Fine</i> | <i>Maximum Fine</i> |
|--|---------------------|---------------------|
| 1st offense within 3-year period* | \$75 | \$500 |
| 2nd offense within 3-year period* | \$150 | \$500 |
| 3rd offense within 3-year period* | \$325 | \$500 |
| 4th offense within 3-year period* | \$500 | \$500 |
| *Determined on the basis of the date of commission of the offense(s) | | |

(2) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the township has incurred in connection with the municipal civil infraction, including the actual attorney fees incurred by the township in prosecuting the municipal civil infraction. In addition, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with §§ 92.01 through 92.09. Each day that a violation of §§92.01 through 92.09 continues to exist shall constitute a separate violation of §§ 92.01 through 92.09.

(Ord. 6-18-19, passed 6-18-2019)

CHAPTER 93: TOWNSHIP PARK

Section

- 93.01 Name
- 93.02 Tents and house trailers
- 93.03 General use of township parks and places of recreation
- 93.04 Operation of vehicles in township parks and places of recreation
- 93.05 Park and recreational area hours
- 93.06 Scheduled activities

- 93.99 Penalty

§ 93.01 NAME.

This chapter shall be known and cited as the "Spaulding Township Park Ordinance".

(Prior Code, § 20.101) (Ord. 7-10-79, eff. 8-9-1979)

§ 93.02 TENTS AND HOUSE TRAILERS.

No tents, trailers, shacks or temporary shelter shall be allowed within township parks and places of recreation for the purpose of overnight camping or other uses, unless authorized by the Parks Commission of the township.

(Prior Code, § 20.102) (Ord. 7-10-79, eff. 8-9-1979) Penalty, see § 93.99

§ 93.03 GENERAL USE OF TOWNSHIP PARKS AND PLACES OF RECREATION.

(A) Any fires for cooking must be made within the grills provided for the purpose, or within other privately owned grills which are designed to retain the ashes and prevent their deposit upon the ground. No fires shall be built directly upon the ground unless authorized by the Parks Commission of the township.

(B) All trash and debris must be deposited within containers provided for the purpose and must not be allowed to remain upon the ground.

(C) Township property shall not be damaged or destroyed and shall be treated with respect for the next user.

(D) No person shall injure, remove, destroy or otherwise disturb any plant or wildlife.

- (E) No person shall use profane or obscene language.
- (F) No person shall conduct himself or herself in a disorderly or indecent manner.
- (G) No person shall use the park or recreational area for any use that is not recreational or civic in character.
- (H) No person shall use the park for horseback riding, except in designated areas.
- (I) The township parks and places of public recreation shall be open to all township residents, property owners and their guests (when such guests are not an organized group and are those accompanied by the township property owners or residents).
- (J) No dogs or other animals shall be allowed within the township parks or places of recreation unless kept within a secure container which prohibits their release.
- (K) No person shall carry or use firearms of any description, air rifles, sling shots or discharge any fireworks or explosive substances of any kind in the township parks or places of recreation, unless authorized by the Parks Commission of the township.
- (L) No person shall advertise, canvass, solicit, vend or rent any service, merchandise or object, unless authorized by the Parks Commission of the township.

(Prior Code, § 20.103) (Ord. 7-10-79, eff. 8-9-1979) Penalty, see § 93.99

§ 93.04 OPERATION OF VEHICLES IN TOWNSHIP PARKS AND PLACES OF RECREATION.

- (A) No person shall operate any motorcycle, snowmobile or other motorized vehicle except on established roads or designated areas.
- (B) No person shall drive a vehicle in excess of ten mph, or the posted speed limit.
- (C) No person shall drive or park a vehicle anywhere except on established drives and parking areas.
- (D) No person shall use a park drive for the purpose of demonstrating, teaching the driving of or learning to drive any vehicle.

(Prior Code, § 20.104) (Ord. 7-10-79, eff. 8-9-1979) Penalty, see § 93.99

§ 93.05 PARK AND RECREATIONAL AREA HOURS.

Township parks and places of recreation shall be open from 7:00 a.m. until sunset and shall be closed to the public during the remainder of the night unless authorized by the Parks Commission of the township.

(Prior Code, § 20.105) (Ord. 7-10-79, eff. 8-9-1979)

§ 93.06 SCHEDULED ACTIVITIES.

Group activities must first meet approval of Parks Commission and permission obtained by officers or organizers of the group personally contacting the Parks Commission. Scheduled events and all scheduled activities shall have priority use of the park facilities.

(Prior Code, § 20.106) (Ord. 7-10-79, eff. 8-9-1979)

§ 93.99 PENALTY.

Any person, firm or corporation which violates any of the rules or regulations of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of no less than \$100 or be imprisoned for not more than 90 days, or by both such fine and imprisonment. In addition to the foregoing, any person violating the provisions of this chapter may be required to leave the township park or place of recreation by the person in charge thereof.

(Prior Code, § 20.107) (Ord. 7-10-79, eff. 8-9-1979)

CHAPTER 94: CEMETERY

Section

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§ 94.01 TITLE.

This chapter shall be known and cited as the Spaulding Township Cemetery Chapter.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.02 DEFINITIONS.

Words or terms used in this chapter shall have the following defined meanings. Undefined words shall be given their plain and ordinary meaning.

ADULT BURIAL SPACE. An adult burial space shall consist of a land area four feet wide and ten feet in length.

CEMETERY LOT. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

COLUMBARIUM. A structure containing a group of niches in the township cemetery. Each niche shall consist of a 12 inch by 12 inch by 12 inch recessed compartment.

INFANT BURIAL SPACE. An infant or stillborn burial space shall consist of a land area three feet wide and three and one half feet in length in areas set aside specifically for such burials.

TOWNSHIP. Means Spaulding Township.

TOWNSHIP BOARD. The Spaulding Township Board of Trustees.

TOWNSHIP CEMETERY or CEMETERY. Any cemetery owned, operated and/or controlled by Spaulding Township.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.03 SALE OF LOTS OR BURIAL SPACES.

(A) *Burial space purchase eligibility.* Cemetery lots, burial spaces and/or columbarium niches shall be sold only to residents or taxpayers of the Township of Spaulding, for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth, except where a funeral director is acting as an agent or representative for an eligible purchaser. The Township Supervisor, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the Township of Spaulding, or relationship to persons interred therein.

(B) The Township Board shall have the authority to limit the number of cemetery plots sold to a particular person, or such person's family or relatives. In regard to adjoining burial spaces, an individual shall be limited to purchasing one burial space for him/herself and one adjoining burial space for his/her spouse. No additional adjoining burial spaces may be purchased. The Township Supervisor is hereby granted the authority to vary the aforesaid restriction based upon good cause shown by the purchaser.

(C) It is the purchaser's responsibility to inform the township of a change of mailing address.

(D) All sales of a lot/space/columbarium shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title or deed to the lot or burial space. Such form shall be executed by the Township Supervisor.

(E) All sales of cemetery lots or burial spaces shall be purchased through Spaulding Township. No purchases shall be made through a Cemetery Sexton. The funds tendered for the purchase of said lots/spaces shall be directed to the Township Treasurer. Once the transaction is completed, a form reflecting the purchase shall be executed by the Township Supervisor.

(F) The township shall have the right to correct any errors that may be made concerning interments, dis-interments, or in the description, transfer or conveyance of any cemetery plot, either by cancelling the permit for a particular vacant cemetery plot(s) in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser of the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same township cemetery in accordance with law.

(G) *Transfer of burial rights.* Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Supervisor, approved by said Supervisor, and entered upon the Supervisor's official records. Upon such transfer/assignment, approval and record, and payment of the fee as provided in § 94.25, the Supervisor shall issue a new burial permit to the transferee and shall cancel and terminate in such records the original permit thus assigned.

(H) *Monies to prepare lot for burial.* Monies paid to prepare a cemetery lot/space for burial, or other related tasks such as a grave opening, shall be paid directly to the township through the Township Treasurer. No other person/entity other than the township shall receive such monies. To the extent practicable the Township Clerk shall submit an invoice/bill to a funeral director for interment fees incurred. The payment called for by said invoice/bill is due upon receipt.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.04 PURCHASE PRICE AND TRANSFER FEES; INDIGENT BURIALS.

(A) *Purchase price of burial space and other fees.*

(1) The fee for a burial space together with other fees applicable under this chapter, is set forth in §94.25. All charges shall be paid to the Township Treasurer.

(2) The Township Board, by resolution, may periodically alter the foregoing fees, the apportionment of each deposit and the accounts to which the fees are deposited, in order to accommodate increased costs and reserve funds which are required for cemetery maintenance and property acquisition and development.

(3) The Township Board may waive some or all fees for the burial of indigent persons. The Township Board may set aside a portion of a township cemetery for the burial of indigent persons.

(B) *Assignment of burial space.*

(1) *Assignment not conveyance.* All assignments shall be made by the Township Supervisor, or his or her authorized representative. The assignment shall grant a right of burial only and shall not convey any other title to the burial space or lot so assigned. A form approved by the township shall be issued as evidence of such assignment.

(2) *Time of assignment.* A lot or burial space assignment shall be made only at the time of death of the deceased resident. If a child requires a lot in the cemetery, the parents shall be allowed to be assigned adjoining lots for future use.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.05 GRAVE OPENING CHARGES.

(A) *Cost.* 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 set from time to time by resolution of the Township Board, payable to the township. The Township Board may modify the opening cost from time to time by resolution of the Township Board. This cost shall be payable to the township.

(B) *Authorization.* No burial spaces shall be opened and closed except under the direction and control of the Township Supervisor or 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 Saginaw County Health Department; however, even in such cases, the Cemetery Sexton shall be given at least 24 hours' prior notice of when such grave opening or closing will occur.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.06 CREMAINS AND COLUMBARIUM.

(A) *Cremains.* Cremains may be buried in a container approved by the township in a cemetery plot or in a columbarium that has been installed by the township within a township cemetery. No cremains shall be scattered or dispersed within a township cemetery.

(B) *Columbarium wall openings/closings.* All columbarium wall openings/closings shall be completed by a mason selected by the Township Board at the cost of the individual to be interred and/or the heirs/family of the individual to be interred.

(C) *Additional columbarium regulations.* The township shall initially purchase columbarium(s) and then sell an interment right in a columbarium niche as described herein. The lettering of a niche face shall be of engraved type and performed by a monument company. Unless otherwise provided for, flowers, glass containers or decorations are not permitted on or around the columbarium except within furnished adjacent urns. Not more than two cremains shall be interred in one niche. Niche owners may install one durable vase, with a maximum height of six inches, on the niche face for cut flowers. Installation shall be by a monument company. In the event of a niche being sold back to the township, only the original purchase price shall be returned.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.07 MARKERS OR MEMORIALS.

(A) *Marker material requirements.* All markers or memorials must be of stone or other equally durable composition. The front to rear measurement shall be 24 inches. Base of marker on single grave lot cannot be more than 36 inches. Base of a marker on a double grave shall not be more than 48 inches.

(B) *Foundation required.* Large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

(C) *Limitation on number of markers.* Only one monument, marker or memorial shall be permitted per burial space.

(D) *Cost of footing or foundation.* The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township and the cost shall be paid by the owner of the burial right. Fees for this task shall be set from time to time by the Township Board by resolution.

(E) *Direction of grave and marker.* The head of the casket facing direction: West.

(F) *Location of markers.* All markers must be set in concrete with a three-inch border flush with the ground. Monuments are to be placed at the head of the grave.

(G) *Monument size.* Monuments/memorials shall not exceed 42 inches from the foundation. Individual markers for cremains shall be no more than 12 inches by 24 inches in size.

(H) *Repair of monument.* The owner or, if deceased, heirs of the owner, is responsible for repairing a monument that has fallen into disrepair. If, in its sole discretion, the Township Board determines that a monument is unsightly, broken, moved off its proper site, dilapidated or in an unsafe state, the township reserves the right to repair said monument at the owner's expense. In such a case, the township will send the owner and/or his/her heirs an invoice/bill for the cost of repair, which is due upon receipt. It is the responsibility of the owner and the owner's heirs to provide the township with an updated, current mailing address.

(I) *Maintenance.* The maintenance, repair and upkeep of a cemetery memorial, marker urn or similar item is the responsibility of the heirs or family of the person buried at that location. The township has no responsibility or liability regarding repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

(Ord. 22-05-17, passed 5-17-2022) Penalty, see § 94.99

§ 94.08 INTERMENT REGULATIONS.

(A) *Number of persons per burial space.* Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time within a casket and vault. Each burial space may contain up to four cremains in buried urns or in approved markers with sealed cavities.

(B) *Advance notice.* Not less than 36 hours' notice shall be given in advance of the scheduled time of a funeral to allow for the opening of the burial spaces.

(C) *Permits.* The assignment or other appropriate permit or form of the burial space involved, together with appropriate identification of the person to be buried therein, if requested by the Township Supervisor, shall be presented to either the Cemetery Sexton or the Township Supervisor prior to interment. Where such permit has been lost or destroyed, the Township Supervisor shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

(D) *Grave location.* All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

(E) *Inscription.* As practicable, the inscription shall be placed to be read from the foot of the grave whenever possible.

(F) *Grave depth.* Grave depth shall be in compliance with state law, but at no time shall be less than 54 inches. Cremation urn depth shall be 18 inches.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.09 CEMETERY MAINTENANCE.

(A) *Grading.* No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Cemetery Sexton or the Township Supervisor.

(B) *Plants.* No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk Supervisor. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

(C) *Coping, fences etc.* Copings, fences, curbs, benches, bird feeders and any perishable material are prohibited.

(D) *Removal of plants by township.* The Township Board and/or the Township Sexton may remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

(E) *Grade.* Mounds or other change in grade which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

(F) *Removal of other material from burial spaces.* The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

(G) *Ground surfaces prohibited.* Surfaces other than earth or sod are prohibited.

(H) *Disposal of material.* All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

(I) *Glass.* No glass containers or items are allowed.

(J) *Removal of items.* The Cemetery/Township Sexton shall have the right and the authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance problem. Unless the item(s) necessitating removal presents an emergent issue, the Sexton shall remove said item(s) in or around April 1 of each year.

(K) *Items prohibited.* Except for markers, memorials, flowers and urns expressly allowed by this chapter, and veteran's flags as authorized by law, no other item (including but not limited to ornaments, signs, trellises, statues, landscaping, bricks, stones, grave border materials or other structures) may be installed or maintained within a township cemetery, nor shall any grading, digging, mounding or similar alteration of the ground or earth occur except as authorized by this chapter or the township.

(Ord. 22-05-17, passed 5-17-2022) Penalty, see § 94.99

§ 94.10 FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.

Cemetery burial spaces which are sold and/or assigned after the effective date of this chapter and which remain vacant in excess of 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

(A) Notice shall be sent by the Township Supervisor by first class mail to the last known address of the last owner of record informing him/her of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Supervisor within 60 days from the date of mailing of the within notice his/her desire to retain said burial rights.

(B) No written response to said notice, indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Supervisor from the last owner of record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.11 REPURCHASE OF LOTS OR BURIAL SPACES.

The township will repurchase any cemetery lots or burial space from the owner/transferee for the original price paid to the township upon written request of said owner/transferee or his legal heirs or representatives.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.12 RECORDS.

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and 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.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.13 VAULT.

All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each burial space before interment. Vaults of other suitable materials may be allowed at the discretion of the Township Board.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.14 CEMETERY HOURS.

The cemetery shall be open to the general public 24 hours per day.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.15 TOWNSHIP/CEMETERY SEXTON.

(A) The Township Board may, at its discretion, appoint a Township/Cemetery Sexton, who shall serve at the discretion of the Township Board. The Township Sexton shall assist Township Officials with enforcement and administration of this chapter. The Cemetery/Township Sexton shall have the following duties for the Township Cemetery:

- (1) Communicate effectively with the Spaulding Township Board of Trustees and the Spaulding Township Cemetery Board.
- (2) Monthly equipment maintenance report due at monthly meeting.
- (3) Report any major issues/repair with grounds or equipment.
- (4) Inspection of facilities.
- (5) Communicate with part-time or seasonal help as/if needed.
- (6) Cutting all grass and trimming around stones and markers. Grass cutting will be accomplished with (or without) notification and (or) as often as is necessary to keep cemeteries looking neat.
- (7) Leveling and seeding all new graves.
- (8) Leveling and seeding old graves that have settled.
- (9) Emptying all rubbish containers.
- (10) Removing dead flowers from new graves, removing winter grave blankets and other grave decorations in spring and fall.
- (11) Removing snow from graves and paths.
- (12) Raking leaves from all sections of the cemetery during the fall and spring.
- (13) General cleanup, including removal of fallen tree limbs and brush.
- (14) Foundation placement.
- (15) Opening and closing graves.
- (16) Showing available gravesites to family.
- (17) Marking gravesites for burials.

- (18) Assistance in locating sites burial rights certificates sold, recorded, etc. (as requested by the Township Clerk).
- (19) Keeping cemetery lot maps current.
- (20) Clear brush and overhanging trees from cemetery borders.
- (21) Clear fallen trees and branches from the cemeteries.
- (22) Remove dead and artificial flowers, containers, plastic keepsakes and the like from graves.
- (23) Maintain lawns in an attractive and healthy condition.
- (24) Maintenance painting of flag poles, corner posts and fences.
- (25) Straight line edging on roadways cleaned up at least once a year.
- (26) Water and electrical lines. Install and make repairs to watering systems and perform preventative maintenance on the water system. Install and repair water facets.
- (27) Ensure the safety and protection of the headstones.
- (28) Ensure the graves are properly prepared before and after burial services (i.e, opening and closing graves).
- (29) Provides proper safeguard and snow removal in cases of inclement weather.
- (30) Make arrangements for grave relocation as necessary.
- (31) Maintain all out buildings in a clean and organized manner.
- (32) In times of absence, Sexton responsibility to make sure grave opening and closing duties are covered.
- (33) Cleaning and maintenance of directory building and public restroom.
- (34) Keeping the bathrooms stocked with supplies.
- (35) Establish an equipment selection procedure to provide information to the Township Board.
- (36) Perform routine maintenance of equipment, as well as minor repairs.
- (37) Coordinate tasks associated with burials with funeral directors, families, and any others involved.
- (38) Available at all hours if necessary, to accommodate plot owners or buyers, or prior arrangements approved by board to accommodate public.
- (39) Maintain and update records of burials and plots.
- (40) Explain burial and plot sale requirements to the public (as requested by Township Clerk).
- (41) Refer individuals to Township Clerk for sales of plots.
- (42) Become educated on statutes and policies relating to municipal cemeteries.
- (43) Performs such other duties as assigned by the Township Board.

(B) The Township Board is hereby empowered to amend or otherwise add or subtract from the above list of duties at its discretion. If the Township Board finds that any of the above duties are more properly delegated to another person/entity, then the Township Board shall so delegate. If the Township Board finds that additional duties of the Sexton should be added to the above list, then the Township Board shall so add.

(C) Any documents received by the Cemetery Sexton relating to the Township Cemetery or the operation, use or maintenance thereof shall be delivered to and retained by the Township Supervisor.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.16 TOWNSHIP OFFICIALS WHO MAY ENFORCE THIS CHAPTER.

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this chapter and to issue a municipal civil infraction citation(s)/ticket(s) pursuant to this chapter:

- (A) Township Supervisor.
- (B) Township Clerk.
- (C) Township Sexton.
- (D) Township Zoning Administrator.
- (E) Township Ordinance-Enforcement Officer.
- (F) Any deputy of the Saginaw County Sheriff's Department.
- (G) Any state police officer.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.17 FEES.

The Township Board shall have the authority to set fees pursuant to this chapter from time to time by resolution. Such fees may include but are not limited to: a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave closing, winter or holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots and other matters. All fees discussed herein and all other fees related to the township cemetery may be periodically changed by the Township Board from time-to-time by resolution.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.18 PROHIBITED ACTIONS.

The following prohibitions shall apply in any township cemetery:

- (A) No picking flowers.
- (B) No breaking or injuring a tree, shrub or plant.
- (C) No writing upon, defacing or destroying any grave marker, memorial, or other structure.
- (D) No destroying or disturbing of animal life.
- (E) No consumption of alcoholic beverages or illegal drugs.
- (F) No loud talking within hearing distance of a funeral service, or disturbing others at grave sites.
- (G) No possession of firearms or archery arrows (unless authorized law enforcement or military escort for services).
- (H) No children under 16 years of age, unless accompanied by at least one adult.
- (I) No sign, notices or advertisements of any kind (unless placed by township).
- (J) No picnics, horseplay, games, contests, sports activities or any similar activity or gathering not in keeping with the purpose and dignity of a cemetery.
- (K) No littering.
- (L) No engaging in any disrespectful or disorderly conduct.
- (M) No headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed, installed or maintained in a township cemetery except those expressly allowed by this chapter.
- (N) No digging, grading or mounding unless expressly authorized by this chapter.
- (O) No music, playing of any radio, or the use of any amplification device or similar item except pursuant to a military ceremony or funeral.
- (P) No solicitation or peddling or services or goods or any signs or placards advertising any services or goods.
- (Q) No interference or disruption of a lawful funeral or funeral procession.
- (R) No private signs, lighting, moving displays or changeable copy on a sign.
- (S) No placing of gaming items or GPS triggers such as Pokemon Go or geocaching.

- (T) No remains or ashes of a deceased person shall be scattered or dispersed in any township cemetery.
- (U) No exceeding of posted speed limits.
- (V) No littering or dumping.

(Ord. 22-05-17, passed 5-17-2022) Penalty, see § 94.99

§ 94.19 VEHICLES AND SPEED LIMIT.

The operator of any vehicle(s) shall be liable for any damage caused by said vehicle, whether intentional or unintentional. The speed limit established on township cemetery roads is ten miles per hour. Recreational vehicles are prohibited including but not limited to: Snowmobiles, golf carts, four-wheelers, three-wheelers and razors.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.20 DISINTERMENT AND REINTERMENTS.

- (A) Disinterment of a body once properly interred shall not be made without approval of the Township Supervisor and is subject to the orders and laws of the properly constituted public authorities.
- (B) Graves shall not be opened for the inspection except for official investigation. A permit for disinterment and/or reinterment issued by Saginaw County is required before such actions take place. Saginaw County shall prepare and furnish to the township the forms for permits and applications therefore, which shall be used in the procedures prescribed by this section. Saginaw County and the township shall retain an application for a disinterment and a reinterment permit for not less than five years. A duplicate copy of the permit shall be maintained in permanent records of the cemetery from which the body was disinterred.
- (C) At least one week's notice is required prior to any disinterment, subject to the acquisition of a permit from Saginaw County. All fees for disinterment and reinterment shall be prepaid at the rate determined by a resolution of the Township Board.
- (D) Any markers, memorials or headstones designating the location of an interment may be removed at the time a disinterment is made.
- (E) The Township Board shall have the authority to refuse to allow the disinterment or the digging up of an occupied grave where such action is not taken pursuant to a court order, or where there is no reasonable basis for such action.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.21 WINTER BURIALS.

The township may charge an additional fee for winter burials, as may be set from time-to-time by the Township Board by resolution. If a winter burial cannot occur due to inclement weather, frozen ground or other similar condition, the deceased person may be kept in winter storage until a spring burial can occur. All such winter storage costs are the sole responsibility of the decedent's estate or the decedent's next of kin. No winter burials shall occur without the prior written consent of the Township Sexton or the Township Board.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.22 DISCLAIMER OF TOWNSHIP LIABILITY AND RESPONSIBILITY.

Every person who enters, remains in and travels within a township cemetery does so at their own risk. The township is not responsible for any injury, accident or other calamity that might occur to any person present in a township cemetery. Further, the township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other items placed at or near a cemetery plot, burial site or anywhere in a township cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone monument or similar item(s), and any matter related to the cemetery involved. Such waiver release and hold harmless provisions shall apply not only to the township, but also to the Township Sexton and any township employee, officer, official or agent.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.23 APPLICABILITY OF THIS CHAPTER.

This chapter shall apply only to cemeteries owned, controlled or operated by the township. The provisions of this chapter shall not apply to township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a township cemetery. The provisions of this chapter shall not apply to police officers, firefighting officials or other similar personnel involved in the carrying out of their official duties.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.24 INTERPRETATION/APEAL TO THE TOWNSHIP BOARD.

- (A) The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this chapter and any rule or regulation adopted pursuant to this chapter, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provisions of this chapter or any rules or regulations promulgated under this chapter where practical difficulties in carrying out the strict letter of this chapter or any rules or regulation related thereto would result in a hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purpose and intent of this chapter.
- (B) Any party aggrieved by any interpretation or decision made by the Township Sexton or any township official, agent or contractor pursuant to this chapter, as well as any matter relating to a township cemetery, rights to a cemetery plot or other matter arising pursuant to this chapter, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the township within 30 days of the date of the decision, determination or other matter from which the appeal is taken. The deadline for appeal prescribed in this chapter is jurisdictional. The township shall give the aggrieved party who filed the written appeal with the township at least ten days' prior written notice of the meeting at which the Township Board will address the matter unless an emergency is involved, in which case the township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.
- (C) The Township Board may set a fee or fees for any such appeal from time to time by resolution.

(Ord. 22-05-17, passed 5-17-2022)

§ 94.25 FEE SCHEDULE.

- (A) The cemetery fee schedule shall be as follows:

| <i>Description of Service</i> | <i>Fee</i> |
|--|------------|
| <i>Description of Service</i> | <i>Fee</i> |
| Cemetery lot purchase | \$700 |
| Footings/markers | \$200 |
| Opening/closing (Monday - Friday) | \$700 |
| Opening/closing (Saturdays) | \$800 |
| Opening/closing (Sundays and holidays) | \$900 |
| Cremation burials (Monday - Friday) | \$400 |
| Cremation burials (Saturday) | \$500 |
| Cremation burials (Sundays and holidays) | \$600 |

- (B) The above-described fee schedule may be amended by the Township Board of Trustees from time to time.

(Res. 22-05-17, passed 5-17-2022)

§ 94.99 PENALTIES.

- (A) Any person, firm or corporation who violates any of the provisions of this chapter, or knowingly aids or abets another person, firm or corporation to violate any provision of this chapter, shall be guilty of a municipal civil infraction. Each day that a violation continues to exist shall constitute a separate offense. A civil infraction proceeding hereunder shall not prevent other civil proceedings for abatement and termination of the activity complained of. The civil fine for a municipal civil infraction shall be not less than \$100 for the first offense and not less than \$200 for any subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses and remedies provided by law. The township shall also be permitted to recover from any person found liable for a violation of any provision of this chapter its actual costs and attorney's fees in pursuing said ordinance-violation prosecution.
- (B) For purposes of this section, "subsequent offense" means a violation of any provision of this chapter committed by the same person within 12 months of a previous violation of the same or similar provision of this chapter for which said person admitted responsibility or was adjudged to be responsible.
- (C) A violation of any permit or permit condition issued pursuant to this chapter shall also constitute a violation of this chapter.

(Ord. 22-05-17, passed 5-17-2022)

Chapter

- 110. ADULT ENTERTAINMENT BUSINESSES
- 111. RECREATIONAL AND MEDICAL MARIHUANA
- 112. CABLE TELEVISION SERVICE
- 113. PUBLIC DANCE HALLS
- 114. YARD AND GARAGE SALES

CHAPTER 110: ADULT ENTERTAINMENT BUSINESSES

Section

- 110.01 Title
- 110.02 Purpose and intent
- 110.03 Definitions
- 110.04 Classification
- 110.05 Licensing of sexually oriented businesses
- 110.06 Issuance of license or employee permit
- 110.07 Fees
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- 110.19 Additional regulations pertaining to adult cabarets
- 110.20 Display of sexually explicit materials to minors
- 110.21 Injunction

- 110.99 Penalty

§ 110.01 TITLE.

This chapter shall be known as the "Township of Spaulding Adult Entertainment Ordinance".

(Prior Code, § 49.101) (Ord. 71601, eff. 8-15-2001)

§ 110.02 PURPOSE AND INTENT.

(A) It is the purpose of this chapter to regulate sexually oriented businesses to promote and protect the health, safety, morals and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent a concentration of sexually oriented businesses with the township. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials.

(B) Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(Prior Code, § 49.102) (Ord. 71601, eff. 8-15-2001)

§ 110.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACHROMATIC. Colorless or lacking in saturation or hue. The term includes, but is not limited to, grays, tans and light earth tones. The term does not include white, black or any bold coloration that attracts attention.

ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, Internet or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of sexually explicit activities or specified anatomical areas.

ADULT BOOKSTORE or ADULT VIDEO STORE. A commercial establishment which offers for sale or rental for any form of consideration, occupying a minimum of 15% of the floor area of the establishment, any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions slides, or other visual representation which depict or describe sexually explicit activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia which are designed for use in connection with sexually explicit activities.

ADULT CABARET. A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of restricted nudity;
- (2) Live performances which are characterized by the partial exposure of specified anatomical areas; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of sexually explicit activities or specified anatomical areas.

ADULT MOTEL. A hotel, motel, inn, bed and breakfast or similar establishment which:

- (1) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of sexually explicit activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- (2) Permit patrons to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electronic transmission over the World Wide Web;
- (3) Offer a sleeping room for rent for a period of time that is less than ten hours;
- (4) Allow a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours; or
- (5) Offers socialization with a host or hostess for consideration to the host or hostess or for an admission or membership fee.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of sexually explicit activities or specified anatomical areas.

ADULT THEATER. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by the performance of sexually explicit activities.

CHIEF OF POLICE. The Chief of Police of the Township of Spaulding or his or her designated agent.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

ESTABLISHMENT. Includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (4) The location or relocation of any sexually oriented business.

LICENSEE. A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

NUDE MODEL STUDIO. Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or STATE OF NUDITY. The appearance of a human bare buttock, anus, male genitals, female genitals or female breast, as defined by M.C.L.A. §§ 117.5h.

PERSON. An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electronic transmission over the World Wide Web.

SEXUALLY EXPLICIT ACTIVITIES.

- (1) Includes any of the following:
 - (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - (c) Masturbation, actual or simulated; or
 - (d) Excretory functions as part of or in connection with any of the activities set forth in divisions (1)(a) through (1)(c) above.
- (2) Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.

SEXUAL ORIENTED BUSINESS. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment, or any place that permits patrons to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electronic transmission over the World Wide Web.

SPECIFIED ANATOMICAL AREAS. Includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region or pubic hair; buttock; or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or
- (2) Human genitals in a state of sexual arousal, even if opaquely and completely covered.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS. The increase in floor area occupied by the business by more than 10%, as the floor area exists on the effective date of this chapter.

TOWNSHIP CLERK. The Clerk of the Township of Spaulding.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS. Includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Prior Code, § 49.103) (Ord. 71601, eff. 8-15-2001)

§ 110.04 CLASSIFICATION.

Sexually oriented businesses are classified as follows:

- (A) Adult arcades;
- (B) Adult bookstores or adult video stores;
- (C) Adult cabarets;
- (D) Adult motels;
- (E) Adult motion picture theaters;
- (F) Adult theaters;
- (G) Escort and escort agencies;
- (H) Nude model studios;
- (I) Sexual encounter centers; and
- (J) Other sexually oriented businesses described herein or as determined by the Township Board.

(Prior Code, § 49.104) (Ord. 71601, eff. 8-15-2001)

§ 110.05 LICENSING OF SEXUALLY ORIENTED BUSINESSES.

(A) A person is in violation of the zoning regulations if he or she operates a sexually oriented business without a valid license, issued by the township for the particular type of business.

(B) The right to operate a sexually oriented business shall be reviewed by the Planning Commission. The review shall include a site plan prepared in accordance with Chapter 156 of this code of ordinances, as codified in Chapter 156 of this code of ordinances. The applicant must also submit a plan of operation prepared in accordance with the sexually oriented business application information sheet provided by the Township Clerk.

(C) At the time the completed application for a sexually oriented business is submitted, the Township Clerk will within 48 hours forward the application to the Township Zoning Administrator who will check the application for completeness of information within ten days of the date the application is submitted; if the application is determined to be complete, a written review shall be prepared by the Zoning Administrator and a public hearing scheduled within 30 days, following the determination of completeness by the Zoning Administrator. The public hearing shall be noticed in conformance with § 156.261 of the zoning regulations. If the application is determined to be incomplete, it shall within ten days be returned to the applicant with a written statement identifying all deficiencies or missing information prior to resubmission to the Zoning Administrator.

(D) Prior to the public hearing date, written review shall be prepared by the Chief of Police, Fire Department, Township Attorney and Building Inspector. As part of the review process, representatives of the respective township officials may inspect the proposed premises to determine compliance with the requirements herein.

(E) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10% or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under § 110.06 and each applicant shall be considered a licensee if a license is granted.

(F) The applicant must acknowledge that all information provided to the township is true and accurate, and must further agree to be liable for the payment of the township's legal fees in the event the township is successful in any administrative or judicial proceedings alleging a violation of these provisions.

(Prior Code, § 49.105) (Ord. 71601, eff. 8-15-2001)

§ 110.06 ISSUANCE OF LICENSE OR EMPLOYEE PERMIT.

(A) (1) The Planning Commission shall review the site plan, plan of operation and pertinent information for all sexually oriented businesses proposed after the effective date of this chapter. The Planning Commission shall recommend the issuance of a license by the Township Clerk to an applicant within 30 days after its review and approval, unless the Commission finds one or more of the following to exist as set forth in division (B) below. The Planning Commission's recommendation of the issuance of a license does not authorize the applicant to operate a sexually oriented business until the applicant has paid all the fees required by this chapter and obtained possession of the license from the Township Clerk.

(2) Failure to obtain review and approval from the Planning Commission is a valid reason for the denial of a license.

(B) The following may constitute the basis for denial of a license to operate a sexually oriented business:

(1) An applicant is under 18 years of age;

(2) An applicant or an applicant's spouse is overdue in any payment to the township of taxes, fees, fines or penalties assessed against or imposed in relation to a sexually oriented business;

(3) An applicant has failed to provide information reasonably necessary for the issuance of the license, has provided misleading information, or has falsely answered a question or request for information on the application form;

(4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this section, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the filing of the application. The fact that a conviction is being appealed shall have no consideration;

(5) An applicant is residing with a person who has been denied a license by the township to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months;

(6) The premises to be used for the sexually oriented business has not been approved by the Health Department, Fire Department or the Building Official; or the premises is not in compliance with applicable laws and ordinances;

(7) The proposed business site does not meet the locational requirements defined in §110.13;

(8) The applicant is unable to meet the site plan requirements identified by the Township Planning Commission and applicable sections of the zoning regulations;

(9) The license fee required by this chapter has not been paid;

(10) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner;

(11) An applicant or an applicant's spouse has been convicted of or is under indictment or misdemeanor complaint for a crime involving a violation of the State Public Health Code, or any of the following offenses as described in the State Penal Code, for which less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date:

(a) Offenses involving criminal sexual conduct;

(b) Obscenity;

(c) Sale, distribution or display of harmful material to a minor;

(d) Sexual performance by a child;

(e) Possession of child pornography;

(f) Public lewdness;

(g) Indecent exposure;

(h) Indecency with a child;

(i) Engaging in organized criminal activity;

(j) Sexual assault or aggravated sexual assault;

(k) Incest, solicitation of a child or harboring a runaway child;

(l) Kidnaping;

(m) Robbery;

(n) Bribery;

(o) A violation of the State Controlled Substances Act punishable as a felony; or

(p) Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses.

(12) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse;

(13) An applicant who has been convicted or whose spouse has been convicted of an offense listed in division (B)(11) above for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a sexually oriented business license only if the Chief of Police determines that the applicant or applicant's spouse is presently fit to operate a sexually oriented business. In determining present fitness under this section, the Chief of Police shall consider the following factors concerning the criminal conviction:

(a) The circumstances, extent and nature of any past criminal activity;

(b) The age at the time of the commission of the crime;

(c) The amount of time that has elapsed since the last illegal activity;

(d) The conduct and work activity prior to and following the illegal activity;

(e) Evidence of any rehabilitation or rehabilitative effort while incarcerated or following release; and

(f) Other evidence of present fitness, including letters of recommendation from prosecution, law enforcement and correctional officers who prosecuted, arrested or had custodial responsibility for that person; the Sheriff or Chief of Police in the community where he or she resides; and any other persons in contact with him or her.

(14) It is the responsibility of the applicant, to the extent possible, to secure and provide necessary and reliable evidence required to determine present fitness under division (B)(13) above;

(15) The applicant will also be required to provide a plan of operation for the sexually oriented business in accordance with the sexually oriented business application information sheet; and

(16) The licensee shall maintain and retain for a period of two years the names, addresses and ages of all persons employed at the sexually oriented business.

(C) (1) Any business hereafter defined as a sexually oriented business lawfully operating within the township on the effective date of this chapter must apply for and acquire a license in accordance with the above requirements.

(2) Licenses for existing sexually oriented businesses may be administratively approved by the Township Clerk upon receipt of a completed application.

(D) The license, if granted, must state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The license must be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(E) Each employee or independent contractor working in a sexually oriented business must be currently licensed by the Township Clerk. Such licenses must be produced upon request by any township official.

(Prior Code, § 49.106) (Ord. 71601, eff. 8-15-2001)

§ 110.07 FEES.

(A) The initial fee for a sexually oriented business license is \$750. For any existing sexually oriented business as of the effective date of this chapter, the fee for a license is \$250.

(B) The annual renewal fee for a sexually oriented business license is \$250.

(C) The initial fee for each employee or independent contract permit shall be \$60.

(D) The annual renewal fee for an employee or independent contractor permit shall be \$20.

(E) All fees shall be subject to annual review by the Township Board. Fees may, from time to time, be changed by resolution of the Township Board.

(Ord. 71601, eff. 8-15-2001)

§ 110.08 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department and Building Department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, prior to or at any time it is occupied or open for business.

(B) A person who operates a sexually oriented business or his or her agent or employee is in violation of this chapter if he or she refuses to permit a lawful inspection of the premises by a representative of the Police, Health, Fire or Building Department at any time it is occupied or open for business.

(Prior Code, § 49.107) (Ord. 71601, eff. 8-15-2001) Penalty, see § 110.99

§ 110.09 EXPIRATION OF LICENSE OR EMPLOYEE PERMIT.

(A) (1) Each license and employee permit shall expire one year from the date of issuance and may be renewed only by making application as provided in §§10.04 and 110.05.

(2) Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration date of the license will not be affected.

(B) Renewal applications for sexually oriented business licenses or renewal of employee permits may be approved administratively, provided the business operator or employee has not incurred any violations, as outlined in §§ 110.09 and 110.10, and provided that a plan of operation is filed with the township consisting of requirements set forth in the sexually oriented business application information sheet.

(C) If the renewal of a license is denied, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the township finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

(Prior Code, § 49.108) (Ord. 71601, eff. 8-15-2001)

§ 110.10 SUSPENSION.

The township shall suspend a license for a period not to exceed 30 days or until compliance, if it is determined that a licensee or an employee of a licensee has:

- (A) Violated or is not in compliance with this chapter;
- (B) Knowingly permitted alcohol consumption or engaged in excessive alcohol consumption on the premises of a sexually oriented business, with the exception of an adult motel;
- (C) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;
- (D) Knowingly permitted gambling by an person on the sexually oriented business premises;
- (E) Demonstrated an inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers;
- (F) Allowed, authorized, conducted or engaged in any criminal activity on the premises;
- (G) Provided any false information to the township on any initial or renewal application sheet; and
- (H) The owner operator of the business cannot be located to correct any violations or perform requirements outlined in Section 21.03.

(Prior Code, § 49.109) (Ord. 71601, eff. 8-15-2001)

§ 110.11 REVOCATION.

(A) The township shall revoke a license if a basis for suspension in §110.09 occurs or the license has been suspended within the preceding 12 months.

(B) The township shall revoke a license if it is determined that:

- (1) A licensee gave false or misleading information in the material submitted to the township during the application process;
- (2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) A licensee or an employee has knowingly allowed prostitution on the premises;
- (4) A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
- (5) A licensee has been convicted of an offense listed in §110.06(B)(11) for which the time period required has not elapsed;
- (6) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in §10.06(B)(11), for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed;
- (7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in or on the licensed premises; and
- (8) The plan of operation has been changed or altered, or the premises was enlarged without approval of the township.

(C) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(D) Division (B)(7) above does not apply to adult motels as a ground for revoking the license.

(E) When the township revokes a license or permit, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation became effective. If, subsequent to revocation, the township finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under § 110.06(B)(11) an applicant may not be granted another license until the appropriate number of years required has elapsed since the termination of any sentence, parole or probation.

(Prior Code, § 49.110) (Ord. 71601, eff. 8-15-2001)

§ 110.12 APPEALS.

If the Planning Commission denies the issuance of a license or the township administratively denies the renewal of a license or the township revokes or suspends an existing license, the aggrieved party may appeal that decision pursuant to M.C.R. § 7.101.

(Prior Code, § 49.111) (Ord. 71601, eff. 8-15-2001)

§ 110.13 TRANSFER OF LICENSE.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(Prior Code, § 49.112) (Ord. 71601, eff. 8-15-2001)

§ 110.14 LOCATION OF SEXUALLY ORIENTED BUSINESS.

(A) Sexually oriented businesses shall be permitted in C-2 General Business Districts, provided that the applicant obtains a license and site plan approval and it is determined that the sexually oriented business will not be located within 500 feet of the following:

- (1) A church;
- (2) A public or private elementary or secondary school;
- (3) The boundary of a residential zoning district;
- (4) A public park;
- (5) The property line of a lot in residential use;
- (6) An existing sexually oriented business; and
- (7) A child care facility.

(B) The Planning Commission shall have the discretion to reduce the distancing requirements if it makes the following findings:

- (1) The location of the proposed sexually oriented business will not have a substantial detrimental effect on nearby properties or be contrary to the public safety or welfare;
- (2) The granting of the exemption will not violate the spirit and intent of this chapter of the zoning regulations;
- (3) The location of the proposed sexually oriented business will not likely downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
- (4) The location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any urban renewal or restoration efforts; and
- (5) All other applicable provisions of this chapter will be observed.

(C) A person is in violation of this chapter if he or she causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.

(D) A person is in violation of this chapter if he or she causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the substantial enlargement of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(E) For the purposes of division (A) above, measurement shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, child care facility, or to the nearest boundary of an affected public park, residential district, or residential lot.

(F) For purposes of division (A) above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(G) Any business now classified as a sexually oriented business lawfully operating on the effective date of this chapter, that is in violation of divisions (A), (B) or (C) above shall be deemed a nonconforming use. The nonconforming use will be permitted to continue, provided that the operator apply for and is issued a sexually oriented business license with the township. Licenses for existing sexually oriented businesses may be administratively approved, provided that the requirements of § 110.05 are satisfied.

(H) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, public park, residential district, child care facility, or residential lot within 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

(Prior Code, § 49.113) (Ord. 71601, eff. 8-15-2001)

§ 110.15 EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES.

The licensee of a sexually oriented business is in violation of this chapter if:

- (A) The merchandise or activities of the establishment are visible from any point outside the establishment;
- (B) The exterior portions of the establishment have flashing lights, or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent permitted by this chapter; or
- (C) The exterior portions of the establishment are painted any color than a single achromatic color, except that this division (C) does not apply to an establishment if the following conditions are met:
 - (1) The establishment is part of a commercial multi-unit center; and
 - (2) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the establishment, are painted in the same color as one another or are painted in such a way as to be a component of the overall architectural style or pattern of this commercial multi-unit center.
- (D) Nothing in this section requires the painting of an otherwise unpainted exterior portion of a sexually oriented business.

(Prior Code, § 49.114) (Ord. 71601, eff. 8-15-2001)

§ 110.16 SIGNS.

- (A) The licensee of any sexually oriented business or any other person is in violation of the chapter if there is more than one freestanding sign and one wall sign as provided in this section.
- (B) A single freestanding sign shall be permitted only if the building(s) are set back at least 40 feet from the existing right-of-way line.
- (C) (1) A freestanding sign may have no more than two display surfaces.
 - (2) Each display must:
 - (a) Not contain any flashing lights;
 - (b) Be a flat plane, rectangular in shape;
 - (c) Not exceed 75 square feet in area; and
 - (d) Not exceed 30 feet in height.
- (D) A wall mounted sign may have only one display surface; the display surface must:
 - (1) Not contain flashing lights;
 - (2) Be a flat plane, rectangular in shape;
 - (3) Not exceed 40 square feet in area; and
 - (4) Be affixed or attached to a wall or door of the establishment.
- (E) A freestanding or wall sign must contain no photographs, silhouettes, drawings or pictorial representations of any manner and may contain only:
 - (1) The name of the establishment; and/or
 - (2) One or more of the following phrases, or similar phrase as appropriate:
 - (a) "Adult arcade";
 - (b) "Adult bookstore or adult video store";
 - (c) "Adult cabaret";
 - (d) "Adult motel";
 - (e) "Adult motion picture theater";
 - (f) "Adult theater";
 - (g) "Escort agency";
 - (h) "Nude model studio"; and/or
 - (i) "Sexual encounter center".
- (F) A freestanding sign for an adult motion picture theater may contain the phrase, "Movie titles Posted on Premises", in addition to the phrases listed in division (E) above.
- (G) Each letter forming a word on a freestanding or wall sign must be of a solid color and each letter must be the same print-type, size and color. The background behind the lettering on the display surface of a primary or secondary sign must be of a uniform and solid color.

(Prior Code, § 49.115) (Ord. 71601, eff. 8-15-2001)

§ 110.17 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

- (A) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
- (B) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business license, he or she rents or subrents a sleeping room to be person and, within ten hours from the time the room is rented, he or she rents or subrents the same sleeping room again.
- (C) For purposes of division (B) above, the terms **RENT** or **SUBRENT** mean the act of permitting a room to be occupied for any form of consideration.

(Prior Code, § 49.116) (Ord. 71601, eff. 8-15-2001)

§ 110.18 ADDITIONAL REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.

A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a video cassette or other video reproduction which depicts sexually explicit activities or specified anatomical areas shall comply with the following requirements.

- (A) Upon application for a sexually oriented business license, the application shall be accompanied by a professionally sealed floor plan of the premises specifying the location of one or more manager's stations, booths, stalls or individual rooms, the location of all overhead lighting and designating any portion of the premises in which patrons will not be permitted. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. Township administration may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (B) For the prevention of the spread of sexually transmitted disease, no partitions between subdivisions of a room, portion or part of a building, structure or premises may have an aperture which is designed or otherwise constructed to encourage sexual activity between persons on either side of the partition.
- (C) (1) No booths, stalls or partitioned portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of entertainment, shall be doors, curtains or portal partitions, but all such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to all persons in the adjacent public room.
 - (2) All such described areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

(D) 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. The view required in this division (D) must be by direct line of sight from the manager's station.

(E) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(F) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises to ensure that the view area specified in division (D) above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application files pursuant to division (A) above.

(G) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that overhead lighting described above is maintained at all times that any patron is present in the premises.

(Prior Code, § 49.117) (Ord. 71601, eff. 8-15-2001)

§ 110.19 ADDITIONAL REGULATIONS PERTAINING TO ADULT CABARETS.

(A) It shall be unlawful to permit any female person, while on the premises of a commercial establishment at which alcoholic beverages are offered for sale or consumption on the premises to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

(B) It shall be unlawful to permit any person, while on the premises of a commercial establishment at which alcoholic beverages are offered for sale or consumption on the premises to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(C) All dancing or performing shall occur on a platform intended for that purpose which is raised at least two feet from the level of the floor and is separated with a railing.

(D) No dancing or performing shall occur closer than ten feet to any patron.

(E) No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer.

(F) No patron shall directly pay or give any gratuity to any dancer or performer and no dancer or performer shall solicit any pay or gratuity from any patron.

(G) An owner, operator or an employee of an adult cabaret is in violation of this chapter if he or she permits any patron access to an area of the premises not visible from the manager's station or not visible by walk through of the premises without entering a closed area, excluding a public restroom.

(Prior Code, § 49.118) (Ord. 71601, eff. 8-15-2001)

§ 110.20 DISPLAY OF SEXUALLY EXPLICIT MATERIALS TO MINORS.

(A) A person commits an offense if, in a business establishment open to persons under the age of 17 years, he or she displays a book, pamphlet, newspaper, magazine, film or video cassette, the cover of which depicts, in a manner calculated to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain, any of the following:

(1) Human sexual intercourse, masturbation or sodomy;

(2) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;

(3) Less than completely and opaquely covered human genitals, buttocks or that portion of the female breast below the top of the areola; or

(4) Human male genitals in a discernibly turgid state, whether covered or uncovered;

(B) In this section, **DISPLAY** means to locate an item in such a manner that, without obtaining assistance from an employee of the business establishment:

(1) It is available to the general public for handling and inspection; or

(2) The cover or outside packaging of the item is visible to the general public.

(Prior Code, § 49.119) (Ord. 71601, eff. 8-15-2001)

§ 110.21 INJUNCTION.

As an alternative to the provisions of §§110.09 and 110.10, the township at its option may commence proceedings in the Circuit Court under the appropriate court rule or statute to enjoin any activity conducted by a sexually oriented business that is deemed to be in violation of these provisions.

(Prior Code, § 49.121) (Ord. 71601, eff. 8-15-2001)

§ 110.99 PENALTY.

For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Prior Code, § 49.120) (Ord. 71601, eff. 8-15-2001; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 111: RECREATIONAL AND MEDICAL MARIHUANA

Section

Recreational Marihuana Establishments

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RECREATIONAL MARIHUANA ESTABLISHMENTS

§ 111.01 TITLE.

This subchapter shall be known as and may be cited as the "Township of Spaulding Prohibition of Recreational Marihuana Establishments Ordinance".

(Ord. 5-21-19, passed 5-21-2019; Ord. 11-19-19C, passed 11-19-2019)

§ 111.02 DEFINITIONS.

Words used herein shall have the definitions as provided for in the Michigan Medical Marihuana Act, Initiated Law 1 of 2018, M.C.L.A. §§ 333.27951 et seq., as amended.

(Ord. 5-21-19, passed 5-21-2019; Ord. 11-19-19C, passed 11-19-2019)

§ 111.03 CERTAIN MARIHUANA ESTABLISHMENTS PROHIBITED.

The township hereby prohibits all recreational marihuana establishments within the boundaries of the township pursuant to the Michigan Medical Marihuana Act, Initiated Law 1 of 2018, M.C.L.A. §§ 333.27951 et seq., as amended, except for the following type(s) of recreational marihuana establishments, which are permitted within the boundaries of the township pursuant to Initiated Law 1 of 2018, M.C.L.A. §§ 333.27951 et seq., as amended, and pursuant to the regulations and constraints of this subchapter, Chapter 156 of this code of ordinances and other applicable local and state law and regulations:

(A) Marihuana grower, as defined by M.C.L.A. § 333.27953, as amended. Marihuana grower marihuana establishments are hereby permitted within the boundaries of the township pursuant to Initiated Law 1 of 2018, M.C.L.A. §§ 333.27951 et seq., as amended. The number of township marihuana licenses for a recreational marihuana grower establishment shall be limited to a cumulative total of 50 cumulative permits/licenses for growers, Classes A, B and C;

(B) Marihuana processor, as defined by M.C.L.A. § 333.27953, as amended. Marihuana processor marihuana establishments are hereby permitted within the boundaries of the township pursuant to Initiated Law 1 of 2018, M.C.L.A. §§ 333.27951 et seq., as amended, subject to all other applicable state and local laws and regulations, including, but not limited to, Chapter 156 of this code of ordinances, as amended. The number of township marihuana permits/licenses for a recreational marihuana processor establishment shall be limited to a total of three;

(C) Marihuana retailer, as defined by M.C.L.A. § 333.27953, as amended. Marihuana retailer marihuana establishments are hereby permitted within the boundaries of the township pursuant to Initiated Law 1 of 2018, M.C.L.A. §§ 333.27951 et seq., as amended, subject to all other applicable state and local laws and regulations, including, but not limited to, Chapter 156 of this code of ordinances, as amended. The number of township marihuana permits/licenses for a recreational marihuana retailer establishment shall be limited to a total of two; and

(D) Marihuana secure transporter, as defined by M.C.L.A. § 333.27953, as amended. Marihuana secure transporter marihuana establishments are hereby permitted within the boundaries of the township pursuant to Initiated Law 1 of 2018, M.C.L.A. §§ 333.27951 et seq., as amended, subject to all other applicable state and local laws and regulations, including, but not limited to, Chapter 156 of this code of ordinances, as amended. The number of township marihuana permits/licenses for a recreational marihuana secure transporter establishment shall be limited to a total of two.

(Ord. 5-21-19, passed 5-21-2019; Ord. 7-21-20C, passed 10-20-2020; Ord. 10-20-20, passed 10-20-2020) Penalty, see § 111.99

§ 111.04 NO PROHIBITION OF MEDICAL MARIHUANA ESTABLISHMENTS.

Nothing herein shall be deemed to prohibit medical marihuana establishments established pursuant to the Medical Marihuana Facilities Licensing Act, M.C.L.A. §§ 333.27101 et seq. Said establishments are, however, subject to the all applicable regulations of all applicable previously-enacted ordinances of the township as well as statutes and regulations promulgated by the state.

(Ord. 5-21-19, passed 5-21-2019; Ord. 7-21-20C, passed 10-20-2020; Ord. 10-20-20, passed 10-20-2020)

§ 111.05 EQUIVALENT LICENSE REQUIREMENT.

(A) No person or entity shall obtain or be permitted to obtain any recreational marihuana/adult-use license/permit from the township without first obtaining the equivalent medical marihuana license/permit from the township. Specifically:

(1) As a prerequisite to an applicant obtaining a marihuana grower license of any class issued under the Michigan Regulation and Taxation of Marihuana Act ("MRTMA") from the township, the applicant must first obtain a grower license of any class issued under the Medical Marihuana Facilities Licensing Act ("MMFLA") from the township;

(2) As a prerequisite to an applicant obtaining a marihuana processor license issued under the MRTMA from the township, the applicant must first obtain a processor license issued under the MMFLA from the township;

(3) As a prerequisite to an applicant obtaining a marihuana retailer license issued under the MRTMA from the township, the applicant must first obtain a provisioning center license issued under the MMFLA from the township; and

(4) As a prerequisite to an applicant obtaining a marihuana secure transporter license issued under the MRTMA from the township, the applicant must first obtain a secure transporter license issued under the MMFLA from the township.

(B) For the avoidance of doubt, while obtaining the necessary equivalent licence under the MMFLA is a prerequisite to an applicant obtaining an equivalent license under the MRTMA, the act of satisfying this prerequisite does not guarantee an applicant that he, she or it will successfully obtain any local township license/permit issued under the MRTMA. Instead, in addition to satisfying the prerequisite described herein, the applicant must also meet and comply with all other applicable state and local requirements and regulations and must be approved by the Planning Commission and Township Board where required.

(Ord. 7-21-20C, passed 10-20-2020; Ord. 10-20-20, passed 10-20-2020)

MEDICAL MARIHUANA; CAREGIVER LICENSING

§ 111.20 TITLE.

This subchapter shall be known and cited as the "Spaulding Township Medical Marihuana Caregiver License Ordinance".

(Ord. 07-21-20B, passed 7-21-2020)

§ 111.21 PURPOSE.

In the interest of maintaining public health, safety and the general welfare, comfort and repose of the township residents, businesses, proprietors and property owners, the township hereby provides for the regulation and licensure of medical marihuana caregivers operating/acting in the township under the Michigan Medical Marihuana Act, M.C.L.A. §§ 333.26421 et seq., as amended. The services offered through a medical marihuana caregiver are a matter closely affecting the public interest. The public interest requires that medical marihuana caregiver operations be operated properly and in a safe, fair, honest and competent manner by qualified persons.

(Ord. 07-21-20B, passed 7-21-2020)

§ 111.22 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All other words used herein shall have the definitions as provided for in the Michigan Medical Marihuana Act, M.C.L.A. § 333.26423, as amended. Undefined words shall be given their plain and ordinary meaning.

ACT. The Michigan Medical Marihuana Act, M.C.L.A. §§ 333.26421 et seq., as amended.

APPLICANT. An individual or entity who/which applies for a medical marihuana caregiver license.

LICENSED PREMISES. The location at which the marihuana caregiver plants of the medical marihuana caregiver licensed under this subchapter are stored and maintained.

LICENSEE. A person to whom/which a medical marihuana caregiver license has been issued by the Township Board.

MEDICAL MARIHUANA CAREGIVER. A caregiver as defined by the Michigan Medical Marihuana Act, M.C.L.A. § 333.26423, as amended.

MEDICAL MARIHUANA CAREGIVER LICENSE or LICENSE. A license issued under this subchapter by the Township Board to a licensee entitling the licensee to operate as a medical marihuana caregiver in the township.

PERSON. An individual, corporation, company, partnership or entity.

SUBCHAPTER. The Spaulding Township Medical Marihuana Caregiver License Ordinance.

TOWNSHIP. The Township of Spaulding.

TOWNSHIP BOARD. The Spaulding Township Board of Trustees.

(Ord. 07-21-20B, passed 7-21-2020)

§ 111.23 LICENSE REQUIRED.

No person shall operate or act as a medical marihuana caregiver without having first obtained license to so operate/act as provided for in this subchapter, and without maintaining the license in current effect during any operation, activity, continuation or discontinuation. No license shall be issued or renewed until the applicant/licensee has complied with all township ordinances and has paid, in full, all fees and charges required under the township ordinances and personal property taxes as assessed by the township.

(Ord. 07-21-20B, passed 7-21-2020) Penalty, see § 111.99

§ 111.24 LICENSE AND APPLICATION FEE.

Any person desiring a license to act/operate as a medical marihuana caregiver in the township shall pay an annual application fee in the amount of \$500 to the township. Then, after paying the application fee, the applicant shall file an application for a medical marihuana caregiver license with the township. The application shall be in a form provided or prescribed by the Township Board and shall require such information to be provided under oath or affirmation as the Township Board deems necessary to a fair determination of the applicant's ability to provide medical marihuana caregiving

to the public in a safe, fair, honest and competent manner and to comply with the provisions of this subchapter and other applicable federal, state and local laws, statutes, ordinances, rules and regulations. No person shall make any false statement or representation in connection with any application for a license under this subchapter. The applicant may also be required to furnish other information under oath as the Township Board may deem necessary. No medical marihuana caregiver license shall be provided by the township unless the application fee described in this section has been tendered to the township.

(Ord. 07-21-20B, passed 7-21-2020) Penalty, see § 111.99

§ 111.25 ISSUANCE OF LICENSE.

If, after investigation, the Township Board has been reasonably satisfied that the applicant has complied with the requirements of this subchapter and all other applicable laws, statutes, ordinances, rules and regulations, and if the proper fee has been paid to the township, the Township Board shall issue a medical marihuana caregiver license. Any license issued under this subchapter shall be prominently and conspicuously displayed at the licensed premises and shall be presented to any township official or agent upon request for review or inspection of said license.

(Ord. 07-21-20B, passed 7-21-2020)

§ 111.26 RENEWAL OF LICENSE.

(A) Every license issued under this subchapter shall expire and become ineffective at the conclusion of 365 days from the date the license was issued. A licensee who desires to continue operating as a medical marihuana caregiver in the township shall apply for a renewal of the medical marihuana caregiver license at least 30 days prior to the expiration of the license, using the same procedure described herein to obtain an initial license. The fee for an application to renew a medical marihuana caregiver license shall be \$500 and the fee shall be tendered to the township before an application to renew a medical marihuana caregiver license will be considered.

(B) If, after investigation, the Township Board has been reasonably satisfied that the licensee has complied with the requirements of this subchapter and all other applicable laws, statutes, ordinances, rules and regulations, and if the proper fee has been paid to the township, the Township Board shall issue a renewed medical marihuana caregiver license.

(C) No medical marihuana caregiver license shall be provided by the township unless the renewal application fee described in this section has been tendered to the township. Any renewed license issued under this subchapter shall be prominently and conspicuously displayed at the licensed premises and shall be presented to any township official or agent upon request for review or inspection of the license.

(Ord. 07-21-20B, passed 7-21-2020)

§ 111.27 DENIAL, REVOCATION OR SUSPENSION.

(A) Any violation of this subchapter, any other township ordinance, and/or of the laws or regulations of the state relating to medical marihuana or the actions/operation of a medical marihuana caregiver may be considered sufficient grounds for the denial of a license or the suspension or revocation of a license issued pursuant to the provisions of this subchapter.

(B) These grounds for denial, suspension or revocation of a license provided for in this subchapter shall be in addition to other grounds for denial, suspension or revocation of licenses or permits provided for pursuant to any state statutes or regulations relating to a medical marihuana operation or business.

(Ord. 07-21-20B, passed 7-21-2020) Penalty, see § 111.99

§ 111.28 TRANSFER PROHIBITED.

No medical marihuana caregiver license may be sold, assigned, alienated, mortgaged or otherwise transferred in any way by any medical marihuana caregiver licensee to any other person or entity.

(Ord. 07-21-20B, passed 7-21-2020) Penalty, see § 111.99

§ 111.29 INSPECTION OF PREMISES.

(A) In accepting a medical marihuana caregiver license or renewed license from the Township Board, a licensee consents to a search of the licensed premises during reasonable hours by the Township Supervisor, the Township Zoning Administrator or such other person designated by the Township Board to ascertain the degree of compliance with this subchapter, other township ordinances and/or state law or regulations relating to medical marihuana or a medical marihuana caregiver.

(B) Advance notice of a requested inspection of a licensed premise will be provided to a licensee where reasonably possible.

(Ord. 07-21-20B, passed 7-21-2020) Penalty, see § 111.99

§ 111.30 LOCATION OF PREMISES.

Medical marihuana caregiver actions/activities shall only be permitted in the township in commercially-zoned properties.

(Ord. 07-21-20B, passed 7-21-2020) Penalty, see § 111.99

§ 111.31 FIRE SAFETY REQUIREMENTS.

(A) Medical marihuana caregiver-licensed premises located in the township are required to install and maintain single-station or multiple-station smoke alarms at the licensed premises.

(B) Medical marihuana caregiver-licensed premises are further required to contain at least one fire extinguisher that is properly selected, installed and maintained in a conspicuous and unobstructed location(s) in the licensed premises.

(Ord. 07-21-20B, passed 7-21-2020) Penalty, see § 111.99

§ 111.32 NO IMMUNITY OR INDEMNIFICATION.

(A) (1) All persons holding a license issued pursuant to the provisions of this subchapter shall comply with all applicable federal, state and local laws, statutes, ordinances, rules and regulations.

(2) Failure to comply with any of the aforesaid laws, statutes, ordinances, rules or regulations is considered sufficient grounds for the denial of a license or the suspension or revocation of a license issued pursuant to the provisions of this subchapter.

(B) A medical marihuana caregiver in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, Public Act of 2008, Initiated Law, M.C.L.A. § 333.26423, as amended, all other applicable state statutes and regulations and the requirements of this subchapter, shall be allowed to act/operate as a medical marihuana caregiver.

(1) Nothing in this subchapter, or in any companion regulatory provision adopted in any other provision of any other township ordinance, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution or possession of marihuana not in strict compliance with any of the aforesaid statutes, regulations or ordinances.

(2) Also, since federal law is not affected by any of the aforesaid statutes, regulations or ordinances, nothing in this subchapter, or in any companion regulatory provision adopted in any other provision of any other township ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law.

(3) The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having his, her or their property seized by federal authorities under the federal Controlled Substances Act.

(Ord. 07-21-20B, passed 7-21-2020) Penalty, see § 111.99

§ 111.33 CONFLICT WITH OTHER LAWS OR PROVISIONS; PENDING PROCEEDINGS.

(A) If any provision of this subchapter differs from a provision of any other applicable law, ordinance, rule or regulation, both the provision of this subchapter and the differing provision shall apply, if possible. If the two provisions are in conflict, then the provision establishing the higher or stricter standard shall apply.

(B) Nothing in this subchapter shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 111.32; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this subchapter.

(Ord. 07-21-20B, passed 7-21-2020)

§ 111.99 PENALTY.

(A) Any person who disobeys, violates, neglects or refuses to comply with any provision of §§111.01 through 111.05 or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this chapter. A violation of §§ 111.01 through 111.05 is deemed to be a nuisance per se.

(1) A violation of §§ 111.01 through 111.05 is a municipal civil infraction, for which the fines shall be not more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay the township's costs which may include all expenses, direct and indirect which the township incurs in connection with the municipal civil infraction, including, but not limited to, the attorney fee incurred by the township in connection with the municipal civil infraction.

(2) Each day during which any violation of §§ 111.01 through 111.05 continues shall be deemed a separate offense.

(3) In addition, the township may seek injunctive relief against a person or persons alleged to be in violation of §§111.01 through 111.05, and such other relief as may be provided by law.

(4) Sections 111.01 through 111.05 shall be administered and enforced by the Ordinance Enforcement Officer of the township or by such other person(s) as designated by the Township Board from time to time.

(B) (1) Any person who violates any provision of §§111.20 through 111.33 shall be deemed responsible for a municipal civil infraction and fined in accordance with the following schedule.

| <i>Offense Number</i> | <i>Minimum Fine</i> | <i>Maximum Fee</i> |
|-----------------------|---------------------|--------------------|
|-----------------------|---------------------|--------------------|

| | | |
|--|-------|-------|
| 1st offense within 3-year period | \$75 | \$500 |
| 2nd offense within 3-year period | \$150 | \$500 |
| 3rd offense within 3-year period | \$325 | \$500 |
| 4th offense within 3-year period | \$500 | \$500 |
| *Determined on the basis of the date of commission of the offense(s) | | |

(2) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the township has incurred in connection with the municipal civil infraction, including the actual attorney's fees incurred by the township in prosecuting the municipal civil infraction. In addition, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this subchapter. Each day that a violation of this subchapter continues to exist shall constitute a separate violation of this subchapter.

(Ord. 5-21-19, passed 5-21-2019; Ord. 7-21-20C, passed 10-20-2020; Ord. 10-20-20, passed 10-20-2020)

CHAPTER 112: CABLE TELEVISION SERVICE

Section

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- 112.99 Penalty

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BOARD. The Township Board of the Township of Spaulding.

CABLE TELEVISION. The business of transmission and distribution of television signals, including radio signals and other signals, or any other type of closed circuit transmission by means of electrical impulses, by means of cable to private subscribers and does not include the operation of a master television antenna system, the distribution system of which is confined to private property.

GROSS SUBSCRIBER REVENUES. The gross receipts from all revenues received by the permittee from subscribers located within the township including all revenues from cable service including premium service. **GROSS SUBSCRIBER REVENUES** shall include revenues received by the permittee as charges for installations, reconnections and modifications of any installations, but not fees for inspections or repairs thereto. **GROSS SUBSCRIBER REVENUES** shall not include unrelated business income and/or income received from the lease and/or sale of real or personal property, bad debts, deposits or refunds to subscribers and/or taxes on services furnished by the permittee imposed upon any subscriber by state, township or other governmental unit and collected by the permittee on behalf of said governmental unit.

PERMITTEE. The holder of a permit issued pursuant to this chapter.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

STREET. A street, alley or other public way in the township.

TOWNSHIP. The Township of Spaulding.

(Prior Code, § 12.051) (Ord. 011486, passed 1-14-1986)

§ 112.02 PERMIT REQUIRED.

(A) No person shall provide cable television service within the limits of the township without first obtaining a permit as hereinafter provided in this chapter.

(B) The permittee shall pay to the township for the privilege of operating a cable television system under the permit granted pursuant to this chapter a sum equivalent to not less than 2% of the annual gross subscriber revenue received by the permittee. This permit fee is payable quarterly. Nothing in this chapter shall exempt any permittee from the payment of ad valorem taxes on its property or equipment or on the income earned by it or from any other tax which it might be validly obligated to pay if it were not subject to the permit fee herein imposed.

(Prior Code, § 12.052) (Ord. 011486, passed 1-14-1986) Penalty, see § 112.99

§ 112.03 APPLICATION.

Permits to provide cable television service hereunder will be granted by the Board as hereinafter provided and shall be applied for by written application in form approved by the Township Supervisor and filed with the Township Clerk, which application shall include, but not be limited to, name of applicant; local business address; principal officers or owners; principal stockholders if a corporation; location of antenna tower or towers; general description of proposed distribution system in the township, showing area proposed to be served and indicating whether applicant will require poles in the streets within the township or whether cables and appliances to be utilized by it in the streets in the township will be located on existing poles of utility companies; and service to be provided.

(Prior Code, § 12.053) (Ord. 011486, passed 1-14-1986)

§ 112.04 FINANCIAL STATEMENT.

(A) Each applicant shall attach to his or her application an authenticated statement of financial condition and net worth, sufficient in form and content so that the Board may readily determine its financial responsibility and its ability to finance the proposed undertaking.

(B) The permittee shall file with the Township Clerk, annually, a statement of its revenues received from its operations under its permit issued pursuant to this chapter within 60 days after the close of its fiscal year, shall make its financial records relating thereto available to the township for inspection at a place designated by it within the township, at any reasonable time.

(Prior Code, § 12.054) (Ord. 011486, passed 1-14-1986)

§ 112.05 INDEMNIFICATION.

The permittee shall indemnify and hold the township harmless at all times during the term of this permit and specifically agrees that it will pay all damages and penalties which the township may be legally required to pay as a result of operation of a cable system. Such damages and penalties shall include, but not be limited to, damages arising out of copyright infringements and other damages arising out of the installation, operation or maintenance of the cable television system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this permit, or this chapter.

(Prior Code, § 12.055) (Ord. 011486, passed 1-14-1986)

§ 112.06 INSURANCE.

(A) The permittee shall provide insurance in such form as shall protect the township and itself from and against any and all claims for injury or damage to persons or property, both real and personal, resulting from the construction, erection, operation or maintenance of said television system pursuant to the authority of the permit granted hereunder, in limits of not less than \$1,000,000 for personal injury or death of any one person and \$300,000 for damage to property resulting from any one occurrence. The permittee shall provide worker's compensation insurance as provided by the laws of the state.

(B) All of said insurance coverage shall provide a 30-day notice to the township in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective. Copies of all certificates of insurance required hereunder shall be furnished to and filed with the Township Clerk prior to the commencement of operations or the expiration of prior policies as the case may be. The permittee shall pay and by the acceptance of this permit specifically agrees, that it will pay all reasonable expenses incurred by the township in defending itself with regard to all damages, penalties or other claims resulting from the acts of the permittee, its assigns, employees, agents, invitees or other persons. Said expenses shall include all out-of-pocket expenses such as attorney fees, and shall include the value of any services rendered by the Township Attorney or any other officers or employees of the township.

(Prior Code, § 12.056) (Ord. 011486, passed 1-14-1986)

§ 112.07 RIGHTS OF PERMITTEE IN STREETS.

The permittee shall have the right, so long as its permit is in force and effect, to utilize the streets of the township to the extent set forth in its application, or as otherwise provided by the Board in its permit for the transmission of television and radio and other signals as herein authorized from its antenna location or locations to the premises of subscribers. The permittee may erect all such wires, cables and appurtenances in the said streets subject to approval of the Township Board of the placement of any such poles, or the permittee may, at its option, authorize, subject to the same conditions as to the placement of poles, the installation of such cables and appurtenances by others on a lease, rental, fee or other basis, and all such wires, cables, conduits, appurtenances and poles placed or installed by others for the use of the permittee shall exist and continue to exist solely by authority of the permission granted to said permittee.

(Prior Code, § 12.057) (Ord. 011486, passed 1-14-1986)

§ 112.08 CONDITIONS OF STREET OCCUPANCY.

(A) *Use.* All transmission and distribution structures, lines and equipment erected by the permittee or on its behalf within the township shall be so located as to cause minimum interference with the reasonable use of streets, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of said streets.

(B) *Restoration.* In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the permittee shall, at its own cost and expense and in a manner approved by the Township Board, replace and restore all paving, sidewalk, driveway or surfacing of any street or alley disturbed, in as good condition as before said work was commenced.

(C) *Relocation.* In the event that any time during the existence of a permit granted hereunder, the township shall lawfully widen, realign or otherwise alter the street right-of-way, or construct, reconstruct, realign, change the grade of or otherwise alter pavement of any water main, fire hydrant, sewer or appurtenance. The permittee and anyone acting for it in connection with the use of the streets, upon reasonable notice by the township shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

(D) *Conduit districts.* In areas of the township in which telephone lines and electric utility lines are underground, all the permittee's lines, cables and wires shall be underground.

(E) *Construction standards.* The permittee's distribution system in the public streets shall comply with all applicable laws and regulations and ordinances and all its wires and cables suspended from poles in the streets shall comply with the minimum clearances above ground required for telephone lines, cables, wires and conduits.

(Prior Code, § 12.058) (Ord. 011486, passed 1-14-1986)

§ 112.09 OPERATION OF CABLE TELEVISION SYSTEM.

(A) The permittee's receiving and distribution equipment and facilities shall be constructed, operated and maintained so as to provide usable signals at subscribers' television receivers essentially of the same quality as received at the antenna site.

(B) The permittee shall in the operation of its cable television system, comply with all applicable laws, ordinances and rules, regulations and requirements of regulatory agencies.

(Prior Code, § 12.059) (Ord. 011486, passed 1-14-1986)

§ 112.10 DUTY TO PROVIDE SERVICE.

The permittee shall make its cable television service available to all residents of the township who can be reached by its distribution system as mutually agreeable between the Board and the permittee.

(Prior Code, § 12.060) (Ord. 011486, passed 1-14-1986)

§ 112.11 GRANTING OF PERMIT.

The Board shall grant a cable television permit hereunder to each applicant who makes proper application, establishes its qualifications as herein set forth, furnishes the required insurance and assurances and who established that its operations will not impose an unreasonable burden on township streets. No permit granted hereunder shall be exclusive. An agreement to provide cable television service entered into by the Board and an applicant shall be considered the permit.

(Prior Code, § 12.061) (Ord. 011486, passed 1-14-1986)

§ 112.12 TERM OF PERMIT.

Each permit issued hereunder shall be for a term of not to exceed 20 years, as agreed to by the township and the permittee or until terminated as herein provided if termination occurs sooner. The permit granted hereunder shall be deemed to constitute a contract between the township and said permittee. Nothing in this section shall prohibit the permittee from seeking a renewal or extension of a permit.

(Prior Code, § 12.062) (Ord. 011486, passed 1-14-1986)

§ 112.13 TRANSFER.

Permits granted hereunder are not transferable except upon approval of the Board. The proposed transferee shall file an application in form approved by the Township Supervisor and shall satisfy all other requirements of this chapter. Any transfer of this permit by the permittee to one of its subsidiaries shall not be considered transferred with respect to this section.

(Prior Code, § 12.063) (Ord. 011486, passed 1-14-1986)

§ 112.14 TERMINATION.

(A) The permittee may surrender its permit at any time, in which event it shall refund to subscribers all prepaid and unearned service and other charges collected from subscribers.

(B) In addition to all other rights and powers pertaining to the township by virtue of this franchise or otherwise, the township preserves the right to terminate and cancel this permit and all rights and privileges of the permittee hereunder in the event that the permittee:

(1) Violates any provision of this permit or any rule, order or determination of the township, Board or their agents made pursuant to this permit, except where such violation is without fault or through excusable neglect;

(2) Becomes insolvent, unable or unwilling to pay its debts, or is adjudged as bankrupt;

(3) Attempts to evade any of the provisions of this franchise or practices any fraud or deceit upon the township; or

(4) Unless otherwise agreed to, fails to begin the design of the system within 90 days after necessary governmental approvals and pole-leasing agreements from utilities owning said poles, or fails to begin construction within six months thereafter, or fails to make reasonable efforts to complete construction within 18 months after commencement of such construction, or fails to complete such construction substantially within two years from the effective date of this franchise. The permittee shall be given 60 days' written notice to correct any such default or noncompliance before the Board may proceed to terminate the permit as above provided for under this section. The permittee shall be entitled to a hearing before the Board to determine the findings of fact and the propriety of the termination of the permit. The determination of the Board and its decision shall be final.

(C) Upon termination of its permit, the permittee shall at its own expense remove from the streets in the township all its facilities and equipment therein utilized by it in its cable television operation, unless the Board shall specifically authorize it to leave all or part of such facilities and equipment in place.

(Prior Code, § 12.064) (Ord. 011486, passed 1-14-1986)

§ 112.15 PUBLIC SERVICE AND PUBLIC BROADCASTING.

The permittee shall make available for public use a number of channels as mutually agreeable between the Board and the permittee.

(Prior Code, § 12.065) (Ord. 011486, passed 1-14-1986)

§ 112.16 SERVICE TO PUBLIC BUILDINGS.

The permittee shall furnish free, without monthly fees, installation or service charges, a single television outlet to all schools, fire and police stations in the township provided such building is within 400 feet of an existing line of the system, and provided further that the permittee will not have any responsibility or cost as to any wiring inside the public buildings

(Prior Code, § 12.066) (Ord. 011486, passed 1-14-1986)

§ 112.17 CABLECASTING COMMISSION.

(A) The Board may create a Cablecasting Commission hereinafter referred to as the "Commission" which will be composed of five members who serve for five-year staggered terms, said members to be appointed by the Supervisor with the consent and approval of the Board.

(B) The Board may delegate to the Commission such duties as it may from time to time deem necessary.

(Prior Code, § 12.067) (Ord. 011486, passed 1-14-1986)

§ 112.18 NEW RULES.

This permit is granted subject to the right of the township or the permittee to re-negotiate the terms of this permit at any time after the effective date of this permit upon 30 days' notice to the permittee if federal or state regulations substantially alter the service, conditions or standards upon which the cable television system is to operate.

(Prior Code, § 12.070) (Ord. 011486, passed 1-14-1986)

§ 112.99 PENALTY.

Any person who shall violate any of the provisions of this chapter shall be subject to a fine of not more than \$500, such fine in the discretion of the Court.

(Prior Code, § 12.068) (Ord. 011486, passed 1-14-1986)

CHAPTER 113: PUBLIC DANCE HALLS

Section

- 113.01 License required
- 113.02 Definitions
- 113.03 Disorderly or immoral conduct prohibited
- 113.04 Acts prohibited
- 113.05 Building Code requirements
- 113.06 Lighting of premises
- 113.07 License revocation
- 113.08 Fees
- 113.09 Hours
- 113.10 Persons under 18 years not allowed

- 113.99 Penalty

§ 113.01 LICENSE REQUIRED.

No person shall operate any public dance hall or conduct any public dance, as defined in §113.02 of this chapter within the corporate limits of the township without first obtaining a license therefor, from the Clerk of said township and on forms approved by the Township Board of Trustees. Each application for a public dance hall or a public dance license shall show the location of the place in which it is proposed to operate said dance or conduct said public dance, that the same is in a sanitary condition, is properly supplied with sufficient toilet rooms, means of ventilation and exits, and shall identify the individual or individuals who will be responsible for seeing that operation of the public dance hall complies with all applicable rules and regulations. No license shall be granted unless such person or persons are shown to be responsible persons of good moral character.

(Prior Code, § 20.251) (Ord. 8-21-84, eff. 9-21-1984) Penalty, see § 113.99

§ 113.02 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC DANCE. A dance held in any room or place to which the public is admitted.

PUBLIC DANCE HALL. Any room, hall or place in which dancing is regularly held or permitted and to which the public is admitted, with or without fee or charge.

(B) Nothing in this chapter shall require a license for any dance conducted on a premises owned or rented by the township when such dance is sponsored and supervised by the township or any organization affiliated therewith.

(Prior Code, § 20.252) (Ord. 8-21-84, eff. 9-21-1984)

§ 113.03 DISORDERLY OR IMMORAL CONDUCT PROHIBITED.

(A) A licensee shall not permit any disorderly or immoral conduct in a public dance hall or at a public dance, nor the violation of any laws or ordinances or health or fire regulations.

(B) The licensee of a public dance hall, shall at his or her expense, hire or engage such number of police officers or reserve police officers, affiliated with any governmental unit whether on a full-time or part-time basis, as shall be determined by the Police Chief, which officers shall be on duty while the public dance hall is open to ensure the enforcement of the provisions of this chapter.

(C) Police officers, whether or not engaged by the licensee, shall be given access to the public dance hall premises and shall have the power and it shall be their duty to cause any dance hall to be vacated whenever any of the provisions of this chapter are violated.

(Prior Code, § 20.253) (Ord. 8-21-84, eff. 9-21-1984) Penalty, see § 113.99

§ 113.04 ACTS PROHIBITED.

The following acts are expressly prohibited.

(A) Intoxicated persons shall not be permitted in the dance hall or immediately adjacent thereto.

(B) No intoxicating beverages of any kind or nature shall be permitted on the premises except in the case of a regular license, or a special license, granted under the liquor laws of the state and approved by the Township Board.

(C) No smoking on the dance floor, or the holding of a lighted cigar, cigarette or pipe, while dancing, shall be permitted.

(D) No gambling, or the use, possession or presence of gambling apparatus or paraphernalia shall be permitted.

(Prior Code, § 20.254) (Ord. 8-21-84, eff. 9-21-1984) Penalty, see § 113.99

§ 113.05 BUILDING CODE REQUIREMENTS.

No license shall be issued for any public dance hall or place in which a public dance is held or to be held unless the Building Code requirements of the township, as amended, are being complied with.

(Prior Code, § 20.255) (Ord. 8-21-84, eff. 9-21-1984)

§ 113.06 LIGHTING OF PREMISES.

Whenever any public dance is in progress or whenever any dance is in progress in a public dance hall, the premises both inside and outside, and all adjoining rooms and halls must be well lighted.

(Prior Code, § 20.256) (Ord. 8-21-84, eff. 9-21-1984) Penalty, see § 113.99

§ 113.07 LICENSE REVOCATION.

Any license issued pursuant to this chapter shall be revocable whenever any provision of this chapter is violated or when, in the opinion of the licensing officer, continued operation of a public dance hall or the conduct of its patrons on or near the premises is or has become detrimental to the safety, well being or order of the neighboring area.

(Prior Code, § 20.257) (Ord. 8-21-84, eff. 9-21-1984)

§ 113.08 FEES.

Computation of fees shall be as follows:

(A) Public dance hall, \$100 per year; and

(B) Public dance, \$10 per dance.

(Prior Code, § 20.258) (Ord. 8-21-84, eff. 9-21-1984)

§ 113.09 HOURS.

It shall be unlawful for any person to hold or conduct any public dance or any dance in a public dance hall at any time on Sunday or between the hours of 1:00 a.m. and 7:00 a.m. on any other day.

(Prior Code, § 20.259) (Ord. 8-21-84, eff. 9-21-1984) Penalty, see § 113.99

§ 113.10 PERSONS UNDER 18 YEARS NOT ALLOWED.

No person under the age of 18 years, unless accompanied by his or her parent or guardian, shall visit any public dance hall or public dance, and no proprietor, manager or employee of or affiliated with any public dance hall or public dance shall permit any person under the age of 18 years to visit such dance hall or public dance unless accompanied by his or her parent or guardian; provided, however, that the foregoing shall not apply if no spirituous or intoxicating liquor, beer or wine is sold, given away or consumed in or about the public dance hall or public dance.

(Prior Code, § 20.260) (Ord. 8-21-84, eff. 9-21-1984) Penalty, see § 113.99

§ 113.99 PENALTY.

For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Prior Code, § 20.261) (Ord. 8-21-84, eff. 9-21-1984; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 114: YARD AND GARAGE SALES

Section

114.01 Rules and regulations

§ 114.01 RULES AND REGULATIONS.

(A) *Permits.* A permit for a garage/yard sale shall be applied for and issued by the township office at no fee. Every permit application must be completed in full before a permit is issued.

(B) *Limitations on items to be sold and occurrences in one year.* Sales of used personal and household materials by township residents, may occur at any dwelling in any A or R Zoning District, not more than three times a year for a period not longer than three days, for each occurrence.

(C) *Hours of operation.* All yard/garage sales shall not exceed the hours of sunrise to sunset.

(D) *Advertisements.* All signs advertising yard/garage sales must be removed by sunset on the last day of the sale and comply with the sign regulations in chapter 156 of this code of ordinances.

(Ord. passed - -)

TITLE XIII: GENERAL OFFENSES

[Reserved]

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. DIKE AND EROSION CONTROL STRUCTURE PROTECTION

152. FLOODPLAIN DEVELOPMENT

153. PRIVATE SWIMMING POOLS

154. WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS

155. LAND DIVISION

156. ZONING

CHAPTER 150: BUILDING REGULATIONS

Section

Building Code

150.01 Code adopted

150.02 References in Code

150.03 Changes in Code

150.04 Copies available

International Property Maintenance Code

150.15 Code adopted

150.16 Changes in Code

Dangerous or Unsafe Buildings

150.30 Short title

150.31 Definitions

150.32 Definition of dangerous building or unsafe building

150.33 Notice and duty of Building Inspector

150.34 Duties of Hearing Officer

150.35 Noncompliance by owner, agent or lessee

150.36 Township Board hearing, notice and opportunity to be heard

150.37 Assessment and collection of costs

150.38 Judicial review

150.39 Dangerous or unsafe buildings declared nuisances

150.99 Penalty

BUILDING CODE

§ 150.01 CODE ADOPTED.

Pursuant to the provisions of § 8 of the Stille-DeRossett-Hale Single State Construction Code Act (Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531), the Uniform Building Code as published by the International Conference of Building Officials, 1973 edition, is hereby adopted by reference, subject to the modifications contained in this subchapter.

(Prior Code, § 22.001) (Ord. 11-12-74, eff. 12-12-1974)

§ 150.02 REFERENCES IN CODE.

References in the Uniform Building Code to "City" and "Municipality" shall mean the Township of Spaulding; reference to "City Council" shall mean the Township Board.

(Prior Code, § 22.002) (Ord. 11-12-74, eff. 12-12-1974)

§ 150.03 CHANGES IN CODE.

The following chapters, sections and subsections of the Uniform Building Code are hereby amended or deleted as set forth in additional chapters, sections and subsections as hereafter indicated. The following chapter and section numbers refer to like numbers of chapters and sections of the Uniform Building Code.

(A) Section 204 amended to read:

Sec. 204. Board of Appeals. The Zoning Board of Appeals of the Township of Spaulding is hereby constituted the Building Code Board of Appeals under this Building Code.

(B) Section 205 amended to read:

Sec. 205. Violations. Any person erecting, using, moving, demolishing, occupying or maintaining any building or structure in violation of this Building Code or causing, permitting or suffering any such violation to be committed, shall be punished by a fine of not more than \$500 or be imprisoned for not more than 30 days or by both such fine and imprisonment. Any building or structure erected, used, moved, demolished, occupied or maintained in violation of this chapter is hereby declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation, or threatened violation, restrained and enjoined.

(C) Section 303(a) amended to read:

Sec. 303(a). Building Permit Fees. A fee for each building permit shall be paid to Spaulding Township as follows:

- (1) A \$6 fee when the total valuation of the proposed construction for a building is from \$1 to and including \$1,000.
- (2) An additional \$1 fee for each additional \$1,000 or part thereof of valuation.
- (3) The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official.
- (4) The valuation to be used in computing the permit shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing equipment systems and any other permanent work or permanent equipment.

(D) Section 303(b). Delete.

(E) Table No. 3-A. Building Permit Fees. Delete.

(Prior Code, § 22.003) (Ord. 11-12-74, eff. 12-12-1974)

§ 150.04 COPIES AVAILABLE.

The printed copies of said Uniform Building Code as published by the International Conference of Building Officials, 1973 edition, shall be kept in the township office, available for inspection by and distribution to the public at all times.

(Prior Code, § 22.004) (Ord. 11-12-74, eff. 12-12-1974)

INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 150.15 CODE ADOPTED.

The International Property Maintenance Code, (2015 edition, including all appendices thereof) as published by the International Code Council, Inc., a copy of which is on file in the office of the Clerk of the township, is hereby adopted as the Property Maintenance Code of the township for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities, and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the township are hereby referred to, adopted and made a part hereof, as if fully set out in this subchapter, with additions, insertions, deletions and changes, if any, prescribed in § 150.16.

(Ord. 9-18-18, passed 9-18-2018)

§ 150.16 CHANGES IN CODE.

The following sections are hereby revised:

(A) **Section 101.1. Title.** These regulations shall be known as the Property Maintenance Code of Spaulding Township (hereafter referred to as "this Code").

(B) **Section 102.3. Application of Other Codes.** Substitute Michigan Building Code for International Building Code and International Existing Building Code. Substitute Spaulding Township Zoning Ordinance for International Zoning Code.

(C) **Section 103.5. Fees.** Fees, if any shall be in accordance with a resolution or ordinance which may, from time to time, be adopted by the Spaulding Township Board.

(D) **Section 106.3. Prosecution of Violation.** Delete first sentence of section and insert in its place the following: "Any person failing to comply with a notice of violation or order served in accordance with § 107 shall be deemed guilty of a misdemeanor as determined by the local municipality, punishable by a fine of not more than \$500 or 90 days imprisonment, or both such fine and imprisonment, and the violation shall be deemed a strict liability offense".

(E) **Section 107.2(5).** For violations of §§ 108, 109 or 110, inform the property owner of the right to appeal.

(F) **Section 111. Means of Appeal.** Any person directly affected by the decision of the code official or a notice or order issued for violation of this code, shall have the right to appeal to the Township Zoning Board of Appeals. All appeal requests shall be in accordance with the township zoning ordinance. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

(G) **Sections 111.1 through 111.8.** Delete Sections 111.1 through 111.8.

(H) **Section 201.3. Terms Defined in Other Codes.** Replace section with: Where terms are not defined in this Code and are defined in the Michigan Residential Code, International Fire Code, township zoning ordinance, Michigan Plumbing Code, Michigan Mechanical Code, Michigan Building Code, Michigan Rehabilitation Code for Existing Buildings and the Michigan Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

(I) **Section 302.4. Weeds.** Insert ten inches. Add, at the end of the second paragraph the following sentence: The Township shall have a lien upon such property for such cost which shall be enforceable in the manner provided by the general laws of the state for the enforcement of tax liens.

(J) **Section 304.14. Insect Screens.** Insert May 1 to October 1 for dates.

(K) **Section 401.3. Alternative Devices.** Substitute Michigan Building Code for International Building Code.

(L) **Section 505.1. General.** Substitute Michigan Plumbing Code for International Plumbing Code.

(M) **Section 602.2. Residential Occupancies.** Substitute Michigan Plumbing Code for International Plumbing Code.

(N) **Section 602.3. Heat Supply.** Insert September 1 to June 1 for dates. Substitute Michigan Plumbing Code for International Plumbing Code.

(O) **Section 602.4. Occupiable Work Spaces.** Insert September 1 to June 1 for dates.

(P) **Section 702.3. Locked Doors.** Substitute Michigan Building Code for International Building Code.

(Ord. 9-18-18, passed 9-18-2018)

DANGEROUS OR UNSAFE BUILDINGS

§ 150.30 SHORT TITLE.

This subchapter shall be known and may be cited as "Spaulding Township Dangerous or Unsafe Condition Building Ordinance".

(Prior Code, § 40.001) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.31 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The Township Board of the Township of Spaulding, the legislating and governing body thereof.

BUILDING INSPECTOR. The duly authorized representative who has been duly appointed by the township to inspect and enforce the building or zoning ordinance of the township, and the officer charged with the responsibility for administration and enforcement of this subchapter.

HEARING OFFICER. A person appointed by the Township Supervisor who shall conduct the hearing and take testimony of the Building Inspector or other officials, the property owner, agent or

lessee and other interested persons as to the alleged unsafe and dangerous conditions of the building. Thereafter, the **HEARING OFFICER** shall render his or her decision, either closing the proceedings or finding the building to be an unsafe and dangerous structure and ordering the building to be demolished or otherwise made safe within a certain period of time.

OWNER. The owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure or real property, or his or her duly authorized agent.

TOWNSHIP. The Township of Spaulding, Saginaw County, Michigan.

(Prior Code, § 40.002) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.32 DEFINITION OF DANGEROUS BUILDING OR UNSAFE BUILDING.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS BUILDING. Any building or structure which has any of the following defects or is in any of the following conditions:

- (1) Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code or ordinance of the township, it shall be considered that such building does not meet the requirements of this subchapter;
- (2) Whenever any portion has been damaged by fire, wind, flood or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe, and is less than the minimum requirements of this subchapter or any building ordinance of the township for a new building or similar structure, purpose or location;
- (3) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (4) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the building ordinance of the township;
- (5) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of ground necessary for the purpose of supporting such building or portion thereof, or for some other reason is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way;
- (6) Whenever, for any reason whatsoever, the building or structure or any portion is manifestly unsafe for the purpose for which it is used;
- (7) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable a person to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;
- (8) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer or is likely to work injury to the health, safety or general welfare of those living within; and
- (9) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(Prior Code, § 40.003) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.33 NOTICE AND DUTY OF BUILDING INSPECTOR.

- (A) When the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the Building Inspector shall issue a notice of the dangerous and unsafe condition.
- (B) Such notice shall be directed to the owner, agent or lessee or any party in interest as defined herein.
 - (1) The notice shall be in writing and shall set forth the conditions of any building or structure in which the owner, occupant, lessee, mortgagee, agent or any other person having an interest in said building or structure, shall be found by said Building Inspector to be a "dangerous or unsafe building or structure" within the standards set forth in this subchapter.
 - (2) Set forth in the notice, a description of the building or structure deemed unsafe, a statement of particulars which make the building or structure a "dangerous building".
 - (3) Notify the person to whom the notice is directed to show cause why the building or structure should not be ordered to be demolished or otherwise made safe, and said notice shall specify the time and place of a hearing to be held by the Hearing Officer on the condition of the building or structure, at which time and place the person or persons to whom the notice is directed shall have the opportunity to be heard, as well as any other interested party.

(Prior Code, § 40.004) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.34 DUTIES OF HEARING OFFICER.

- (A) The Hearing Officer shall receive a report and a copy of the notice of the Building Inspector that an owner, agent or lessee or any other interested party has a dangerous or unsafe building or structure in the township, and said notice shall set forth the date, time and place for a hearing before said Hearing Officer.
- (B) The notice shall be given in writing to the owner, occupant, lessee, mortgagee, agent, tenant and all other persons having an interest in such building or structure, and shall be given either by personal service or certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records, said notice shall be given at least ten days before the date of the hearing described in the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure at least ten days prior to the hearing date.
- (C)
 - (1) The Hearing Officer shall take testimony of the Building Inspector, the owner of the property, agent or lessee and any interested party.
 - (2) The Hearing Officer shall render his or her decision, either closing the proceedings or finding the building to be an unsafe and dangerous structure and ordering the building to be demolished or otherwise made safe.
 - (D) If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe, he or she shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.
 - (E)
 - (1) If the owner, agent or lessee fails to appear at said hearing or neglects or refuses to comply with the order, the Hearing Officer shall file a report of his or her findings and a copy of his or her order with the Township Board.
 - (2) A copy of the findings and order of the Hearing Officer shall also be served on the owner, agent or lessee see by personal service, or in lieu of personal service may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.

(Prior Code, § 40.005) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.35 NONCOMPLIANCE BY OWNER, AGENT OR LESSEE.

If the Hearing Officer determines that the building or structure should be demolished or otherwise made safe and the owner, occupant, lessee, agent or any other interested person has failed or neglected or refuses to comply with his or her findings and order, then he or she shall file a report of his or her findings and a copy of his or her order with the Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure.

(Prior Code, § 40.006) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.36 TOWNSHIP BOARD HEARING, NOTICE AND OPPORTUNITY TO BE HEARD.

- (A) Upon receipt of a report of the Hearing Officer that an owner, agent or lessee or any other interested party has failed to demolish or make safe a building in the township upon the order of the Hearing Officer, the Township Board shall fix a date for a hearing reviewing the findings and order of the Hearing Officer and shall give notice for a hearing before the Township Board and shall give notice of such hearing to the owner, agent, lessee or other interested parties having an interest in said building or structure, or the time and place of the hearing.
- (B) The notice shall be in writing and shall be given to the owner, occupant, lessee, mortgagee, agent, tenant and all other persons having an interest in such building, and shall be given either by personal service or certified mail, return receipt requested, addressed to such owner or party in interest at his or her last known address, said notice shall be given at least ten days before the date of the hearing described in the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure at least ten days prior to the hearing date.
- (C) The hearing shall be conducted by the Township Board and at the hearing the owner, agent, lessee, mortgagee or any interested party in said property, shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe, and the Township Board shall determine, after receiving testimony, whether or not the building or structure, the subject matter of the hearing, shall be demolished or made safe within the provisions of this subchapter or the building ordinance of the township. The Township Board shall then either approve, disapprove or modify the order of the Hearing Officer for the demolition or making safe of the building or structure. The findings made by the Township Board shall be in writing.

(Prior Code, § 40.007) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.37 ASSESSMENT AND COLLECTION OF COSTS.

- (A) If the owner, occupant, mortgagee, lessee, agent or other interested persons fail to comply with the order of the Township Board after the appeal time prescribed herein, the Township Board may then cause such building or structure to be made safe or demolished, as the facts may require, and the cost of said demolition or making the building safe shall be paid by the owner of the premises or the land contract purchaser, if any, of the premises on which the dangerous or unsafe building is located. In addition, the cost of said demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the township, who shall assess the cost against the property on which the building or structure is located.
- (B) The owner or party in interest in whose name the property appears in the last local tax assessment records shall be notified of the amount of such cost by first-class mail at the address shown on the records. If he or she fails to pay the same within 30 days after mailing by the Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of such township and the same shall be collected in the same manner in all respects provided by law for the collection of taxes by such township.
- (C) Notwithstanding the above, the township may collect the cost of the demolition or repairs from the owner or other party in interest, including a land contract purchaser. The township may bring a

civil action from the recovery of such cost and shall be entitled to a judgment as in any other civil action, including costs and attorney fees allowed by law or court rule.

(Prior Code, § 40.008) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.38 JUDICIAL REVIEW.

An owner aggrieved by the final decision or order of the Township Board may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control with 20 days from the date of the decision.

(Prior Code, § 40.009) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.39 DANGEROUS OR UNSAFE BUILDINGS DECLARED NUISANCES.

All dangerous or unsafe buildings or structures which are determined to be in violation of the terms of this subchapter or of the building ordinance of the township are hereby declared to be public nuisances and shall be made safe or demolished as provided by this subchapter.

(Prior Code, § 40.010) (Ord. 12-9-75, eff. 1-8-1976)

§ 150.99 PENALTY.

For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 151: DIKE AND EROSION CONTROL STRUCTURE PROTECTION

Section

- 151.01 Title
- 151.02 Definitions
- 151.03 Unauthorized acts
- 151.04 Waiver or authorized access
- 151.05 Notice

- 151.99 Penalty

§ 151.01 TITLE.

This chapter shall be known as the "Spaulding Township Dike and Erosion Control Structure Protection Ordinance".

(Prior Code, § 49.225) (Ord. 111802, eff. 12-18-2002)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The Flint River Dike and Erosion Control Board and the Cass River Dike and Erosion Control Board.

DIKE AND EROSION CONTROL STRUCTURES. All dikes and erosion control structures which are located adjacent to the Flint and Cass Rivers.

FARMING. All activities which are defined as farming pursuant to the Michigan Right to Farm Act, Public Act 93 of 1981, being M.C.L.A. §§ 286.471 et seq.

PERSON. A natural person, partnership, association, corporation, limited liability company or other legal entity.

TOWNSHIP. The Township of Spaulding.

TRESPASSER. Any person responsible for the unauthorized use of, or injury to, dikes and erosion control structures which are owned or under the control of the township or Board.

(Prior Code, § 49.226) (Ord. 111802, eff. 12-18-2002)

§ 151.03 UNAUTHORIZED ACTS.

(A) *Trespass.* No person shall enter upon a dike or erosion control structure without first obtaining the written consent of the township or Board. However, the person who owns the real property on which the dike or erosion control structure is situated shall not be prohibited from entering upon that portion of the dike or erosion control structure which is situated on the person's property for a personal or recreational use which does not involve the activities which are otherwise prohibited under this section.

(B) *Removal of vegetation, soil or fill material.* No person shall remove any vegetation, soil or other fill material from a dike or erosion control structure.

(C) *Grazing.* No person shall permit the grazing of domestic animals on a dike or erosion control structure.

(D) *Construction.* No person shall erect or construct any structure or maintain any kind of structure on a dike and erosion control structure.

(E) *Structures.* No person shall make or construct any improvements, structures, fences or enclosed building or other object on a dike or erosion control structure.

(F) *Farming.* No person shall conduct any farming activity or operation on a dike or erosion control structure.

(G) *Dumping.* No person shall place any material on or adjacent to a dike or erosion control structure.

(H) *Motorized vehicles and equipment.* No person shall operate any motorized vehicle or equipment on a dike or erosion control structure.

(Prior Code, § 49.227) (Ord. 111802, eff. 12-18-2002) Penalty, see § 151.99

§ 151.04 WAIVER OR AUTHORIZED ACCESS.

The township or Board may grant a waiver or authorized access, in writing, to a person who makes application to do one or more of the acts which are unauthorized under §151.03. The waiver shall specify the person, the authorized acts and the period of time during which authorization is granted. The township may adopt rules and regulations for the authorized access.

(Prior Code, § 49.228) (Ord. 111802, eff. 12-18-2002)

§ 151.05 NOTICE.

(A) The township shall notify a trespasser that a violation of this chapter has occurred. The notice shall include the following information:

- (1) The condition which constitutes an unauthorized act;
 - (2) The location where the unauthorized act occurred;
 - (3) The corrective action which must be taken by the trespasser; and
 - (4) The potential consequences for failure to take the corrective action.
- (B) The notice shall be delivered personally or by first class mail.

(Prior Code, § 49.229) (Ord. 111802, eff. 12-18-2002)

§ 151.99 PENALTY.

For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Prior Code, § 49.230) (Ord. 111802, eff. 12-18-2002; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 152: FLOODPLAIN DEVELOPMENT

Section

- 152.01 Title

- 152.02 Definition of terms
- 152.03 Permit required for floodplain development
- 152.04 Permit application process
- 152.05 Permit contents
- 152.06 Permit application review procedure
- 152.07 Permit general standards
- 152.08 Permit standards and criteria
- 152.09 Appeal
- 152.10 Concurrent jurisdiction
- 152.11 Taking of property without compensation
- 152.12 Fees

- 152.99 Penalty

§ 152.01 TITLE.

This chapter shall be known and cited as the "Spaulding Township Floodplain Development Ordinance".

(Prior Code, § 41.001) (Ord. 22205, eff. 4-10-2005)

§ 152.02 DEFINITION OF TERMS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENFORCING AGENCY. This township, through the township code enforcement official and/or such other officials or agency as may be designated by the Township Board to enforce this chapter.

FLOODPLAIN. The area which is located within the limits of a 100-year flood as that term is defined in Part 31 of the Michigan Natural Resources and Environmental Protection Act, Article II of the Public Act 451 and 1994, being M.C.L.A. §§ 324.3101 et seq., and regulations promulgated under that section.

MDEQ. The Michigan Department of Environmental Quality.

NREPA. The Michigan Natural Resources and Environmental Protection Act, Public Act 451 and 1994, being M.C.L.A. §§ 324.101 et seq.

PLANNING COMMISSION. The Spaulding Township Planning Commission.

TOWNSHIP. Spaulding Township.

TOWNSHIP BOARD. The Spaulding Township Board.

(Prior Code, § 41.002) (Ord. 22205, eff. 4-10-2005)

§ 152.03 PERMIT REQUIRED FOR FLOODPLAIN DEVELOPMENT.

The following activities shall not be allowed within a floodplain without a permit:

- (A) Excavation within a floodplain;
- (B) Berming and diking of a parcel of real property which is located within a floodplain; and
- (C) Filling, dredging, dumping or backfilling of real property within a floodplain.

(Prior Code, § 41.003) (Ord. 22205, eff. 4-10-2005) Penalty, see § 152.99

§ 152.04 PERMIT APPLICATION PROCESS.

The following procedures shall apply for issuance of a floodplain development permit.

(A) Application for floodplain development shall be made on a form which is supplied by the township and shall be accompanied by the fee required by this chapter.

(B) The permit application shall be accompanied by a copy of the permit application which was filed with the state for floodplain development, together with the permit approval which was issued by the state.

(C) (1) Upon receipt of the application for permit, the Township Code Enforcement Officer shall review the application and shall forward the application with his or her recommendations to the Township Board.

(2) The Township Board shall either:

- (a) Review the permit application; or
- (b) Refer the permit application for review by the Township Planning Commission.

(Prior Code, § 41.004) (Ord. 22205, eff. 4-10-2005)

§ 152.05 PERMIT CONTENTS.

The permit issued under this chapter shall contain at a minimum the following information:

- (A) The name, address and telephone number of the person to whom the permit has been issued;
- (B) The name, address and telephone number of the owner of the property on which the activity or operation shall occur;
- (C) A statement of all conditions imposed in connection with issuance of the permit;
- (D) The date by which any construction or activity must be completed (the expiration date of the permit);
- (E) The amount of any cash bond or irrevocable letter of credit and the institution issuing such irrevocable letter of credit as determined necessary by the Township Board to ensure compliance with the permit as issued;
- (F) Legal description of the parcel to which the permit pertains;
- (G) A statement that all soil erosion and storm water permit requirements shall be met prior to any activity; and
- (H) A statement that any and all necessary temporary drainage measures, as approved, shall be undertaken to ensure that no temporary or permanent blockages of drainage results.

(Prior Code, § 41.005) (Ord. 22205, eff. 4-10-2005)

§ 152.06 PERMIT APPLICATION REVIEW PROCEDURE.

(A) The Township Board (or the Planning Commission if the application is referred to the Planning Commission) shall set a date for hearing on the permit application and shall sent notice of the time, date and place of the hearing to the owners of property, based upon the most recent township real property tax roll, located within 300 feet of the property on which the proposed project or activity is to take place.

(B) The notice shall include a summary of the proposed project or activity, or a copy of the permit application. The Township Board may also direct that the notice of the hearing be published.

(C) At the hearing, the application shall be considered and the applicant shall be provided with an opportunity to address the Board. Interested persons will also be provided an opportunity to address the permit application. The hearing may be adjourned from time to time, as deemed necessary by the Board. If it appears that impairments, pollution and/or destruction of a floodplain or other natural resources may result, and that technical expertise is required, the Board may require an environmental statement, environmental assessment, specific technical environmental information or environmental impact study to be provided by and at the sole expense of the applicant. If the application is referred by the Township Board to the Planning Commission for review, the Planning Commission shall conduct the hearing provided in this division (C) and shall make a recommendation to the Township Board. Thereafter the Township Board may make a determination based up on the Planning Commission's recommendation and record, or it may decide to conduct its own review of the application.

(D) Within a reasonable time following completion of its review, and in all events within 120 days of the date of submission of a complete application, the Township Board shall make a written determination to issue the permit, direct the issuance of the permit with specific conditions, or deny issuance of the permit.

(E) If the permit is issued, conditions imposed shall be for the purpose of ensuring that the project or activity complies with the intent of this chapter. The permit shall also specify a time period for commencement and completion of all activities. The permit may require the posting of a cash bond or irrevocable letter of credit in a reasonable amount to ensure compliance with the permit.

(F) Following approval of a permit application, a floodplain development permit shall be issued upon determination that all other requirements of this chapter and law have been met, including a site plan, plat or land use approval, as applicable, and including issuance of all permits under state law. In cases where a state permit allows activities which are not permitted under this chapter, the restrictions of approval granted under this chapter shall govern.

(Prior Code, § 41.006) (Ord. 22205, eff. 4-10-2005)

§ 152.07 PERMIT GENERAL STANDARDS.

(A) Permits under this chapter shall be granted by the Township Board upon a determination that the application complies with the, general standards for permits which are contained in this chapter.

(B) The following standards apply for granting of a permit:

(1) Determination that the granting of a permit will not result in harmful increase in flood heights, additional threats to public safety, extraordinary public expense, or be in conflict with existing laws or ordinances of this township;

(2) Determination that the proposed activity within the floodplain will not create a nuisance; and

(3) Determination that the granting of a permit will not result in a violation of applicable state or federal laws.

(Prior Code, § 41.007) (Ord. 22205, eff. 4-10-2005)

§ 152.08 PERMIT STANDARDS AND CRITERIA.

In making a determination of whether to grant a permit for the activity which is proposed with the floodplain, the following criteria shall be considered;

(A) The economical value, both public and private, of the proposal land change and/or activity;

(B) The proximity of the proposed land change to any waterway;

(C) The size of the proposed land change.

(D) The probable effect of the proposed land change on recognized historic, cultural, scenic, ecological or recreational values and on the public health;

(E) The probable impact of the proposed land change to the cumulative effect which is created by other existing and anticipated activities within the floodplain area; and

(F) The relative extent of the public and private need for the proposed land change.

(Prior Code, § 41.008) (Ord. 22205, eff. 4-10-2005)

§ 152.09 APPEAL.

An interested person who is aggrieved by the determination of the Planning Commission regarding an application under this chapter may appeal the Township Board's decision to the Circuit Court. A request for appeal shall be filed within 20 days following the Planning Commission's decision. If an appeal is requested within the 20-day period, the effectiveness of the permit shall be suspended pending the outcome of the appeal.

(Prior Code, § 41.009) (Ord. 22205, eff. 4-10-2005)

§ 152.10 CONCURRENT JURISDICTION.

This issuance of a permit under this chapter shall not relieve a person from obtaining a permit from the state, if required. Similarly, issuance of a permit by the state shall not relieve a property owner from obtaining a permit under this chapter if a permit is required by the terms of this chapter, and all permit requirements shall be met.

(Prior Code, § 41.010) (Ord. 22205, eff. 4-10-2005)

§ 152.11 TAKING OF PROPERTY WITHOUT COMPENSATION.

(A) If a person makes a claim that the action taken by the township constitutes a taking of property without just compensation, the provisions of this section shall be followed in the event that a court determines that such action pursuant to this chapter constitutes of taking.

(B) The court shall require that the township, at the township's option, do one or more of the following:

(1) Compensate the property owner for the extent of the taking;

(2) Purchase the property in the public interest as determined before its value was affected by this chapter;

(3) Modify its action with respect to the property so as to minimize the detrimental effect of the property's value; and

(4) Modify its action with respect to the property so that the action will not constitute a taking of the property.

(C) For the purposes of this section, the value of the property may not exceed that share which the area in dispute occupies in the total parcel of land, of the state equalized valuation of the total parcel, multiplied by two, as determined by an inspection of the most recent assessment roll of the township.

(Prior Code, § 41.011) (Ord. 22205, eff. 4-10-2005)

§ 152.12 FEES.

Applications to the township for a permit and for variance from the general standards shall be accompanied by a non-refundable variance application fee as determined by resolution of the Township Board. The fee shall be used for the review of the variance application, plans and filed inspections.

(Prior Code, § 41.012) (Ord. 22205, eff. 4-10-2005)

§ 152.99 PENALTY.

For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Prior Code, § 41.013) (Ord. 22205, eff. 4-10-2005; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 153: PRIVATE SWIMMING POOLS

Section

- 153.01 Short title
- 153.02 Definitions
- 153.03 Permits
- 153.04 Fences, enclosures, safety precautions
- 153.05 Life saving devices
- 153.06 Setback
- 153.07 Waste disposal
- 153.08 Electrical wiring and fixtures
- 153.09 Enforcement

- 153.99 Penalty

§ 153.01 SHORT TITLE.

This chapter shall be know as and may be cited as "Spaulding Township Private Swimming Pool Ordinance". This chapter replaces all previous pool ordinances written.

(Prior Code, § 48.001) (Ord. 061796, eff. 7-17-1996)

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PRIVATE POOL. The swimming pool is not open to the public, that it is not publicly owned and not otherwise regulated by the state, either by statute or by rules and regulations of one of its administrative bodies.

SWIMMING POOL. Any artificially constructed, non-portable, outdoor pool capable of being used for swimming or bathing, having a water depth of two feet or more at any point.

SWIMMING POOL TYPE 1. Any swimming pool constructed wholly or partially below the natural or graded surface of the surrounding area.

SWIMMING POOL TYPE 2. Any swimming pool constructed wholly above the surface of the surrounding terrain.

WADING POOL. Any small pool designed for the use of small children, with a water depth not to exceed two feet, constructed entirely above ground and designed to be portable.

(Prior Code, § 48.002) (Ord. 061796, eff. 7-17-1996)

§ 153.03 PERMITS.

- (A) A permit shall be applied for, and must be issued by the township before construction shall begin on any swimming pool type 1.
- (B) A security deposit of \$100 as per building permit regulations for swimming pool type 1 pools.
- (C) An electrical permit is required when electrical work is done.

(Prior Code, § 48.003) (Ord. 061796, eff. 7-17-1996)

§ 153.04 FENCES, ENCLOSURES, SAFETY PRECAUTIONS.

(A) All private swimming pools type 1 shall be enclosed by a fence which shall be at least four feet in height above the grade and which shall be of a type not readily climbed by children. Such fence shall be so constructed as not to have any openings, holes or gaps large enough for a child to use such a fence as a ladder, except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension of the space between pickets shall not exceed four inches. A dwelling house or other building may be used as part of the enclosure. Each gate or door in said fence, except a door or gate opening directly into a house used as part of the enclosure, shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Swimming pools and ponds constructed prior to the adoption of this chapter shall comply with this section within 60 days after the effective date hereof.

(B) All swimming pools type 2 above ground shall be so constructed that the ladder, steps or other means of access to the pool shall be removed or raised and firmly fastened in such a manner as to prevent use by children not under authorized supervision.

(C) Swimming pools type 2, where the sides are not four feet above the graded surface of surrounding area, shall be fenced in the same manner as swimming pools type 1 as provided in division (A) above.

(D) When a house has become vacated, the fence shall be securely locked where a swimming pool type 1 exists. The ladder or other means of entrance to the pool shall be securely locked in a safe position on swimming pools type 2. If pools are abandoned and not made safe as provided in this section, the township will hereby have the authority to enter the property and make such pools safe. All cost of making such pool safe shall be a lien against the property on which said pool is located.

(Prior Code, § 48.004) (Ord. 061796, eff. 7-17-1996)

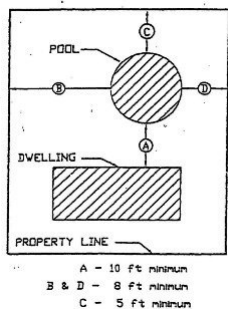
§ 153.05 LIFE SAVING DEVICES.

Every private swimming pool shall be equipped with one or more throw-ring buoys, not more than 18 inches in diameter, and fitted with one-fourth inch manila line or equivalent, with sufficient length and equal to the greatest distance across such private pool and at least one light weight, strong pole with blunted ends, which in length shall be, not less than two-thirds of the greatest distance across such pool for making reach assists or rescues.

(Prior Code, § 48.005) (Ord. 061796, eff. 7-17-1996)

§ 153.06 SETBACK.

- (A) On a corner lot, the pool shall not project out any further into a street side yard than the existing home.
- (B) The edge of the pool shall be no closer than five feet to the rear lot line and no closer than eight feet to the side lot line. If a pool abuts a side yard, a side yard setback is required.
- (C) If a deck is installed, it must comply with the setback requirements.



(Prior Code, § 48.006) (Ord. 061796, eff. 7-17-1996)

§ 153.07 WASTE DISPOSAL.

Water drained from any pool shall not be discharged into the sewer system during periods of storm, rains, floods or other storm water run off. Pools shall be drained in such a manner as not to cause inconvenience to adjoining property.

(Prior Code, § 48.007) (Ord. 061796, eff. 7-17-1996)

§ 153.08 ELECTRICAL WIRING AND FIXTURES.

All electrical wiring and fixtures shall comply with the National Electrical Code at the time a swimming pool is installed.

(Prior Code, § 48.008) (Ord. 061796, eff. 7-17-1996)

§ 153.09 ENFORCEMENT.

Enforcement of this chapter shall be made by the Building Inspector of the township.

(Prior Code, § 48.009) (Ord. 061796, eff. 7-17-1996)

§ 153.99 PENALTY.

For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Prior Code, § 48.010) (Ord. 061796, eff. 7-17-1996; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 154: WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS

Section

- 154.01 Statement of purpose
- 154.02 Definitions
- 154.03 Applicability
- 154.04 General requirements
- 154.05 Permitted uses
- 154.06 Administratively approved uses
- 154.07 Special use permits
- 154.08 Buildings or other equipment storage
- 154.09 Removal of abandoned antennas and towers

§ 154.01 STATEMENT OF PURPOSE.**(A) Purpose.**

- (1) The purpose of this chapter is to establish general guidelines for the siting of wireless communication towers and antennas.
- (2) The goals of this chapter are as follows:
 - (a) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - (b) Encourage the location of towers in nonresidential areas;
 - (c) Minimize the total number of towers throughout the community;
 - (d) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (e) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (f) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging technique;
 - (g) Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently;
 - (h) Consider the public health and safety of communication towers; and
 - (i) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(Prior Code, § 49.501)

(B) Due consideration. In furtherance of the goals set forth in division (A) above, the township shall give due consideration to its master plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Prior Code, § 49.502)

(Ord. 121800, eff. 1-18-2001)

§ 154.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATIVE TOWER STRUCTURE. Human-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(Prior Code, § 49.503)

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

(Prior Code, § 49.504)

BACKHAUL NETWORK. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long distance providers, or the public switched telephone network.

(Prior Code, § 49.505)

FAA. The Federal Aviation Administration.

(Prior Code, § 49.506)

FCC. The Federal Communications Commission.

(Prior Code, § 49.507)

HEIGHT. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(Prior Code, § 49.508)

PRE-EXISTING TOWERS and PRE-EXISTING ANTENNAS. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(Prior Code, § 49.509)

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

(Prior Code, § 49.510)

(Ord. 121800, eff. 1-18-2001)

§ 154.03 APPLICABILITY.

(A) New towers and antennas. All new towers or antennas, or modifications of existing towers or antennas, in the township shall be subject to these regulations, except as provided in divisions (B), (C) and (D) below.

(Prior Code, § 49.511)

(B) Amateur radio station operators/receive only antennas. This chapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

(Prior Code, § 49.512)

(C) Pre-existing towers or antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this chapter, other than the requirements of §54.04(E) and (F).

(Prior Code, § 49.513)

(D) AM array.

(1) For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower.

(2) Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(Prior Code, § 49.514)

(Ord. 121800, eff. 1-18-2001)

§ 154.04 GENERAL REQUIREMENTS.

(A) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(Prior Code, § 49.515)

(B) Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(Prior Code, § 49.516)

(C) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of any existing towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the township or within one mile of the border thereof, including specific information about the location, height and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the township. However, the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(Prior Code, § 49.517)

(D) *Aesthetics.* Towers and antennas shall meet the following requirements.

(1) *Finish and color of towers.* Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) *Blend with setting.* At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(3) *Color of antenna.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(Prior Code, § 49.518)

(E) *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If the standards and regulations are changed, the owners of the towers and antennas so governed by this chapter shall bring the towers and antennas into compliance with the revised standards and regulations within six months of the effective date of the revised standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(Prior Code, § 49.519)

(F) *Building Codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with the applicable state and local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

(1) If, upon inspection, the township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards.

(2) Failure to bring such tower into compliance within the 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(Prior Code, § 49.520)

(G) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the township irrespective of municipal and county jurisdictional boundaries.

(Prior Code, § 49.521)

(H) *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities or private utilities.

(Prior Code, § 49.522)

(I) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

(Prior Code, § 49.523)

(J) *Public notice.* For purposes of this chapter, any special use request, variance request or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in § 154.07(H), Table 2, in addition to any notice otherwise required by the zoning ordinance.

(Prior Code, § 49.524)

(K) *Signs.* No signs shall be allowed on an antenna or tower.

(Prior Code, § 49.525)

(L) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of § 54.08.

(Prior Code, § 49.526)

(M) *Multiple antenna/tower plan.*

(1) The township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

(2) Applications for approval of multiple sites shall be given priority in the review process.

(Prior Code, § 49.527)

(Ord. 121800, eff. 1-18-2001)

§ 154.05 PERMITTED USES.

(A) *General.* The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

(Prior Code, § 49.528)

(B) *Permitted uses.* The following uses are specifically permitted:

(1) Antennas or towers located on property owned, leased or otherwise controlled by the township, provided a license or lease authorizing such antenna or tower has been approved by the township; and

(2) (a) Antennas located on a previously approved tower upon submission of structural calculations certified and sealed by a licensed structural engineer certifying that the previously approved tower can support the additional antenna(s).

(b) An antenna placed on a previously approved tower may be authorized by the Zoning Administrator and need not be submitted to the Planning Commission.

(Prior Code, § 49.529)

(Ord. 121800, eff. 1-18-2001)

§ 154.06 ADMINISTRATIVELY APPROVED USES.

(A) *General.* The provisions set forth in this section shall govern the issuance of administrative approvals for towers and antennas.

(Prior Code, § 49.530)

(B) *Approval by Zoning Administrator.* The Zoning Administrator may administratively approve the uses listed in this section.

(Prior Code, § 49.531)

(C) *Application and fee.* Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in § 54.07(B) and (D) and a nonrefundable fee in the amount of \$500 to reimburse the township for the costs of reviewing the application.

(Prior Code, § 49.532)

(D) *Review by Zoning Administrator.* The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with §§ 54.04 and 154.07(E), (F), (G) and (H).

(Prior Code, § 49.533)

(E) *Response by Zoning Administrator.* The Zoning Administrator shall respond to each such application with 60 days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.

(Prior Code, § 49.534)

(F) *Waiver of setbacks.* In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in § 154.07(E) or separation distances between towers in § 154.07(F), (G) and (H) by up to 50%.

(Prior Code, § 49.535)

(G) *Reconstruction of existing tower.* In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(Prior Code, § 49.536)

(H) *Prior to appeal upon denial.* If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to § 54.08 prior to filing any appeal that may be

available under the zoning regulations in Chapter 156 of this code of ordinances.

(Prior Code, § 49.537)

(I) *List of administratively approved uses.* The uses listed in divisions (J) through (M) below may be approved by the Zoning Administrator after conducting an administrative review.

(Prior Code, § 49.538)

(J) *Industrial or General Business District.* Any antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, may be approved by the Zoning Administrator if it is located in an Industrial District or General Business District.

(Prior Code, § 49.539)

(K) *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, manufacturing, professional, institutional or multi-family structure of eight or more dwelling units, provided as follows:

- (1) The antenna does not extend more than 30 feet above the highest point of the structure;
- (2) The antenna complies with all applicable FCC and FAA regulations; and
- (3) The antenna complies with all applicable Building Codes.

(Prior Code, § 49.540)

(L) *Antennas on existing towers.* Any antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following.

- (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
- (2) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
- (3) The height change referred to in division (L)(2) above may only occur one time per communication tower.
- (4) The additional height referred to in division (L)(2) above shall not require an additional distance separation as set forth in §54.07. The tower's premodification height shall be used to calculate such distance separations.
- (5) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within 50 feet of its existing location.
- (6) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
- (7) (a) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to §54.07(F), (G) and (H).
(b) The relocation of a tower hereunder shall in no way be deemed to cause a violation of §54.07(F), (G) and (H).

(8) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in §54.07(F), (G) and (H) shall only be permitted when approved by the Zoning Administrator.

(Prior Code, § 49.541)

(M) *New towers in nonresidential zoning districts.* Any new tower in a nonresidential zoning district other than any Industrial District or General Business District may be approved by the Zoning Administrator provided that: a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; that the Zoning Administrator concludes the tower is in conformity with the goals set forth in § 154.01 and the requirements of § 154.04; that the tower meets the setback requirements in §154.07(E) and separation distances in § 154.07(F), (G) and (H); and that the tower meets the following height and usage criteria:

- (1) For a single user, up to 90 feet in height;
- (2) For two users, up to 120 feet in height;
- (3) For three or more users, up to 150 feet in height;
- (4) Locating any alternative tower structure in a zoning district other than any Industrial District or General Business District that in the judgment of the Zoning Administrator is in conformity with the goals set forth in § 154.01; and
- (5) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(Prior Code, § 49.542)

(Ord. 121800, eff. 1-18-2001)

§ 154.07 SPECIAL USE PERMITS.

(A) *General.* The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission.

- (1) If the tower or antenna is not a permitted use under §154.05 or permitted to be approved administratively pursuant to §154.04, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- (2) Applications for special use permits under this section shall be subject to the procedures and requirements of the zoning regulations, except as modified in this section.
- (3) In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the Board of Trustees of the township to reimburse it for the costs of reviewing the application.

(Prior Code, § 49.543)

(B) *Information required.* In addition to any information required for applications for special use permits pursuant to the zoning regulations, applicants for a special use permit for a tower shall submit the following information:

- (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in divisions (F), (G) and (H) below, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Zoning Administrator to be necessary to assess compliance with the chapter;
- (2) Legal description of the parent tract and leased parcel (if applicable);
- (3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties;
- (4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to §54.04(C) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing towers(s) and the owner/operator of the existing tower(s), if known;
- (5) A landscape plan showing specific landscape materials;
- (6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;
- (7) A description of compliance with § 154.04(C), (D), (E), (F), (G), (I), (J) and (K) and divisions (E), (F), (G) and (H) below; and all applicable federal, state or local laws;
- (8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;
- (9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality;
- (10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower; and
- (11) A description of the feasible location(s) of future towers or antennas within the township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(Prior Code, § 49.544)

(C) *Factors considered in granting special use permits for towers.*

(1) In addition to any standards for consideration of special use permit applications pursuant to the zoning regulations, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that

the goals of this chapter are better served thereby:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures and residential district boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of deducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress; and
- (h) Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures, as discussed in division (D) below.

(2) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure.

(3) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new wireless communication support structures within the township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(Prior Code, § 49.545)

(D) *Availability of suitable existing towers, other structures or alternative technology.*

(1) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology.

(2) Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) Existing towers or structures are not located within the geographic area which meet the applicant's engineering requirements;
- (b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
- (c) Existing towers or structures do not have sufficient structural strength to the support applicant's proposed antenna and related equipment;

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

(e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and

(g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(Prior Code, § 49.546)

(E) *Setbacks.* The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.

- (1) Towers which do not require guy wires must be set back a distance equal to at least 75% of the height of the tower from any adjoining lot line.
- (2) Towers which require guy wires must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line.
- (3) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(Prior Code, § 49.547)

(F) *Separation.* The separation requirements set forth in divisions (G) and (H) below shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this chapter would be better served thereby.

(Prior Code, § 49.548)

(G) *Separation from off-site uses /designated areas.*

- (1) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
- (2) Separation requirements for towers shall comply with the minimum standards established in Table 1 below.

| Table 1 | |
|--|--|
| Off-Site Use/Designated Area | Separation Distance |
| Table 1 | |
| Off-Site Use/Designated Area | Separation Distance |
| Existing multi-family residential units greater than duplex units | 100 feet or 100% height of tower whichever is greater |
| Nonresidentially zoned lands or nonresidential uses | None; only setbacks apply |
| Single-family or duplex residential units ¹ | 200 feet or 300% height of tower whichever is greater |
| Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired | 200 feet or 300% height of tower whichever is greater ² |
| Vacant unplatted residentially zoned lands ³ | 100 feet or 100% height of tower whichever is greater |
| ¹ Includes modular homes and mobile homes used for living purposes | |
| ² Separation measured from base of tower to closest building setback line | |
| ³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex | |

(Prior Code, § 49.549)

(H) *Separation distances between towers.* Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers.

- (1) The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.
- (2) The separation distances, (listed in linear feet) shall be as shown in Table 2.

Table 2: Existing Towers - Types

| | <i>Lattice</i> | <i>Guyed</i> | <i>Monopole 75 Ft. in Height or Greater</i> | <i>Monopole Less than 75 Ft. in Height</i> |
|--------------------------------------|----------------|--------------|---|--|
| Guyed | 5,000 | 5,000 | 1,500 | 750 |
| Lattice | 5,000 | 5,000 | 1,500 | 750 |
| Monopole 75 ft. in height or greater | 1,500 | 1,500 | 1,500 | 750 |
| Monopole less than 75 ft. in height | 750 | 750 | 750 | 750 |

(Prior Code, § 49.550)

(I) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device. However, the Planning Commission may waive such requirements, as it deems appropriate.

(Prior Code, § 49.551)

(J) *Landscaping.* The following requirements shall govern the landscaping surrounding the towers for which a special use permit is required. However, the Planning Commission may waive such requirements if the goals of this chapter would be better served thereby.

(1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property uses for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

(2) In locations where the visual impact of the tower should be minimal, the landscaping requirement may be reduced or waived.

(3) (a) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

(b) In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Prior Code, § 49.552)

(Ord. 121800, eff. 1-18-2001)

§ 154.08 BUILDINGS OR OTHER EQUIPMENT STORAGE.

(A) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following.

(1) The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 13 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 200 square feet of gross floor area or 13 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 25% of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable Building Codes.

(Prior Code, § 49.553)

(B) *Antennas mounted on utility poles, or light poles/towers.* The equipment cabinet or structure used in association with antennas shall be located in accordance with divisions (C) of (D) below.

(Prior Code, § 49.554)

(C) *Residential Districts.* In residential districts, the equipment cabinet or structure may be located:

(1) (a) In a front or side yard provided the cabinet or structure is no greater than 13 feet in height or 200 square feet of gross floor area and the cabinet/structure is located a minimum of 25 feet from all lot lines; and

(b) The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42 to 48 inches and a planted height of at least 36 inches.

(2) In a rear yard, provided the cabinet or structure is no greater than 13 feet in height or 500 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(Prior Code, § 49.555)

(D) *Commercial or Manufacturing Districts.*

(1) In any Industrial District or General Business District, the equipment cabinet or structure shall be no greater than 20 feet in height or 500 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(2) In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(Prior Code, § 49.556)

(E) *Modification of building size requirements.* The requirements of divisions (A) through (D) above may be modified by the Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage collocation.

(Prior Code, § 49.557) (Ord. 121800, eff. 1-18-2001)

§ 154.09 REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

(A) Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the township notifying the owner of such abandonment.

(B) Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense.

(C) If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Prior Code, § 49.558)

(Ord. 121800, eff. 1-18-2001)

§ 154.10 NONCONFORMING USES.

(A) *Not expansion of nonconforming use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

(Prior Code, § 49.559)

(B) *Pre-existing towers.* Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

(Prior Code, § 49.560)

(C) *Rebuilding damaged or destroyed nonconforming towers or antennas.*

(1) Notwithstanding § 154.09, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the set back requirements of § 154.07(E) and separation requirements § 154.07(F), (G) and (H). The type, height and location of the tower on-site shall be of the same type and intensity as the original facility approval.

(2) Building permits to rebuild the facility shall comply with the applicable Building Codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in § 154.09.

(Prior Code, § 49.561)

(Ord. 121800, eff. 1-18-2001)

CHAPTER 155: LAND DIVISION

Section

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§ 155.01 TITLE.

This chapter shall be known and cited as the "Spaulding Township Land Division Ordinance".

(Ord. 97-10-20, passed 10-20-1997)

§ 155.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the State Land Division Act (formerly known as the Subdivision Control Act), Public Act 288 of 1967, being M.C.L.A. §§60.101 through 560.293, as amended, to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the township.

(Ord. 97-10-20, passed 10-20-1997)

§ 155.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT or PERSON. A natural person, firm, association, partnership, corporation or combination of any of them that holds an ownership interest in land located in the township whether recorded or not.

ACT. The State Land Division Act (formerly the Subdivision Control Act), Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended.

DIVIDE or DIVISION.

(1) The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of M.C.L.A. §§ 560.108 and 560.109 of the **ACT**.

(2) **DIVIDE** and **DIVISION** do not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Act, this chapter and other applicable ordinances.

EXEMPT SPLIT or EXEMPT DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres of the equivalent.

FORTY ACRES OR THE EQUIVALENT. Either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

GOVERNING BODY. The Spaulding Township Board.

(Ord. 97-10-20, passed 10-20-1997)

§ 155.04 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISION.

Land in the township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the governing body, in accordance with this chapter and the Act; provided that the following shall be exempted from this requirement:

- (A) A parcel proposed for subdivision through a recorded plat pursuant to the Act;
- (B) A lot in a recorded plat proposed to be divided in accordance with the Act; and
- (C) An exempt split as defined in this chapter or other partitioning or splitting that results in parcels of 20 acres or more even if the parcel is not accessible by public roads, providing the parcel was in existence on March 31, 1997, or resulted in exempt splitting under the State Act.

(Ord. 97-10-20, passed 10-20-1997)

§ 155.05 APPLICATION FOR LAND DIVISION APPROVAL.

An applicant shall file all of the following with the Township Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development.

- (A) A completed application form on such form as may be approved by the Township Board;
- (B) Proof of fee ownership of the land proposed to be divided;
- (C) A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions and the accessibility of each division for automobile traffic and public utilities;
- (D) Proof that all standards of the Act and this chapter have been met;
- (E) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer; and
- (F) A fee of \$150 to cover the costs of review of the application and administration of this chapter and the Act.

(Ord. 97-10-20, passed 10-20-1997)

§ 155.06 PROCEDURE FOR REVIEW OF APPLICATION FOR LAND DIVISION APPROVAL.

- (A) (1) The Assessor or other designee shall:
 - (a) Approve;
 - (b) Approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare; or
 - (c) Disapprove the land division applied for within 45 days after receipt of the application package conforming to this chapter's requirements and the Act, the Assessor or designee shall promptly notify the applicant of the decision and the reasons for any denial.
- (2) If the application package does not conform to this chapter's requirements and the Act, the Assessor or designee shall return the same to the applicant for completion and refiling in accordance with this chapter and the Act.
- (B) Any person or entity aggrieved by the decision of the Assessor or designee may, within 30 days of said decision appeal, the decision to the governing body of the township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- (C) The Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- (D) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- (E) The township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

(Ord. 97-10-20, passed 10-20-1997)

§ 155.07 STANDARDS FOR APPROVAL OF LAND DIVISIONS.

A proposed land division shall be approved if the following criteria are met:

- (A) All the parcels created by the proposed division(s) shall have a minimum width which is equal to or exceeds those required by the township zoning ordinance;
- (B) All such parcels shall contain a minimum area which is equal to or exceeds those required by the township zoning ordinance;
- (C) (1) The ratio of depth to width of any parcel created by the division shall not exceed a four to one ratio exclusive of access roads, easements or non-development sites;

(2) The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement;

(D) The proposed land division(s) comply with all requirements of this chapter and the Act; and

(E) All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

(Ord. 97-10-20, passed 10-20-1997)

§ 155.08 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT.

Any parcel created in noncompliance with this chapter shall not be eligible for any building permits, or zoning approvals, such as conditional land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this chapter shall subject the violator to the penalties and enforcement actions set forth in § 155.99, and as may otherwise be provided by law.

(Ord. 97-10-20, passed 10-20-1997) Penalty, see § 155.99

§ 155.99 PENALTY.

For appropriate civil penalty provisions for violation of this chapter, see §30.22.

(Ord. 97-10-20, passed 10-20-1997; Ord. 8-24-09C, passed 8-24-2009)

CHAPTER 156: ZONING

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MISCELLANEOUS PROVISIONS

§ 156.001 SHORT TITLE.

This chapter shall be known as the "Spaulding Township Zoning Ordinance".

(Prior Code, § 15.101) (Ord. eff. 12-1-2019)

§ 156.002 PURPOSE.

(A) It is the general purpose of this chapter to provide for the establishment of districts or zones within which the use of land and structures may be restricted and regulated to:

- (1) Meet the needs of township residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade service and other uses of land;
- (2) Ensure that uses of the land shall be situated in appropriate locations and relationships;
- (3) Limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
- (4) Facilitate adequate and efficient provisions for transportation systems, sewage disposal water, energy, education, recreation, and other public services and facility needs; and
- (5) Promote public health, safety and welfare and for those purposes may divide the township into districts of the number, shape and area considered best suited to carry out this chapter.

(B) For each district or zone, regulations are imposed which designate the uses for which buildings or structures shall or shall not be erected or altered, and which designating the trades, industries and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

(Prior Code, § 15.102) (Ord. eff. 12-1-2019)

§ 156.003 CONFLICTS WITH OTHER LAWS.

Whenever any provisions of this chapter impose requirements for lower heights of buildings or a less percentage of lots that may be occupied or required wider or larger courts or deeper yards than are imposed or required by existing provisions of law, or other ordinance of the township, the provisions of this chapter shall govern. Wherever provisions of any other ordinance or regulation of the township imposes requirements for lower height of buildings or less percentage of lots that may be occupied, or require wider or larger courts or deeper yards than are required by this chapter, the provisions of the other ordinance or regulation shall govern.

(Prior Code, § 15.103) (Ord. eff. 12-1-2019)

§ 156.004 SEVERABILITY.

It is the legislative intent that this chapter be liberally construed and should any provision or section of this chapter be held unconstitutional or invalid such ruling shall not be construed as affecting the validity of remaining portions of the chapter, it being the intent that this chapter shall stand, notwithstanding the invalidity of any provision or section therein.

(Prior Code, § 15.104) (Ord. eff. 12-1-2019)

§ 156.005 REPEAL.

The existing zoning regulations of the township, as amended, are hereby repealed. The adoption of this chapter, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior ordinance, as amended, if the use is in violation of the provisions of this chapter.

(Prior Code, § 15.105) (Ord. eff. 12-1-2019)

§ 156.006 EFFECTIVE DATE.

This chapter shall take immediate effect.

(Prior Code, § 15.106) (Ord. eff. 12-1-2019)

DEFINITIONS

§ 156.020 RULES APPLYING TO THE TEXT.

For the purposes of this chapter, certain rules of construction apply to the text, as follows.

- (A) Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- (B) The word "person" includes a corporation or firm as well as an individual.
- (C) The word "lot" includes the word "plot", "tract" or "parcel".
- (D) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (E) The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".
- (F) Any word or term not herein defined shall be used with a meaning of common standard use.

(Prior Code, § 15.201) (Ord. eff. 12-1-2019)

§ 156.021 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A detached building which use is clearly incidental to, customarily found in connection with, and located on the same lot as the principal building.

ACCESSORY USE. A use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

ADULT BOOKSTORE. An establishment having as a substantial or significant portion of its stock in trade books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material. (See specified sexual activities and specified anatomical areas.)

ADULT ENTERTAINMENT ACTIVITIES. Any activity or live exhibition including the display, exhibition or viewing of materials describing or relating to human sex acts or by any emphasis on male or female genitals. This shall include massage parlors, theaters, model studios and all other forms of video and aural display.

ADULT MINI MOTION PICTURE THEATER. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observations by patrons therein.

ADULT MOTION PICTURE THEATER. An enclosed building or open air site used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or anatomical areas for observation by patrons therein.

ADULT RELATED BUSINESS. Any activity described in any of the remaining provisions of this chapter and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying and specified anatomical area or engaging in any specified sexual activity.

ALLEY. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ANTENNA. The surface from which wireless radio signals are sent and received by a wireless service facility.

AUTOMOBILE CAR WASH. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

AUTOMOBILE REPAIR SHOP. An establishment being housed in a building or portion thereof, together with the necessary equipment used for the general repair of automobiles, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service and painting or undercoating of automobiles.

AUTOMOBILE SERVICE STATION. An establishment being housed in a building or portion thereof, together with necessary equipment used for the direct retail sale of gasoline or any other engine fuel, kerosene, or motor oil lubricants or grease and including the sale of minor accessories, and the servicing of and minor repair of automobiles.

BASEMENT. A story having part but not more than one (1/2) of its height above finished grade. **ABASEMENT** shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes.

BERM. An earthen mound designed to provide visual interest on a site or screen undesirable views, reduce noise or fulfill other such purposes.

BUILDING. Any structure erected on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind. A **BUILDING** does not include tents or trailer coaches.

BUILDING, FRONT LINE OF. The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. See Appendix E.

BUILDING LINES. A line defining the minimum front side or rear yard requirements outside of which no building or structure may be located.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which is located.

BUILDING SETBACK. The distance between the street right-of-way or front lot line and the front line of a building or any projection of the building, excluding uncovered steps.

BULK STATION. A place where crude petroleum, gasoline naphtha, benzene, benzol, kerosene or any other liquid, except such as will stand a test of 150°F, closed cup tester, are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than 6,000 gallons.

BUSINESS. A use designated and intended to generate revenue, an occupation, trade or profession.

CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

CLUBS. An organization catering exclusively to members and their guest, or premises, or premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending or commercial activities; except as required incidentally for membership and purpose of such club.

COMMERCE (COMMERCIAL). Occupation of buying and selling; trade.

COMMON LAND. A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

COMMUNICATION TOWER. Any ground-mounted pole, spire, structure or combination thereof, including supporting lines, braces, wires, cables, masts, intended primarily for the purposes of mounting an antenna or similar apparatus above ground.

CONVALESCENT OR NURSING HOME. A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging and needed attention for a compensation.

COURTS. Open unoccupied spaces other than yards on the same lot with a building.

(1) **COURT, INNER.** An open, unoccupied space not extending to the street or front, or rear yard.

(2) **COURT, OUTER.** An open, unoccupied space opening upon a street, alley, yard or setback.

COVERAGE, LOT. Percent of the plot or lot covered by the building area.

CUL DE SAC. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

DISTRICT. Any section within the community for which the regulations contained within this chapter are the same.

DORMITORY. A residence hall, which is used for sleeping quarters or entire buildings primarily providing sleeping and residential quarters for large numbers of people, often boarding school, college or university students.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service.

DWELLING. A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one or more human beings, either permanently or transiently, but in no case shall an automobile chassis, recreational vehicle, basement, accessory building, temporary building, tent or portable building, motel or automobile court, rooming or boarding house, hotel or hospital be considered as a dwelling, so long as these are used for the purposes described in this chapter. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a **DWELLING** for the purpose of this chapter and shall comply with the provisions hereof relative to dwellings.

DWELLING TYPES. For the purpose of this chapter, dwellings are separated into the following categories and herewith defined accordingly.

(1) **EFFICIENCY DWELLING UNIT.** Consists of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room containing not less than 350 square feet of floor area.

(2) **MULTIPLE-DWELLING.** A building or portion thereof containing three or more dwelling units living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, but not including boarding or tourist houses.

(3) **SINGLE-FAMILY DWELLING.** A detached building containing one dwelling unit and so designed to provide living, cooking and kitchen accommodations for one family only.

(a) It complies with the minimum floor area requirements of this code for the zone in which it is located.

(b) It has a minimum dimension across every front, side and rear elevation of 25 feet and complies in all respects with the township building regulations, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are different than those imposed by the township building regulations, then and in that event such federal or state standard or regulations shall apply.

(c) It is firmly attached to a permanent foundation constructed on the site in accordance with the Township building regulations and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building regulations for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the State Mobile Home Commission and shall have a perimeter wall as required above.

(d) In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

(e) The dwelling is connected to the public sewer and water supply when required or to such private facilities approved by the local health department.

(f) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

(g) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang 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 the sides of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. 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 subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of **DWELLING**, as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within the neighborhood 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.

(h) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

(i) The dwelling complies with all pertinent building and fire regulations; and all dwellings shall meet or exceed all applicable roof snow load and strength requirements. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. part 3280, and as from time to time such standards may be amended.

(j) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the township pertaining to such parks.

(k) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building regulations and requirements.

(4) **TWO-FAMILY DWELLING.** A building containing two dwelling units each provided with separate facilities for each family for living accommodations.

DWELLING UNIT. Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home automobile chassis, tent or other portable building be considered a dwelling in a single-family, two-family or multiple-family residential area. In cases of mixed occupancy where a building is occupied in part as a **DWELLING UNIT**, the part so occupied shall be deemed a **DWELLING UNIT** for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.

FAMILY.

(1) Includes the following:

(a) One or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, and occupying the whole or part of a dwelling unit as a single housekeeping unit. A **FAMILY** shall be deemed to include domestic servants, gratuitous guests and not more than four foster or boarded children who are sponsored or whose room and board is paid by a recognized childcare agency or organization. A **FAMILY** shall also be deemed to include not more than six persons occupying the dwelling unit and living together as a single nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 2000e et seq., as amended by the Fair Housing Amendment Act of 1988; and

(b) A group of not more than three persons, who need not be related by bonds of consanguinity, marriage or legal adoption, living together as a single housekeeping unit, as distinguished from individuals occupying a hotel, club, boarding house, rooming house, fraternity or sorority house. The group living in the dwelling unit must occupy such dwelling unit in the same manner as a dwelling occupied by a **FAMILY** defined in division (1)(a) above of this definition.

(2) An affirmative finding that any one or more of the following criteria exists shall create a rebuttable presumption that the group occupying the dwelling unit is not **FAMILY**:

- (a) Bedroom doors that can be locked on the exterior and interior sides of the door;
- (b) More than one mailbox provided per group; and
- (c) Bedroom doors designated by number or letter.

FARM. A tract of land which is directly devoted to agricultural purposes provided further farms may be considered as including establishments operated as greenhouses, nurseries, orchards, kennels, quarries or gravel or sand pits shall not be considered farms hereunder unless combined with a bona fide farm operation on the same contiguous tract of land of not less than ten acres.

FENCE. A finite structure that provides an area of enclosure, privacy and/or ornamental value that is constructed of conventional materials or other materials approved by the Zoning Administrator.

GARAGE, PRIVATE. A building used for the storage of motor vehicles and containing no public repair or service facilities. See graphics and refer to § 56.039.

GYPNUM AND LIME PROCESSING ACTIVITIES. Any activity involving the processing of gypsum or lime for sale as an agricultural soil amendment and an industrial filler and whereby raw material is completely processed to produce a number of end products including the capture of the dust as a saleable product.

HOME OCCUPATION. Any business carried on by one or more members of a family residing on the premises, providing it:

- (1) Be operated in its entirety within the principal dwelling or accessory structure;
- (2) Does not have a separate entrance from outside the building;
- (3) Does not involve alteration or construction not customarily found in dwelling or accessory structures;
- (4) Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes or for agricultural purposes if the **HOME OCCUPATION** is located in the Agricultural Zoning District;
- (5) Does not use more than 25% of the total actual floor area of the dwelling;
- (6) Does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one unanimated, non-illuminated, wall sign having an area of not more than two square feet; and
- (7) Does not employ any persons other than family members residing on the premises.

HOME-SECTIONAL OR COMPONENT. Several building components meeting the State Building Code, factory fabricated, and transported to the home site where they are put on a permanent foundation and joined to make a complete house.

JUNK/SALVAGE YARD. A licensed open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.

- (1) A **JUNK/SALVAGE YARD** includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot.
- (2) Operations with the characteristics of **SALVAGE YARDS** that are called recycling centers, junk yards, scrap yards and the like shall be considered as **SALVAGE YARDS**.

KENNEL. Any facility, on a single parcel, where more than three dogs or three cats or other household pets, over four months old are kept, housed or boarded for a fee, or where such animals are kept for breeding purposes.

LOADING/SPACE BERTH. An off-street space at least ten feet wide, 25 feet long and 15 feet high; either within a building or outside on the same lot, provided maintained and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.

LOT. A parcel of land occupied or intended for occupancy by a main building and accessory building thereto, together with such open spaces as are required under the provisions of this chapter. Every **LOT** shall abut upon and have permanent access to a public street.

LOT AREA. The total horizontal area within the lot lines of the lot.

LOT: CORNER, INTERIOR and THROUGH.

- (1) **CORNER LOT.** A lot which has at least two contiguous sides abutting upon a street for their full length, and provided two sides intersect at an angle of not more than 135 degrees.
- (2) **INTERIOR LOT.** A lot other than corner lot.
- (3) **THROUGH LOT.** An interior lot having frontage on two streets which do not intersect at a point contiguous to such lot.

LOT LINES. The lines abutting a lot as defined herein.

- (1) **LOT LINE, FRONT.** That line separating the lot from the street right-of way. In the case of a corner lot or through lot, the lines separating the lot from each street.
- (2) **LOT LINE, REAR.** Lot line which is opposite the front lot line. In the case of a corner lot, the **REAR LOT LINE** may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lot lines converging at the rear, the lot line shall be an imaginary line parallel to the front lot line, not less than 20 feet long, lying farthest from the front lot line and wholly within the lot. See graphics in Appendix B.
- (3) **LOT LINE, SIDE.** Any lot line that is not a front lot line or not a rear lot line.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

LOT, WIDTH OF. The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum setback.

MOBILE HOME PARK. A parcel of land 20 acres or more, intended and designed to accommodate 60 or more mobile homes for residential use, which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use. Referred to also a **PARK**.

MOBILE HOME SPACE. A plot or parcel of land within the mobile home park designed to accommodate one mobile home.

MOBILE HOME STAND. That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures or additions.

MOBILE HOMES. A detached single-family dwelling unit with all of the following characteristics:

- (1) Designed for long-term occupancy;
- (2) Containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside system;
- (3) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers on detachable wheels;
- (4) Arriving at site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of 1,100 square feet, and including appliances and furniture and ready for occupancy except for minor incidental location operations; and
- (5) Not having a shingled over-hanging roof.

MODULAR HOME. A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential uses with a minimum width and length of 25 feet, have a shingled over-hanging roof and be certified by the state.

MOTEL. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile facilities. The term **MOTEL** shall include buildings designed as auto courts, tourist courts, motor courts, motor hotels and similar appellations which are designed as integrated units of individual rooms under common ownership. For the purposes of this chapter, **MOTEL** and **HOTEL** shall have the same meaning.

NONCONFORMING USE. A building, structure, or use of land existing at the time of enactment of this chapter, and which does not conform to the regulations of the district or zone in which it is situated.

OPEN SPACE. Any unoccupied space open to the sky on the same lot with a building. See **COURTS**.

PARKING, SHARED. Any public or private area, outside of a building or structure, designed for and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets that is used by more than one residential development, business or industry.

PARKING SPACE. An off-street space of at least 180 square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.

PROCESSING, INTENSIVE MANUFACTURING - 2 DISTRICT. A series of operations usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. **PROCESSING** includes material, goods, foodstuffs and other semi-finished products from raw materials. **PROCESSING** may include the chemical transformation of materials or substances into new products or the blending or combination of gases and liquids. **PROCESSING** also may be applied to specific industrial or manufacturing operations.

PROCESSING, LIMITED MANUFACTURING - 1 DISTRICT.

(1) A series of operations usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. **LIMITED MANUFACTURING PROCESSING** includes such products as bakery goods, candy, pharmaceuticals, toiletries, food products, hardware and cutlery, tool and die, garage products and sheet metal products.

(2) **LIMITED MANUFACTURING PROCESSING** also includes processing of semi-finished or previously prepared materials such as bone, hair, fur, leather or feathers, fiber, plastics, glass or cellophane, wood, paper, cork, sheet metal or wire, tobacco, rubber, precious or semi-precious stones, and similar articles or products which are previously prepared or semi-finished.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation of water service.

RECREATION FACILITY. A non-motorized recreation facility that utilizes environmental or natural resource conditions as a basis for recreation.

RECREATIONAL VEHICLE. A recreational vehicle includes motor homes, travel trailers, snowmobiles on trailers, boats and similar related type units.

RIGHT-OF-WAY. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND. A structure erected on a farm adjacent to a public road for the sale of chiefly products produced on the farm, provided such shall not constitute a Commercial District, nor be deemed a commercial activity.

ROOF, TYPES OF. Gable or hip, flat, mansard, gambrel. See Appendix E.

SAND PACKAGING ACTIVITIES. Any activity whereby dried sand is placed in packaging for sale, the sand not being dried on the same property.

SATELLITE DISH. Any antenna in the shape of a shallow dish, of any size, and appurtenant equipment, used for the receptions of communications (television and otherwise) from orbiting satellites and ground transmitters.

SERVICE, ESSENTIAL. The construction, alteration or maintenance by private companies or public departments or agencies of the various transmissions, distribution or disposal systems that are essential for the preservation of the public health, safety or general welfare such as gas, electricity, telephone, water and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes cables traffic signals, hydrants and other similar equipment or accessories reasonable necessary to provide adequate service of said companies or agencies; but the term shall not include buildings or utility substations.

SIGN.

(1) A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. A **SIGN** shall not include a sign located completely within an enclosed building.

(2) For the purpose of this chapter the following sign or sign-related terms are defined.

(a) **AREA, OR SURFACE AREA, OF SIGN.** That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.

(b) **BILLBOARD SIGN.** A freestanding outdoor sign which advertises something not located on the immediate premises.

(c) **CONSTRUCTION SIGNS.** Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended.

(d) **ELECTRIC SIGN.** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

(e) **ELECTRONIC MESSAGE BOARD.** Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than five seconds.

(f) **ENTRANCE/EXIT.** Signs directing traffic movement to or from a parcel.

(g) **FREESTANDING SIGN.** A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also **GROUND MOUNTED SIGN.**)

(h) **GROUND LEVEL.** The elevation to be used for computing the height of signs. Defined as the roadway centerline grade elevation at its intersection with the centerline of the driveway serving the parcel which is located nearest to the sign location.

(i) **HIGH PROFILE SIGN.** A freestanding identity sign intended to announce the existence of a business located near an expressway interchange to travelers on the expressway so they may react in time to exit safely.

(j) **IDENTITY SIGN.** A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.

(k) **ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.

(l) **INSTITUTIONAL BULLETIN BOARD.** A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its services or activities.

(m) **INTEGRAL SIGN.** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).

(n) **JOINT SIGN.** A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.

(o) **LAND DEVELOPMENT PROJECT SIGNS, TEMPORARY.** Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel.

(p) **LOCATION.** A lot, premises, building, wall or any place whatsoever upon which a sign is located.

(q) **MARQUEE.** An identification sign attached to or made a part of a marquee, canopy or awning projecting from and supported by the building.

(r) **OFF-PREMISES SIGN.** A sign which advertises an activity, business, product or service not sold or conducted on the parcel on which the sign is located.

(s) **POLITICAL CAMPAIGN SIGNS.** Signs announcing candidates for public political office and other data pertinent to an upcoming election.

(t) **PRIVATE TRAFFIC DIRECTION.** Signs directing traffic movement or giving instructions, located within a parcel.

(u) **PROJECTING SIGN.** A sign, other than a wall sign, which projects 18 inches or more from and is supported by a wall of a building or structure.

(v) **PROJECTION.** The distance by which a sign extends over public property or beyond the building line.

(w) **PROPERTY RENTAL SIGNS.** Signs on the premises announcing rooms, apartment or house for rent, not to exceed four square feet.

(x) **PUBLIC SIGNS.** Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.

(y) **REAL ESTATE SIGNS.** Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed.

(z) **ROOF LINE.** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to the portion of the building on whose wall the sign is located.

(aa) **ROOF SIGN.** Any sign erected, constructed and maintained wholly upon or over the roof of any building.

(bb) **SETBACK.** A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. **FRONT SETBACK** is measured from the edge of the right-of-way of any abutting roadway. A **REAR SETBACK** is measured from the property line opposite the road way. **ASIDE SETBACK** is measured from any other abutting property line. Corner lots shall require two **FRONT SETBACKS**, but only one **REAR SETBACK**.

(cc) **SIZE OF SIGN.** The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two sides, i.e., a three-sided sign equals two signs.

(dd) **SPECIAL PURPOSE SIGNS.** Any other temporary signs.

(ee) **STREET BANNERS.** Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the County Road Commission or State Department of Transportation.

(ff) **TEMPORARY SIGN.** A display, informational sign, banner or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.

(gg) **WALL SIGN, FLAT.** One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less the 18 inches at all points.

SITE, AREA. The total area within the property lines excluding street rights-of-way and easements.

SITE PLAN. Documents and drawings are required by the zoning regulations to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. Conditions of the chapter for site plan submittal must be complied with.

SPECIAL USE. The term applied to a use which may be permitted by the application for an issuance of a special use permit by the specified procedures and requirements, as outlined in cited

sections must be complied with prior to final issuance of said permit.

SPECIFIED ANATOMICAL AREAS.

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola; and
- (2) Human genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

- (1) Human genitals in a state of stimulation or arousal;
- (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual) or sodomy;
- (3) Fondling of or erotic touching of human genitals, pubic region, buttock or female breast;
- (4) Bestiality;
- (5) Fellatio and cunnilingus; and
- (6) Human excretory function.

STORAGE. See **WAREHOUSING.**

- (1) **INSIDE STORAGE.** Includes the storage of materials, items, products (raw or finished) completely enclosed by a building on all four sides with a roof.
- (2) **OUTSIDE STORAGE.** Includes the storage of materials, items, products (raw or finished) in an open yard without full protection from the weather.
- (3) **WAREHOUSING.** The use of a commercial building for storage of goods.

STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

STREET. A public thoroughfare which affords the principal means of access to abutting property.

STREET FUNCTIONAL CLASSIFICATION.

- (1) The process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.
- (2) Three basic groups include:
 - (a) Arterial for primary mobility;
 - (b) Collectors for both mobility and land access; and
 - (c) Locals for primarily land access.
 1. **COLLECTORS.** Provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
 2. **LOCALS.** Serves as direct land access and access to higher systems.
 3. **MINOR ARTERIAL.** Interconnects with and augments the principal arterial system and provides service to trips of moderate length at somewhat lower level of travel mobility than principal arterial.
 4. **PRINCIPAL ARTERIAL.** Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desires.

STREET LINE. The legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.

USE. The employment or occupation of a building structure or land for service, benefit or enjoyment.

VARIANCE. A modification of the literal provisions of this chapter granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.

YARD. An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided herein. The measurement of **YARD** shall be construed as the minimum horizontal distance between the lot line (property line) and the building line.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building. See Appendix B.

YARD, REAR. An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. See Appendix B.

YARD REQUIRED - HOW MEASURED. The open space between the lot line and the setback line.

YARD, SIDE. An open, unoccupied space on the same lot with the building, situated between the principal building and the side line of the lot and extending from the front yard to the rear yard. See Appendix B.

(Prior Code, § 15.202) (Ord. eff. 12-1-2019)

GENERAL REQUIREMENTS

§ 156.035 NONCONFORMING USES.

It is the intent of this chapter to permit the continuance of a lawful use of any building, structure or use of any part thereof and shall be used, altered, constructed or reconstructed in conformity with the provisions of this chapter and further it is hereby declared that the existence of nonconforming uses is contrary to the best interests of the general public and further it is hereby declared to be the policy of this community as expressed in this chapter to discontinue nonconforming uses in the course of time as circumstances permit, having full regard for the rights of all parties concerned.

(A) *Elimination of nonconforming uses.*

(1) In accordance with the applicable state and local missive legislation, the township through its agents may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the township for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

(2) Whenever a nonconforming use has been discontinued for 24 consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use.

(3) At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this chapter.

(B) *Nonconforming uses of land.* The nonconforming uses of land existing at the effective date of this chapter where no building is located may be continued, provided dimensional requirements are complied with, and further provided that no buildings are to be constructed after the effective date of this chapter, except that will conform to district requirements within which the use is located, and further provided all other pertinent requirements of this section are complied with.

(C) *Nonconforming signs.* Signs existing at the time of the enactment of this chapter and not conforming to its provisions, but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs which may be continued as properly regarded and maintained as provided in this code and continue to be in conformance with other ordinances of this municipality. Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this code.

(D) *Illegal nonconforming uses.* Nonconforming uses of buildings or land existing at the effective date of this chapter established without a building permit or not shown on the tax records as a nonconforming use prior to the last official assessment roll, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of the chapter shall be declared illegal nonconforming uses and shall be discontinued.

(E) *Reconstruction and restoration.* Any lawful nonconforming use damaged by fire, explosion or act of God, or by other causes may be restored, rebuilt, or repaired, provided that such restoration does not exceed its state equalized assessed value as determined by the assessing officer, exclusive of foundations, and provided that said use by the same or more nearly conforming with the provision of the district in which it is located.

(F) *Repair of nonconforming buildings.* Nothing in this chapter shall prohibit the repair, improvement or modernization of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than 30% as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.

(G) *Changing uses.* If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

(H) *Prior construction approval.* Nothing in this chapter shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this chapter provided that construction is commenced within 30 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one year after the issuance of the building permit.

(I) *Districts changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

§ 156.036 SUPPLEMENTARY USE REGULATIONS.

(A) *Prior building permits.* Any building permit issued prior to the effective date of this chapter shall be valid, even though not conforming to the provisions of this chapter, provided that construction is commenced within 90 days after the date of permit application and completed within one year after the issuance of the building permit.

(B) *Access to a street.* Any lot of record created after the effective date of this chapter shall have frontage on a public street, except as may be approved as a planned unit development in accordance with the provisions of this chapter or the Plat Act of 1967.

(C) *Rear dwelling prohibited.* No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers and domestic employees whose employment functions are related to the function of the principal building; provided that all other requirements of this chapter are satisfied.

(D) *Use of structure for temporary dwelling.* No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this chapter and the requirements of the Building Code. No temporary structure whether of a fixed or portable construction shall be erected for any length of time unless authorized by the issuance, by the Board of Zoning Appeals, of a temporary permit as provided in §§ 156.260 through 156.262.

(E) *Mobile home dwellings.* No person, or entity, shall use, occupy or permit the use or occupation of a mobile home as a dwelling within the township in an area not designated as a mobile home park, unless:

(1) A permit for the placement thereof has been obtained from the township official authorized by the Township Board to issue the same. All applications for said permit shall be accompanied by a non-refundable fee. That said fee may be changed or altered by the resolution of the Township Board so as to cover the cost of all expenses of the township in connection with inspection made, or hearings held, and investigations made;

(2) Said mobile home, the placement thereof and the premises upon which it shall be located shall meet all requirements of the township zoning regulations relative to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is located. Further, a mobile home occupied as a dwelling shall have a minimum width across any front, side or rear elevation of 25 feet. Where a mobile home dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed under the Township Building Code, then federal or state standard or regulation shall apply;

(3) Said mobile home shall be connected to potable water and sanitary sewerage disposal facilities approved by the health agency having jurisdiction. If public water or sanitary sewerage disposal facilities are available to said premises, said mobile home shall be connected thereto;

(4) Said mobile home shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwellings.

(a) In the event that the mobile home is used as a dwelling, such mobile home dwelling shall be installed pursuant to the manufacturer's set up instructions and shall be secured to premises by an anchoring system or device complying with the rules and regulations of the State Mobile Home Commission, and shall have perimeter wall as required above.

(b) The mobile home shall be so placed and situated that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to foundation so that the towing mechanism, undercarriage or chassis are not exposed to view.

(5) Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards;

(6) If placed within a flood zone, said mobile home shall meet all requirements for construction of dwelling on-site within said zone;

(7) Said mobile home dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein;

(8) As to a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. § 3280, and as from time to time such standards may be amended;

(9) (a) Said mobile home dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang 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 the sides of the dwelling; shall have not less than two exterior doors with the second one being either the rear or side of the mobile home dwelling; shall have steps connected to the said exterior door areas or to porches connected to said door areas where differences in elevation requires the same; and

(b) The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular mobile home dwelling, subject to appeal by an aggrieved party to an Appeals Board. The membership of the Appeal Board shall be the same membership as the Zoning Board of Appeals under the township zoning regulations. The appeal, if taken, must be taken within 15 days from the receipt of notice of Township Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth herein, as well as the character, design, and appearance of one or more residential dwellings other than the mobile home parks within 2,000 feet of the subject mobile home dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard design home.

(10) The foregoing provisions shall not apply to a mobile home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the ordinance of the township pertaining to such.

(11) In connection with the application to permit the occupation of a mobile home as dwelling, the construction specifications of the mobile home proposed to be occupied as a dwelling shall be supplied along with whatever other information and documents may be required, as the township may from time to time determine are needed or necessary to enable the appropriate officials to assure compliance with this chapter; and

(12) The term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use which are not designed for permanent residence and connection to sanitary sewerage, electrical power and potable water supplies.

(F) *Required water supply and sanitary sewerage facilities.* After the effective date of this chapter, no structure shall be erected, altered or moved upon a lot or premises and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it shall be provided with a safe sanitary and potable water supply and with a safe and effective means of collection treatment, and disposal of human excreta and domestic, commercial and industrial waste. All such installations and facilities shall conform with the minimum requirements of the County Health Department and applicable state regulations.

(G) *One dwelling per lot.* Only one single-family detached dwelling will be allowed to be erected on a lot.

(H) *Fences, walls and screens.*

(1) *Fences in front yard areas.* Fences which are located in the required front yard area shall not exceed a height of four feet.

(2) *Fences in rear yard areas.* Fences which are located in the rear yard shall not exceed a height of six feet and may be of open or closed construction.

(3) *Fences on corner lots.*

(a) Fences constructed or installed on corner lots or parcels having a side yard abutting upon a street may be erected to a height of six feet above ground level but shall not extend beyond the side yard building line in the side yard area adjacent to the street side of the building thereon.

(b) Fences located in the street side yard area on corner lots, between the dwelling and the street property line, shall not exceed a height of four feet except that a fence six feet in height construction may be erected in the street side yard area where a corner lot shares a common rear lot line with the rear adjacent property owner.

(4) *Fences located in interior side yard areas.* Fences constructed or erected in the interior yard area may be erected to a height of six feet above ground level and may be of open or closed construction except that when an abutting dwelling has a door or window (except basement window) located less than five feet from the fence, said fence shall be reduced to four feet in height if it is of closed construction.

(5) *Exceptions.* The height restrictions of this chapter shall not apply to schools, public or private, or to public recreation areas, or to public utility installations where higher fences are required for the safety and protection of the public.

(6) *Unobstructed site.*

(a) No fence, structure, hedge or planting shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two streets or the intersection of a street and an alley. (See diagram in Appendix A.) Fences or plantings located in the triangular areas described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and eight feet above grade.

(b) The unobstructed triangular area is described as follows:

1. The area formed at the corner, intersection of two streets bounded by the curb lines extended to the point of the intersection and by a base line intersecting each curb 60 feet from said point of intersection. Where no curb exists, the edge of the roadway shall be considered a curb within the meaning of this section. See Appendix A; and

2. The area formed at the corner, intersection of the public right-of-way and a driveway, the two sides of the triangular area being ten feet in length measured along the right-of-way line and the edge of the driveway, and the third side being a line connecting these two sides. See Appendix A.

(7) *Use of abutting properties.* No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Zoning Administrator may require a fence to be set back a minimum distance from a driveway or property line.

(8) *Barbed wire.* The placement of barbed wire is regulated as follows.

- (a) For industrial properties, barbed wire must be at least six feet above grade. Barbed wire is not allowed on properties used for residential purposes in Industrial Districts.
- (b) For business properties where outdoor storage is allowed, barbed wire may be approved by the Board of Appeals on Zoning as a special exception when there are unique and exceptional circumstances. If approved by the Board of Appeals on Zoning, the barbed wire must be at least six feet above grade. Barbed wire is not allowed on properties used for residential purposes in Business Districts.
- (c) Barbed wire may be placed on fences surrounding a public utility installation in any zoning district, provided the barbed wire is placed not less than six feet above grade.
- (9) *Electric fences.* Electric fences may be approved in by the Board of Appeals on Zoning as a special exception when there are unique and exceptional circumstances.
- (10) *Materials.* Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. If, because of design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
- (11) *Maintenance.* All fences shall be maintained in a good structural condition at all times.
- (12) *Permit.* Any property owner wishing to install a new fence of any type shall first secure a zoning permit prior to installing said fence. The property owner or applicant shall complete an application provided by the township indicating the location, height, materials and the proximity to any buildings on an abutting property. There shall be no fee associated with this application.
- (I) *Inoperative or dismantled cars, trucks or buses.* The storage of dismantled, wrecked and/or unlicensed vehicles within any district is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided said storage does not exceed one week.
- (J) *Space used once.*
 - (1) *Generally.* Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall not again be used as a yard or other required open space for another building or structure existing or intended to exist at the same time as such building or structure.
 - (2) *Use exceptions.* Nothing in the chapter shall be construed to prohibit the following accessory or incidental uses:
 - (a) The renting of rooms to not more than two non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located;
 - (b) Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area;
 - (c) Essential services as defined in § 156.021;
 - (d) Garden, garden ornaments and usual landscape features within required yard space;
 - (e) Fences within required yard space provided the standards cited in division (H) above are met;
 - (f) Retaining walls and public playgrounds;
 - (g) Off-street parking for motor vehicles as specified in §§ 156.060 through 156.068;
 - (h) Home occupation as specified in R District regulations and § 156.021; and
 - (i) Use of a premises as a voting place in connection with local, state or national elections.
- (K) *Parking of recreational equipment.*
 - (1) The parking of recreational equipment including travel trailers, trailers, campers, boats and similar recreational equipment is prohibited within the required front yard areas of any R District.
 - (2) A total of three but not more than one of each of the above units may be stored or parked outside on a residentially zoned lot except that with regard to snowmobiles or personal watercraft up to four units may be parked outside provided the ownership of said units is that of the lot owner, tenant or lessee.
 - (3) The above units when stored outside shall be located a minimum of five feet to the rear of the front building line.
 - (4) The combined area covered by outside storage of said units, dwelling, accessory buildings, swimming pools and the area covered by them shall not exceed 40% of the total area of the lot.
- (L) *Heavy vehicles.* Storage or overnight parking of trucks in excess of four tons gross weight rated capacity is prohibited within any R District.
- (M) *Prohibited uses.* Any use not specifically permitted as defined in a zoning district established by this chapter is hereby specifically prohibited from that district.
- (N) *Rummage sale.* Allow the sale of a non-perishable merchandise, household goods, domestic items or other articles, except in any R District, unless the sale is temporary. Such a sale shall not continue for a period exceeding one week from date of commencement and may not commence again for a period of 45 days from the last date of prior sale at that location with no more than three such sales in a calendar year. No items available during sales may be openly displayed when sales are not in progress. (This provision shall be enforced by the Police Department.)
- (O) *Swimming pool fencing.* All swimming pools shall have a barrier as required by the Michigan Building Code.

(Prior Code, § 15.302) (Ord. eff. 12-1-2019)

§ 156.037 SUPPLEMENTARY YARD REGULATIONS.

- (A) *Permitted yard encroachments.*
 - (1) Paved terraces, patios and uncovered porches shall not be subject to yard requirements, provided:
 - (a) The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal building;
 - (b) The highest finished elevation of the paved area is not over 30 inches above the average surrounding finished grade area; and
 - (c) No portion of any paved area is closer than five feet from any lot line nor projects into any front yard setback area. Such paved areas may have non-continuous windbreaks or walls not over six feet high and not enclosing more than one-half the perimeter of the paved area.
 - (2) Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area provided:
 - (a) The porch is unenclosed and no higher than one story and is erected on supporting piers;
 - (b) The porch shall not be closer than eight feet to any side or rear lot line except for lots or parcels less than 65 inches wide, then the porch cannot be closer than four feet to any side lot line;
 - (c) Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings;
 - (d) Special structural elements such as cornices, sills, chimneys, gutters and similar structural features may project into any yard up to a maximum of two and one-half feet;
 - (e) Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five feet; and
 - (f) Signs may encroach into yard areas but no sign or portion, thereof, shall be closer to any lot line or street right-of-way than ten feet.
- (B) *Yard exceptions.* In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the building setback on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. The required street width shall be determined by the standards set forth and adopted by the Planning Commission.
- (C) *Minimum side yard requirements.* Lots or parcels less than 65 feet in width and existing prior to adoption of this chapter may have a minimum side yard of four feet. Corner lots 65 feet or less in width shall conform to the street side setbacks required but the side yard opposite the street side may be four feet.

(Prior Code, § 15.303) (Ord. eff. 12-1-2019)

§ 156.038 SUPPLEMENTARY HEIGHT REQUIREMENTS.

- (A) *Permitted exceptions for communications towers and structural appurtenances.* The following kinds of communications towers and structural appurtenances shall be permitted to exceed the height limitations for authorized uses:
 - (1) Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers and flag poles; provided that such structural elements do not exceed 20% of the gross roof area; and
 - (2) Communications towers and appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, radio or television towers, aeriels and fire and base towers; provided the total height of the structure or the building and appurtenance is 175 feet or less measured from the ground. The foregoing permitted exceptions shall not be for human occupancy or dwelling.
- (B) *Permitted exceptions, Conservation-Greenbelt and Agricultural Districts.*
 - (1) No exceptions are permitted for residential structures.
 - (2) Structures for agricultural operations are permitted up to 75 feet.
 - (3) Other nonresidential permitted structures may be erected to a height in excess of that specified; provided each front, side and rear yard minimum is increased one foot for each one foot of additional height above the district requirements.
- (C) *Permitted exceptions, Residential Districts.*
 - (1) No other exceptions are permitted for residential structures. Antennas and flag poles are allowed, but not to exceed the height of 45 feet from the ground.

(2) Principal hospital and church structures may be permitted to exceed height limitations with a maximum total height limit of 75 feet provided each front, side and rear yard is increased by one foot for each one foot of additional height above the district maximum requirement.

(D) *Permitted exception, Business and Industrial Districts.* In any Business or Industrial District any principal structure may be erected at a height in excess of that specified for the district provided each front, side and rear yard minimum is increased one foot for each one foot of additional height above the district maximum requirement.

(Prior Code, § 15.304) (Ord. eff. 12-1-2019)

§ 156.039 ACCESSORY BUILDINGS; REQUIRED YARDS.

(A) *In a front yard.* No accessory building (attached or detached) shall project into any required front yard.

(B) *In a rear yard.* No accessory building, including attached or detached garages, shall be closer than five feet to the rear lot line and not closer to the side lot line than the permitted distance for principal buildings within that district.

(C) *In a side yard.* No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance within that district for principal building except in a Residential District, where an accessory building is located ten feet or more to the rear of the principal building, then the accessory building shall be no closer than eight feet to the side lot line. See exception in § 156.038(C).

(D) *On a corner lot.* No accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a Residential District, an accessory building shall not be closer than eight feet to the common lot line.

(E) *Vacant lots.* Accessory buildings are not allowed on vacant lots in an R District.

(F) *Total number.* The total number of detached accessory buildings may not exceed two.

(G) *Detached accessory buildings.* In any R District detached accessory buildings shall comply with the following regulations.

(1) They shall not be used in any part for dwelling purposes.

(2) They shall not be more than one story of 15 feet measured from the average grade around the structure to a point midway between the highest point of the roof and the lowest point of the roof to the average height of the building. (See Appendix E.)

(3) The total area of detached accessory buildings shall not occupy more than 30% of the required rear yard area.

(4) Accessory buildings shall not exceed the ground floor area of the principal building or 1,600 square feet whichever is larger.

(5) The foregoing building dimensions may be increased by 1% for each 100 square feet that the building site surpasses the minimum lot size, but not to exceed 100%.

(6) They shall be constructed of materials similar to that of the principal building.

(7) All walls shall be vertical and accessory buildings shall be designed typical of residential accessory building construction or as determined appropriate by the Township Planning Commission.

(H) *Antennas.* All antennas shall be required to have the same yard setbacks as accessory buildings.

(I) *Swimming pools, ponds and fountains.* All swimming pools, ponds, or fountains which are regulated by the State Building Code shall be located in the rear yard or interior side yard and further shall comply with the setback requirements for accessory buildings. Any pond which requires a permit from the State Department of Environmental Quality shall be subject to the site plan review and special land use procedures contained in this chapter and shall be reviewed and approved by the Township Planning Commission prior to commencement of construction.

(Prior Code, § 15.305) (Ord. eff. 12-1-2019)

§ 156.040 DISTRICT BOUNDARY EXCEPTIONS.

(A) Where a district boundary line, as established by this chapter, when adopted or subsequently amended, divides a lot in single and separate ownership a use permitted in the less restricted portion of said lot may be extended to the entire lot, subject to the following conditions:

(1) One-half or more of the area of said lot shall be in the less restrictive district; and

(2) Any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building and such building shall conform to any applicable yard and area requirements in the more restrictive district.

(B) Restrictiveness by district proceeding from most restrictive to least restrictive is herein established as follows: AG, R, RM, MH, C-1, C-2, C-3 and M.

(Prior Code, § 15.306) (Ord. eff. 12-1-2019)

§ 156.041 APPROVAL OF PLATS.

No proposed plat of new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this chapter and all other applicable codes or ordinances.

(Prior Code, § 15.307) (Ord. eff. 12-1-2019)

§ 156.042 ZONING OF PLATS.

All plats shall be subject to the provisions of the district within which they are located pertinent to allowed uses and further required zoning district change which may be necessary to accommodate proposed use or uses shall be made according to amendment procedures prescribed by this chapter.

(Prior Code, § 15.308) (Ord. eff. 12-1-2019)

§ 156.043 PUBLIC SANITARY SEWER CONNECTION.

When public sewer is available or becomes available in the street, connection to the public sewer system shall be made within 90 days.

(Prior Code, § 15.309) (Ord. eff. 12-1-2019)

§ 156.044 DENSITY COMPUTATION.

(A) *Generally.* Should density computation be required for a land development project, except as specified for planned unit developments and mobile home parks, the following criteria shall be applied.

(B) *Site acreage computation.* In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created:

(1) Land utilized by public utilities as easements for major facilities such as electric transmission lines, sewer lines, water mains or other similar lands which are not available to the owner because of such easement; and

(2) Maximum number of lots and/or dwelling units: after the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned development is located. The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

| District Use | % of Project Area |
|--|--------------------------|
| R (Single-Family detached) | 25 |
| RM (Single-Family attached, two-family and multi-family) | 20 |

These percentages shall apply regardless of the amount of land actually required for street right-of-way

(Prior Code, § 15.310) (Ord. eff. 12-1-2019)

§ 156.045 ISSUANCE OF "BUILDING PERMIT" PER APPROVED SITE PLAN.

(A) *Submission of site plan.* No building permit shall be issued until the applicant has submitted an approved site plan as required by this section of this zoning chapter.

(B) *Situations requiring a site plan review.*

(1) The proposed use is allowed by special use permit.

(2) The proposed use or redevelopment is in an RM, MH, C-1, C-2, C-3 or M District.

(3) Any adjoining parcel is in a more restrictive zoning district.

- (4) The proposed project will have more than two tenant users (dwelling units, offices, stores or other uses).
- (5) The proposed project will require 50 or more parking spaces.
- (6) The project site is larger than three acres.
- (7) The use is a commercial or industrial use and is a new development.

(C) *Site plan review process.*

(1) *Application deadlines.* If a rezoning application requires a site plan review by the Planning Commission, a complete application package must be received at least 30 days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a site plan review is being conducted for a special use permit or subdivision plat, the application for the site plan must be received at least 30 days before the date of the Planning Commission.

(2) *Application material.* Applications requiring site plan review must be accompanied by a fee as established by this chapter and by at least four copies of a plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.

(3) *Site plan requirements.* Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions or the alteration of site conditions in a way other than that which is approved on the site plan constitutes a violation of the terms of the zoning permit issued pursuant to site plan approval. Enforcement provisions in § 156.276 apply. Site plan approval is not effective until a state DEQ floodplain permit is granted and filed with the Building Inspector.

(4) *Scale.* The site plan must be drawn to a consistent scale of not less than one inch equals 20 feet for sites of three acres or less, or one inch equals 100 feet for larger sites.

(5) *Identification.* The applicant's name, address and telephone number and the name and address of the firm or firms responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf or has a legitimate purchase option on the property.

(6) *Property information.* The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan.

(7) *Site features.* The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six inches in diameter, topography, drainage features, wetlands and existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.

(8) *Transportation features.* The site plan must show the location and surface type of all existing and proposed public roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays and refuse pickup stations.

(9) *Utilities.* The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television. All drainage structures and systems must be shown, along with floodplain information.

(10) *Structures.* The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multi-family housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, fences and decorative walls.

(11) *Supplementary material.* The site plan shall be complemented by any additional information which, in the Zoning Administrator's discretion, is important for the site plan review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; proposed measures to control or mitigate such impacts as noise, smoke, particulate, vibration, odors or fire hazards.

(D) *Staff review of site plan.*

(1) *Persons involved.* Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Township Public Works, Police Chief and Fire Chief, or their alternates, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other government department or utility that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator at least seven days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Zoning Administrator shall make recommendations to the Planning Commission regarding the site plan.

(2) *Standard to be used.* Reviewers shall address the consideration identified by the review standards. If a site plan review is being conducted for proposed special use permit, the additional special use permit review standards listed for the particular use and zoning district shall be considered also.

(E) *Planning Commission review of site plan.*

(1) The Planning Commission shall address the site plan review at a public meeting. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. General guidelines to use in the deliberation process include the following:

- (a) Safe and convenient vehicular access to and from the proposed use without interference with surrounding transportation patterns and safe internal circulation;
- (b) Provisions of bicycle and/or pedestrian access if appropriate;
- (c) Impact of structures, fencing, lighting and landscaping on adjacent land uses and properties;
- (d) Appropriate consideration of environmental concerns including natural resources, air quality, noise levels, rubbish disposal and storm runoff; and
- (e) Continuance of established area patterns of landscaping, setbacks, structural materials and street furniture.

(2) In the interest of providing a timely response to the applicant, the Planning Commission will take one of the following actions at the meeting during which the site plan review is conducted.

(a) *Approval.* An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any zoning permit that may be granted for the proposed project.

(b) *Conditional approval.*

1. The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be imposed to promote the health, safety and welfare of the citizens of the township or required by provisions of local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission and shall be reflected in any zoning permit granted for the project.

2. Approval of any proposed site plan which must also receive approvals from other public agencies shall be conditioned upon granting of said other approvals. This shall include any variances which must be issued by the Township Zoning Board of Appeals. Approval of a variance for conditions which differ from those depicted on the site plan or specified in a conditional approval does not require an additional site plan approval by the Planning Commission as long as the previously established conditions have been met.

(c) *Denial with explanation.* Failure to comply with one or more of the review standards listed is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the review standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcomings might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

(d) *Table to specified meeting.* The Planning Commission may choose to delay its decision for any reason by tabling the action to another meeting. This meeting must be called in compliance with the Open Meetings Act, being M.C.L.A. §§ 15.261 through 15.275. The date, time and place of said meeting must be identified in the motion to table and clearly stated for the benefit of persons in attendance at the meeting where the tabling motion is made.

(e) *Deviations from approved site plan.*

1. *Generally.*

a. It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all site plan review standards have been complied with. These deviations shall be documented.

b. However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the review standards, he or she shall immediately notify the permit holder, the Township Building Inspector and the Planning Commission in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector, affecting that portion of the project which is not in compliance with the site plan review standards.

c. Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the review standards and/or the approved site plan, or of restarting the site plan review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

d. This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the review standards and with the approved site plan.

e. If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee attached to the zoning permit may be fully refunded.

2. *Record be maintained.* The record relating to any approved site plan shall be maintained by the Zoning Administrator together with the records pertaining to the zoning permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same. It shall also include documentation of

any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

(f) *Site plan review standards.*

1. All site plan reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.
2. No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing. However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.
 - a. *District regulations.* The project must comply with the applicable district regulations regarding use, dimensions, off-street parking and any other aspects. (When the site plan review is being conducted as part of the consideration process for a special use permit, the use of the site will be addressed after the site plan review. Therefore, it must be presumed for this purpose that the use of the site will conform to the district regulations.)
 - b. *Supplementary regulations.* The project must comply with any and all of the supplementary regulations which may apply to it.
 - c. *Special use standards.* If the site plan review is being conducted for a proposed special use permit, any special use standards relating to the proposed use will apply.
 - d. *Transportation.* Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question and the development is on a road which is under the jurisdiction of another entity, the input of the road authority shall be sought.
 - e. *Utilities.* Public utilities, including water and sewer, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas and cable television must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
 - f. *Storm water management.*
 - i. The proposed project must make provisions for on-site detention of storm water runoff to accommodate the ten-year storm event, and drainage provisions to accommodate the 100- year storm event. In all cases, post development discharge rates should not exceed pre-development discharge rates or increase downstream drainage. Drainage solutions using natural features should be utilized whenever possible.
 - ii. The site plan should include structural and nonstructural detention and/or drainage features, including plans of all parking lots, storm sewers and discharge calculations pre- and post-development. All site plans may be reviewed and approved by an engineer and must meet the standards of all departments of the township and of all other impacted public officials.
 - g. *Fire protection.* The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number and capacity of fire hydrants must be adequate to serve fire suppression needs and must receive Fire Chief approval.
 - h. *Environment.* Natural features of the landscape should be retained wherever practical to furnish a buffer between the project and adjoining property(ies) or to help control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the State Department of Natural Resources, County Health Department or other agencies.
 - i. *Consistency with chapter intent.* The site plan should be generally consistent with the purpose and objectives of this chapter, and with the purpose of the zoning district in which the subject parcel is located.

(Prior Code, § 15.311) (Ord. eff. 12-1-2019)

§ 156.046 BUFFERING AND BERMS.

(A) *Buffering regulations.*

- (1) The intent and purpose of buffering is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut.
- (2) These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use.
- (3) The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut Residential Districts.
- (4) Buffering requirements shall be determined at the time of site plan review.
- (5) If a berm is constructed as part of buffering, the standards in division (B) below shall apply.

(B) *Minimum standards for berms.*

- (1) Berms shall be constructed so as to maintain a side slope not to exceed one foot rise to three foot run ratio.
- (2) Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition. Additional landscaping must be used within any areas that do not have a berm six feet high.
- (3) Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- (4) (a) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
(b) Residential construction of berms must be approved by the Building Inspector and do not require a site plan.

(Prior Code, § 15.312) (Ord. eff. 12-1-2019)

§ 156.047 GRADING AND FILLING OF LAND.

(A) *New construction.*

- (1) Upon application for a building permit, the applicant shall submit a grading plan which indicates the slope of the grade from the subject property to the abutting properties. It shall also indicate the amount of fill to be placed on the site. The grading plan shall be approved by the Building Inspector prior to the placement of any fill material on the site. The Building Inspector may require the installation of a drainage system along abutting property lines if deemed necessary by the Building Inspector.
- (2) Upon completion of the project, the area of the new construction shall be planted with grass and made erosion-resistant. This planting shall be done within six months of commencement of construction.

(B) *Landscaping or grading.* The placement of fill material for landscaping or grading shall be approved by the Building Inspector prior to the placement of any material.

(C) *Berms.*

- (1) Division (B) above applies to berms.
- (2) In regards to height and location of berms §156.046(G) shall apply.

(D) *Use of land for the excavation, removal, filling or depositing.* The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products is not permitted in any zoning district except under a certificate from, and under the supervision of, the Zoning Administrator in accordance with a topographic plan, submitted by the feeholder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than 50 feet equals one inch and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Zoning Administrator. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Inspector, or to minor grade adjustments incidental to uses which do not alter natural drainage patterns or cause or increase runoff onto adjacent properties

(E) *Unprotected excavations, holes, pits or wells.* The construction, maintenance or existence within the township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the building regulations, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Administrator.

(Prior Code, § 15.313) (Ord. eff. 12-1-2019)

GENERAL OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 156.060 PURPOSE AND INTENT.

It is the purpose and intent of this chapter that off-street parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles; to avoid unnecessary congestion and interference with public use of streets; and to provide for sound and stable environmental conditions and the prevention of future blighted areas.

(Prior Code, § 15.401) (Ord. eff. 12-1-2019)

§ 156.061 OFF-STREET PARKING AND LOADING REQUIREMENTS.

- (A) In all zoning districts, off-street parking and loading requirements shall be provided in amounts not less than those specified in the table of off-street parking.
- (B) Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed as determined by the Zoning Administrator.

- (C) Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
- (D) For the purposes of determining off-street parking and loading requirements, the number of occupants of a building shall be determined by the Building Inspector in accordance with the State Building Code and said occupant load shall be used in those cases which require an occupant load determination to be made.
- (E) In the case of mixed uses, where each occupies at least 20% of the floor area of a building and the operating schedules of any two such uses vary by a total of three hours in a typical day, the parking requirement for the building, as determined using the table in § 156.063, may be reduced by 10%.
- (F) Joint provision of off-street parking where two or more abutting parcels in a Commercial or Industrial Zoning District provide paved drives and sidewalks between parking areas, allowing travel between parcels without use of a public street, the number of parking spaces required for each parcel may be reduced by 10%, in addition to reductions allowed by other provisions of the section.
- (G) It shall be unlawful to use any of the off-street parking or loading areas established to meet the requirements of the chapter for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.
- (H) (1) Parking and loading setback areas shall conform to 20-foot front yard and street side yard requirements and off-street parking shall be no closer to any principal building than five feet. Bumper guards or curbs shall be installed to prevent yard encroachment.
- (2) Exceptions:
- (a) Shared parking; and
- (b) One- and two-family dwellings.
- (I) Parking and loading areas may be extended to the property line except as herein above specified by division (H) above and as specified under § 56.062(C).
- (J) All required parking facilities shall be on the same or adjacent property of the business it serves. Joint use of off-street parking area may be authorized when the parking requirements for a group of uses outlined in § 156.063 are complied with.

(Prior Code, § 15.402) (Ord. eff. 12-1-2019)

§ 156.062 SITE DEVELOPMENT AND CONSTRUCTION REQUIREMENTS.

- (A) *Area requirement.* Three hundred square feet of lot area shall be deemed a parking space for one motor vehicle including an access aisle, except that 180 square feet of lot area which has direct means of ingress and egress from an alley or street may also be deemed a parking space.
- (B) *Fractional units.* In computing units or measurements to determine the number of required spaces, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one space.
- (C) *Loading spaces.* Loading spaces shall not be construed as supplying an off-street parking space.
- (D) *Location of spaces.* The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve and shall consist of a parking strip, parking apron or garage. A parking strip or driveway shall be located such that it leads to at least one parking space in a yard other than the required front or street side yard. Additional spaces may be located in the required front or street side yard provided the space is not located in a space bound by the front building line, the side building line nearest the parking strip or driveway and the front lot line or on corner lots the space bound by the front lot line, the street side yard lot line. Off-street parking facilities required for all other uses shall be located on the lot or on property within 400 feet of any entrance to the building such parking is intended to serve, measured between such entrance and the nearest point of such required parking area.
- (E) *Surfacing.*
- (1) *Generally.* Off-street parking and loading areas, including access drives, unless otherwise specifically approved by the Planning Commission, for all uses shall be surfaced with either:
- (a) Six inches of portland cement concrete; or
- (b) Two inches of asphaltic concrete laid over a base of crushed stone with a compacted thickness of six inches and shall be graded and drained to dispose of all surface water on the property.
- (2) *Exception.* Divisions (E)(1)(a) and (E)(1)(b) above for single-family dwellings parking spaces, strips or aprons shall be surfaced with asphalt, concrete or six inches of stone mix or gravel. Gravel and stone mix surfaces shall be maintained such that the parking space, strip or apron is free from ruts or holes.
- (F) *Private property.* It shall be unlawful for any person, firm or corporation to park any motor vehicle on any private property, or use said private property as parking space, without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property.
- (G) *Off-street parking lots.*
- (1) All off-street parking lots of more than 40 spaces shall incorporate and provide protected landscaped areas located within the parking lot. The ratio of landscaped area to number of parking spaces shall be 100 square feet for each 20 parking spaces. The minimum size for an interior parking lot landscaped island shall be 100 square feet. Required parking lot setback areas shall not satisfy the requirement for interior landscaping. Applicants are encouraged to locate landscaped islands adjacent to end parking stalls to protect end vehicles and improve sight distance.
- (2) In all landscaped areas, at least one evergreen tree with a minimum height of four feet or one deciduous tree with a minimum caliper of three inches shall be provided for every 200 square feet of parking lot landscaping required. The landscaping shall be provided with a variety of plant materials including trees of a selected variety and size as may be practical for planting and architectural effect. When parking lot landscaping is provided in one or more end islands, the maximum mature height of shrubs and similar species shall be 30 inches and the minimum canopy height of deciduous trees shall be eight feet, in order to provide clear sight distance. In order to delineate on-site circulation, ensure adequate sight distance at the intersection of parking aisles, ring roads and private roads, protect vehicles at the end of parking bays, and define the geometry of internal intersections, end islands (painted or landscaped/ curbed) shall be required at the end of all off-street parking spaces adjacent to an aisle or road. At a minimum, one landscaped island shall be provided for every painted islands.
- (H) *Required parking area.* Where the required parking area of three spaces or more is within 40 feet of an adjoining Residential District or lot, said parking area shall be no closer to any side or rear property line than ten feet and within said ten-foot strip, either of the following shall be established.
- (1) A planting strip five feet in width approved by the Building Inspector. Said planting strip shall not be less than five feet in height and shall consist of a sufficiently dense material to screen the parking and shall be adequately maintained.
- (2) A solid masonry wall or uniformly treated wood fence not less than five feet in height.
- (3) Said wall or planting strip shall be as such length of the parking area.
- (4) Off-street parking areas shall be lighted when provided for all uses, except single-family and two-family duplexes, in accordance with a plan approved by the Planning Commission and as specified in § 156.066.
- (5) Parking as specified and/or provided in any Residential District shall not be allowed to encroach into the front yard area.

(Prior Code, § 15.403) (Ord. eff. 12-1-2019)

§ 156.063 TABLE OF OFF-STREET PARKING REQUIREMENTS.

| <i>Use</i> | <i>Parking Requirements</i> |
|---|---|
| <i>Use</i> | <i>Parking Requirements</i> |
| Business and Commercial | |
| Assembly halls, without fixed seats for commercial recreation including dance halls, pool or billiard parlors, skating rinks and exhibition halls or buildings for similar uses | 1 for each sixty (50) square feet of gross floor used for permitted use |
| Auto wash | 1 for each employee; in addition adequate waiting space for autos shall be provided on the premises to accommodate 50% of the hourly rate of capacity |
| Automobile service stations | 2 for each lubrication stall, rack or pit; and 1 for each gasoline pump plus 1 for each employee on maximum working shift |
| Beauty parlor or barber shop | 3 spaces for each of the first 2 beauty or barber chairs and 1.5 for each additional chair |
| Bowling alleys | 4 for each 1 bowling lane, plus 1 for each employee on a maximum working shift |
| Drive-in restaurants or similar drive-in uses for the sales of beverages, food or refreshments | 1 for each 15 square feet of floor area plus 1 for each employee on maximum working shift |

| | |
|---|--|
| Establishments for sale and consumption on premises of beverages, food or refreshments | 1 for each 100 square feet of usable floor space, except as otherwise specified herein plus 1 for each employee on maximum working shift |
| Furniture and appliances, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses | 1 for each 800 square feet of usable floor area use in processing, 1 additional space shall be provided for each person employed therein on a maximum working shift |
| Laundromats and coin operated dry cleaners | 1 for each 2 washing machines |
| Miniature or "par-3" golf courses | 3 for each 1 hole plus 1 for each employee |
| Mortuary establishment | 1 for each 100 square feet of usable floor space, plus 1 for each employee on maximum working shift |
| Motel, hotel or other commercial lodging establishment | 1 for each 1 occupancy unit, plus 1 for each employee on maximum working shift plus extra spaces for dining rooms, ballrooms or meeting rooms as above where the capacity of such areas exceeds the number of beds in the building |
| Motor vehicle sales and service establishment | 1 for each 300 square feet of usable floor space or sales room and 1 for each one auto service stall in the service room |
| Quick oil change | 1 for each employee on a maximum shift plus one for each change bay |
| Retail stores except as specified herein | 1 for each 300 feet of feet of usable floor space, plus 1 for each employee on maximum working shift |
| Industrial | |
| Industrial or research establishment including manufacturing, testing laboratory, creameries, bottling works, printing, plumbing or electrical workshops. | 5 plus 1 for each employee on maximum working shift; space on site shall also be provided for all construction workers during periods of plant construction |
| Wholesale establishments and warehouses | 5 plus 1 for every employee in the largest working shift, or 1 for every 1,600 square feet of usable floor space, whichever is greater |
| Wholesale and retail lumber and building product sales and display | 1 space for every 800 square feet of useable floor area plus for each employee |
| Institutional | |
| Churches, temples and synagogues or buildings of similar use with fixed seats | 1 for each 3 seats based on the maximum seating capacity in the main place of assembly therein |
| Convalescent homes and nursing homes | 1 space for each 4 beds, plus 1 space for each employee, including nurses on a maximum working shift |
| Elementary schools and junior high schools | 1 for each teacher and administrator, in addition to the requirements for the auditorium |
| Golf courses open to the general public, except miniature or "par-3" courses | 6 for each 1 golf hole and 1 for each employee |
| Hospitals | 1 for each 3 patient beds, plus 1 space for each staff or visiting doctor plus 1 for each employee including nurses on maximum working shift |
| Libraries, museums and post office buildings | 1 for each 300 square feet of gross floor area, plus 1 space for each employee employed therein |
| Lodge halls, meeting halls and community centers or buildings of similar use without fixed seats | 1 for each 4 persons of legal capacity as established by the State Building Code |
| Pre-school child care (day nursery) and day care centers | 1 for each 350 square feet of floor space plus 1 for each employee, plus 3 spaces for the loading and unloading of children |
| Private golf clubs, swimming pool, tennis clubs or other similar uses | 1 for each 2 member families or individual |
| Public office building not elsewhere specified | 1 for each 300 square feet of gross floor area, plus 1 space for each employee employed therein |
| Senior high schools and colleges | 1 for each 4 persons of legal capacity as established by the State Building Code |
| Stadium, sports arena, or similar place of outdoor assembly | 1 for each 3 seats or 6 feet of benches, and one for each employee on a maximum working shift |
| Theaters and auditoriums | 1 for each 4 seats, plus 1 for each employee on maximum working shift |
| Offices | |
| Banks | 1 for each 300 square feet of usable floor space plus 1 for each employee on maximum working shift |
| Business offices or professional offices of lawyers, architects, engineers, planners, accountant or other similar professions. | 1 for each 300 square feet of usable floor space |
| Professional offices of doctors, dentists or similar professional | 5 spaces per 1,000 square feet of gross floor area or 1 space per 200 square feet of gross floor area |
| Residential | |
| Boarding house | 1 for each sleeping room |
| Mobile home parks | 1.5 for each mobile home unit |
| Residential, multiple-family | 2 for each dwelling unit |
| Residential, one-family and two-family | 2 parking spaces for each dwelling unit |
| Senior citizen housing | 1 for every 2 dwelling units |

(Prior Code, § 15.404) (Ord. eff. 12-1-2019)

§ 156.064 OFF-STREET WAITING SPACES FOR DRIVE THROUGH FACILITIES.

An **OFF-STREET WAITING SPACE** is defined as an area ten feet wide by 24 feet long and shall not include the use of any public space, street, alley or sidewalk. On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided off-street waiting spaces in accordance with the following:

| <i>Use Served by Drive-Through Lane</i> | <i>Minimum Stacking Requirements by Lane</i> |
|--|---|
| Car wash (coin operated) | 3 vehicles in advance of the washing beyond storage for 1.5 vehicles beyond the washing bay as a drying vacuum area |
| Car wash (tunnel wash) | 4 times the maximum capacity of the auto wash in advance of the tunnel and 3 vehicles beyond the tunnel for drying areas |
| Convenience market | 3 vehicles per lane inclusive of the vehicle at the window |
| Dry cleaners | 4 vehicles per lane inclusive of the vehicle at the window |
| Financial institution | 6 vehicles per lane inclusive of the vehicle at the window |
| Pre-school child care (day nursery) and day care centers | 1 vehicle per 15 children inclusive of the vehicle at the drop-off point; no parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building |
| Quick oil change | 4 vehicles per lane inclusive of the vehicle being served |
| Restaurant | The distance between the order board and the pick-up window shall store 4 vehicles, and storage shall be provided for 4 vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board) |
| Other uses | For uses not listed above, the Planning Commission, shall make the determination of minimum required vehicle stacking spaces at the time of the site plan review |

(Prior Code, § 15.405) (Ord. eff. 12-1-2019)

§ 156.065 APPROVAL FOR CONSTRUCTION.

No parking lot shall be constructed unless in conformance with the provisions of this chapter and an approved site plan. No parking lot construction shall proceed without the specific authorization of the Building Inspector.

(Prior Code, § 15.406) (Ord. eff. 12-1-2019)

§ 156.066 LIGHTING.

Parking area and other exterior on-site lighting fixtures shall not exceed a height of 12 feet when located within 200 feet of a Residential District, and further may not exceed a height of 16 feet unless otherwise permitted by the Planning Commission. Exterior lighting shall be so arranged so that it is deflected away from adjacent Residential Districts and adjacent streets.

(Prior Code, § 15.407) (Ord. eff. 12-1-2019)

§ 156.067 OFF-STREET PARKING LAYOUT AND DESIGN.

Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

| <i>Parking Pattern</i> | <i>Maneuvering Lane Width</i> | <i>Parking Space Width</i> | <i>Parking Space Length</i> | <i>Total Width of One Tier of Spaces Plus Maneuvering Lane</i> | <i>Total Width of Two Tiers of Space Plus Maneuvering Lane</i> |
|---------------------------|-------------------------------|----------------------------|-----------------------------|--|--|
| 0 degree parallel parking | 12 ft. | 8 ft. | 23 ft. | 20 ft. | 28 ft. |
| 45 degrees | 12 ft. | 9 ft. | 18.5 ft. | 33 ft. | 47 ft. |
| 60 degrees | 16 ft. | 9 ft. | 18.5 ft. | 35 ft. | 54 ft. |
| 90 degrees | 26 ft. | 9 ft. | 18.5 ft. | 44.5 ft. | 63 ft. |

(Prior Code, § 15.408) (Ord. eff. 12-1-2019)

§ 156.068 OFF-STREET LOADING REQUIREMENTS.

(A) On the same premises with every building, structure or part thereof erected and occupied for industrial establishments, storage, goods display, department store, hotel, high rise apartment building, market, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot, or within such building or structure, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

(B) Such loading and unloading space, unless otherwise adequately provided for, shall be an area 12 feet by 50 feet, and 15 feet height clearance, according to the following schedule:

| <i>Gross Floor Area (In Square Feet)</i> | <i>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area</i> | |
|--|--|-------------------------------------|
| | <i>Commercial</i> | <i>Industrial</i> |
| 0—5,000 | None | None |
| 5,001—20,000 | 1 | 1 + 1/5,000 in excess of 5,000 |
| 20,001—50,000 | 1 + 1/20,000 in excess of 20,000 | 3 + 1/15,000 in excess of 20,000 |
| 50,001—100,000 | 1 + 1/20,000 in excess of 20,000 | 5 + 1/10,000 in excess of 50,000 |
| 100,001—300,000 | 5 + 1/100,000 in excess of 100,000 | 10 + 1/100,000 in excess of 100,000 |
| 300,001—500,000 | 10 + 1/100,000 in excess of 300,000 | 10 + 1/100,000 in excess of 300,000 |
| Over 500,000 | 12 + 1/250,000 in excess of 500,000 | 14 + 1/150,000 in excess of 500,000 |

(Prior Code, § 15.409) (Ord. eff. 12-1-2019)

SIGN REGULATIONS BY DISTRICT

§ 156.080 INTENT AND PURPOSE.

- (A) The sign regulations as herein set forth are intended to control the size, location, character and other pertinent features of all exterior signs.
- (B) The purpose of this subchapter is to regulate all exterior signs so as to protect health, safety and morals and to promote the public welfare.

(Prior Code, § 15.501) (Ord. eff. 12-1-2019)

§ 156.081 GENERAL.

- (A) The following sign regulations by zone are intended to include every zone in the community. The zones are as defined by the zoning ordinance and official zoning map. Only signs as described herein and as may be described under temporary signs and exceptions will be permitted in each particular zone.
- (B) If any zone is omitted from this chapter, or if a new zone is created after the enactment of this chapter, no signs shall be permitted therein until this chapter shall be amended to include this zone.

(Prior Code, § 15.502) (Ord. eff. 12-1-2019)

§ 156.082 ILLUMINATION.

- (A) Signs in Residential Districts may be illuminated with not more than 200 watts of non-flashing white light. Such lights must be shielded so that they illuminate only the surface of the sign.
- (B) No sign shall have blinking, flashing, rotating or fluttering illumination.
- (C) No sign shall be illuminated in a manner which changes light intensity, brightness or color.
- (D) No sign shall have colored lights which may be confused with or construed as traffic-control devices or emergency vehicles.
- (E) No sign shall be illuminated in such manner that the direct or reflected light from the sign creates a traffic hazard for motor vehicle operators on public thoroughfares.
- (F) Electronic message boards: a sign or portion thereof that is an electronic message board shall not be greater than 24 square feet in area and shall comply with the following regulations.
 - (1) If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 nits (candelas per square meter) during daylight hours or 1,000 nits (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.
 - (2) Each electronic message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each such sign location due to sunrise, sunset, prevailing weather conditions or otherwise.
 - (3) No additional electronic message board is permitted on the building if it is visible from a public road.

(Prior Code, § 15.503) (Ord. eff. 12-1-2019)

§ 156.083 NONCONFORMING SIGNS.

- (A) Signs lawfully erected prior to the effective date of this subchapter which do not meet the standards thereof may be maintained except as hereafter provided.
- (B) No nonconforming signs shall:
 - (1) Be changed to another nonconforming sign;
 - (2) Have any changes made in the message displayed unless the sign is specifically designed for periodic change of message; or
 - (3) Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.
- (C) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this subchapter.

(Prior Code, § 15.504) (Ord. eff. 12-1-2019)

§ 156.084 SIGNS FOR NONCONFORMING USES.

- (A) On-site signs for any building or land use not conforming to the zoning provisions for the district in which it is located shall not exceed the following size limitations, whichever results in the larger sign area:
 - (1) One-half square foot of sign area for each lineal foot of building frontage or one-fourth square foot of sign area for each lineal foot of lot frontage, whichever is greater, not to exceed a maximum of 25 square feet in area; or
 - (2) The maximum sign area permitted for the zoning district in which the sign is located.
- (B) Off-site signs shall comply with all the provisions of the district in which the nonconforming use is located.

(Prior Code, § 15.505) (Ord. eff. 12-1-2019)

§ 156.085 OFF-SITE SIGNS.

Off-site signs are permitted only in the C-1, C-2 or M Zoning Districts and are subject to the following provisions.

- (A) The sign may not be larger than 750 square feet in area.
- (B) The height of the sign may not be taller than what is necessary base on the elevation of the road, structures located in the area and other natural features. Maximum height of the sign shall be determined by the Planning Commission based on evidence presented by the developer of the sign.
- (C) The construction of new off-site signs shall be subject to site plan approval by the Planning Commission.
- (D) Off-site signs that are not regulated by the state shall be subject to a 1,000 foot spacing requirement, i.e., no off-site sign shall be closer than 1000 feet to another off-site sign.
- (E) Off-site signs shall not be located in any required yard space.

(Prior Code, § 15.506) (Ord. eff. 12-1-2019)

§ 156.086 AUXILIARY PARKING LOT SIGNS.

- (A) An auxiliary parking lot in conjunction with an adjacent use may have one on-site identification sign per adjacent street. Each such sign shall not exceed four square feet in area.
- (B) The area of signs indicating an entrance or exit shall not exceed four square feet in area.
- (C) The area of signs indicating other parking instructions or traffic direction information shall not exceed three square feet in area.
- (D) Such signs may be located anywhere within the limits of the premises subject to the height restriction of the zoning district in which located.

(Prior Code, § 15.507) (Ord. eff. 12-1-2019)

§ 156.087 PUBLIC SIGNS.

Public signs are exempted from the provisions of this chapter.

(Prior Code, § 15.508) (Ord. eff. 12-1-2019)

§ 156.088 TEMPORARY SIGNS.

The following signs shall be permitted anywhere within the township and shall conform with all yard and height requirements herein:

- (A) Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, and sign announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of 20 square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within 14 days of the beginning of the intended use of the project;
- (B) Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of 12 square feet. Such signs shall be removed within 14 days of the sale, rental or lease;
- (C) Political campaign signs announcing the candidates seeking public political office and other data pertinent thereto, up to an area of 32 square feet for each premises. These signs shall be confined within private property and removed within 14 days after the election for which they were made;
- (D) Street banners advertising a public entertainment or event, if specially approved by the local legislative board and only for location designated by the legislative body during and for 14 days before and seven days after the event; and
- (E) Show window signs in a window display of merchandise when incorporated with such a display. They need not be related in content with the display.

(Prior Code, § 15.509) (Ord. eff. 12-1-2019)

§ 156.089 SPECIAL PURPOSE TEMPORARY SIGNS.

Special purpose temporary signs shall be allowed in any zoning district, providing that each such sign shall require a permit and be subject to the following restrictions.

(A) *Time limit.* A special purpose temporary sign may be displayed for no more than the number of days specified below, commencing on the issue date of the permit. At the conclusion of the permit period, the special purpose temporary sign must be removed from the parcel or stored indoors.

(1) *Residential properties.*

(a) *Generally.* Special purpose temporary sign permits shall be valid for a period of three consecutive days and no more than three special purpose temporary signs shall be allowed per residential parcel per calendar year.

(b) *Exception.* A sign advertising a compliant yard or garage sale is exempt from this provision, and such signs may be displayed as long as the sale is in compliance with other provisions of this chapter.

(2) *Nonresidential properties.* Special purpose temporary signs may be placed on a parcel for no more than 30 days in a calendar year and no more than four special purpose temporary sign permits shall be issued per parcel per calendar year.

(B) *Size.* A special purpose temporary sign shall be no larger than 32 square feet.

(C) *Location.* A special purpose temporary sign is subject to the height and setback restrictions for signs in the zoning district in which it is placed. No off-site special purpose temporary signs are allowed.

(D) *Illumination.* Illumination of special purpose temporary signs is permitted but only in accordance with §156.082.

(E) *Permits.* A permit fee, as established by the Township Manager with Township Board approval, shall be charged, except for residential parcels, each time such sign is placed on the parcel.

(F) *Tagging.* All special purpose temporary signs shall display a tag, in a place conspicuous to inspectors, indicating the name of the permit holder, the permit number, the date the permit was issued and when it expires, said tag to be provided by the township.

(Prior Code, § 15.510) (Ord. eff. 12-1-2019)

§ 156.090 SIGNS IN AG DISTRICT.

(A) In any AG District only the following on-site signs may be displayed either flatly against the surface of the building involved or at least ten feet from any street lot line:

(1) Any sign permitted in an R Districts as permitted therein;

(2) One identification sign each for all other permitted uses, excluding home occupations, not to exceed four square feet in area except as otherwise specifically provided; and

(3) One identification sign for each recreational facility not to exceed 20 square feet in area.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §156.082.

(C) The height restriction on signs in AG District shall be the same as specified for R Districts.

(Prior Code, § 15.511) (Ord. eff. 12-1-2019)

§ 156.091 SIGNS IN R DISTRICT.

(A) In any R District, only the following on-site signs may be displayed either flatly against the surface of the building involved or at least ten feet from any street lot line:

(1) Signs indicating the names and addresses of the occupants not to exceed a total of two square feet;

(2) One identification sign for each permitted use after special approval, not to exceed four square feet in area; and

(2) One temporary announcement sign or permanent bulletin board, with changeable copy, not to exceed 32 square feet in area and one identification sign not to exceed ten square feet in area except for residential uses.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §156.082.

(C) (1) No sign displayed flatly against the surface of a building shall project above the roof line of the associated structure.

(2) No other sign shall extend more than six feet above the average grade at the base of the sign.

(Prior Code, § 15.512) (Ord. eff. 12-1-2019)

§ 156.092 SIGNS IN RM DISTRICT.

(A) In any RM District, only the following on-site signs may be displayed either flatly against the surface of the building involved or at least ten feet from any street lot line:

(1) Any sign permitted in R District as permitted therein; and

(2) Any sign for a permitted use or permitted use after special approval other than a residential use not to exceed 32 square feet in area.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §156.082.

(C) The maximum height of signs in RM Districts shall be the same as specified for R Districts.

(Prior Code, § 15.513) (Ord. eff. 12-1-2019)

§ 156.093 SIGNS IN C-1, C-2 AND C-3 DISTRICTS.

(A) In any C-1, C-2, or C-3 District, only the following on-site identification signs may be displayed provided no portion of such sign is located nearer than nine feet from any street lot line unless otherwise provided:

(1) Any sign permitted in R or RM Districts as permitted therein except as modified in this section with regard to setback;

(2) Signs facing the front lot line whose area does not exceed one and one-half square feet for each lineal foot of building frontage or one-half square foot for each lineal foot of lot frontage, whichever is greater;

(3) Signs located on corner lots facing other than the front lot line whose area does not exceed 50% of one and one-half square feet for each lineal foot of building length along the respective lot line or 50% of one-half square foot for each lineal foot of lot length along the respective lot line, whichever is greater;

(4) Signs on the vertical faces of marquees provided that no such sign shall project above or below the marquee if the marquee is located over the required yard area or public right-of-way; and

(5) Signs attached to the building or erected separately subject to the setback requirements of this section.

(B) Any sign permitted may be illuminated in accordance with §156.082.

(C) No sign displayed on, attached to or over a building shall project above the eave line of the associated structure. No other sign shall extend more than 20 feet above the average grade at the base of the sign.

(D) The total area of all signs permitted for any property use, including corner lots, shall not exceed 200 square feet.

(Prior Code, § 15.514) (Ord. eff. 12-1-2019)

§ 156.094 SIGNS IN M DISTRICT.

Any sign permitted to be displayed in AG, R, C-1, C-2 or C-3 Districts shall be permitted in the M District.

(Prior Code, § 15.515) (Ord. eff. 12-1-2019)

§ 156.095 MAINTENANCE OF SIGNS.

(A) Any sign erected, altered or converted subsequent to the passage of this subchapter and in violation of any of the provisions thereof is hereby declared to be a civil infraction.

(B) (1) All signs existing at the time of passage of this chapter shall be maintained such that they do not pose a public health and safety risk.

(2) Maintenance shall occur as needed and the Building Inspector shall make all determinations as it relates to signage that is not being properly maintained.

(Prior Code, § 15.516) (Ord. eff. 12-1-2019)

DISTRICTS

§ 156.110 DIVISIONS OF THE TOWNSHIP.

For the purposes of this chapter, the township, excepting street and alleys, is divided into the following zone districts:

(A) AG Agricultural;

- (B) R Single-Family Residential;
- (C) RM Residential Multiple-Family Residential;
- (D) MH Mobile Home District;
- (E) C-1 Local Business;
- (F) C-2 General Business;
- (G) C-3 Institutional Site Re-Use District; and
- (H) M Industrial.

(Prior Code, § 15.601) (Ord. eff. 12-1-2019)

AG AGRICULTURAL DISTRICT

§ 156.125 INTENT AND PURPOSE.

Agricultural Districts are those open areas of the township where farming, dairying, forestry operations and other rural activities are found. Vacant land, fallow land and wooded areas also would be included where such areas are interspersed among farms.

(Prior Code, § 15.701) (Ord. eff. 12-1-2019)

§ 156.126 USES PERMITTED BY RIGHT.

In the AG District, the following uses are permitted:

- (A) Single-family dwellings with a minimum site size of one acre and a minimum lot width of 200 feet;
- (B) Farm buildings and greenhouses;
- (C) Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming and other similar bona fide agricultural enterprise or use of land and structure. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle or similar livestock. There shall be no obnoxious odors, flies or other nuisances caused by the keeping of livestock or fowl, or by any agricultural operation;
- (D) Truck gardening;
- (E) Tree and shrub nurseries;
- (F) Public and private stables, riding academies, office of a veterinarian and animal clinics subject to yard setbacks in Appendix F;
- (G) Churches, provided that the site for a church is not less than two acres, that there is adequate access to all required off-street parking areas; that there is no parking in the required front yard; and that the site abuts an arterial or collector street as shown in the township's comprehensive development plan;
- (H) Swimming pools, subject to regulations of § 156.036.
- (I) Cemeteries;
- (J) Soil, sand, clay, gravel or similar removal operations, quarry excavation, and filling of land subject to all applicable township, county and state ordinances; and
- (K) Accessory buildings, structures and uses customarily incidental to any of the above uses when located on the same property.

(Prior Code, § 15.702) (Ord. eff. 12-1-2019)

§ 156.127 USES PERMITTED AFTER SPECIAL APPROVAL.

The following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan subject to the specific standards for each particular land use hereinafter itemized and subject to the general standards to guide the actions of the Planning Commission as specified in § 156.262:

(A) The raising of fur-bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals shall be located on a continuous parcel of land 40 acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four feet in height. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of 500 feet, and the rear property line a minimum of 50 feet;

(B) Private parks, country clubs, gun clubs, golf courses and golf driving ranges, when located on a continuous parcel of five acres or more in area; when any structure on said parcel is located at least 250 feet from a lot line of any adjacent Residential District when all ingress and egress from said parcel is directly from a public road designated as an arterial or collector thoroughfare on the township's comprehensive development plan;

(C) Summer housing and migratory labor camps used for seasonal labor, between April 1 and November 15, provided that any such building or structure complies with the following regulations. All buildings or structures shall be maintained in a safe and sanitary condition and shall be furnished with a safe and sanitary water supply and with sewage disposal facilities which are no less than those required by the County and State Health Department. All buildings or structures shall be located so as to comply with regulations for structures in an AG Agricultural District as set forth in Appendix F with the exception that no building shall be located nearer than 50 feet to any side property line.

(D) Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the township. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Board of Zoning Appeals after consultation with appropriate aeronautical agencies; and

(E) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards; when operation requirements necessitate the location within the district in order to serve the immediate vicinity.

(Prior Code, § 15.703) (Ord. eff. 12-1-2019)

§ 156.128 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

In accordance with the attached Schedule of Regulations, Appendix F of this chapter.

(Prior Code, § 15.704) (Ord. eff. 12-1-2019)

R SINGLE-FAMILY RESIDENTIAL

§ 156.140 INTENT AND PURPOSE.

The Single-Family Residential District is established as a district in which the principal use of the land is for single-family dwellings. For the Single-Family Residential District in promoting the general purpose of this chapter, the specific intent of this section is to:

- (A) Encourage the construction of, and the continued use of the land for single-family dwellings;
- (B) Prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or maintenance of single-family dwellings in the district;
- (C) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter;
- (D) Discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets;
- (E) Discourage any use which, because of its character or size, would create requirements and costs for public services such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings; and
- (F) Permit the continuation of the agricultural use of open lands in such a manner that their future use as desirable residential areas will be guaranteed.

(Prior Code, § 15.801) (Ord. eff. 12-1-2019)

§ 156.141 USES PERMITTED BY RIGHT.

The following uses are permitted by right within a Single-Family Residential District:

- (A) Single-family detached dwellings;
- (B) Churches and other facilities normally incidental thereto, provided that the proposed site for a church is not less than two acres; that there is adequate access to all required off-street parking areas; that there is no parking in the required front yard; and that the church site abuts an arterial or collector roadway as shown on the township's comprehensive development plan;
- (C) Public, parochial and private elementary, intermediate and/or high schools offering courses in general education, not operated for profit;
- (D) Publicly owned and operated buildings, libraries, parks, parkways and recreational facilities;
- (E) Public hospitals, but not including institutions for the care of the feeble-minded or insane, provided that the hospital is adjacent to an arterial or collector street as defined on the township's

comprehensive development plan;

(F) Nursery schools, day nurseries and child care centers; provided that for each child so cared for, there is provided and maintained a minimum of 100 square feet of outdoor play area. Such play space shall have a total minimum area of at least 1,500 square feet;

(G) Private noncommercial recreational areas;

(H) Municipal buildings and uses;

(I) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity;

(J) Temporary buildings for use incidental to construction work for a period not to exceed one year, subject to renewal;

(K) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation.

(1) One private garage for each residential lot in which there are housed not more than three automobiles, not more than one of which may be a commercial vehicle not larger than a regularly manufactured pick-up or panel truck of three-quarter ton capacity which shall be housed within a garage and provided said commercial vehicle is owned and operated by a member of the family who resides in said living unit.

(2) Provided further, that all accessory buildings shall conform and be located as required in §156.039.

(L) Home occupations as limited and defined in §156.021;

(M) Off-street parking in accordance with the requirements of §§156.060 through 156.068; and

(N) Cemeteries.

(Prior Code, § 15.802) (Ord. eff. 12-1-2019)

§ 156.142 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

In accordance with the attached Schedule of Regulations, Appendix F of this chapter.

(Prior Code, § 15.803) (Ord. eff. 12-1-2019)

RM MULTIPLE-FAMILY RESIDENTIAL

§ 156.155 INTENT AND PURPOSE.

(A) The RM Multiple-Dwelling Residential District is designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses.

(B) Various types and sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

(Prior Code, § 15.901) (Ord. eff. 12-1-2019)

§ 156.156 USES PERMITTED BY RIGHT.

In the RM District, the following uses are permitted, subject to review of the site plans by the Planning Commission:

(A) Multiple dwellings including:

(1) Apartment houses;

(2) Row or townhouse dwellings;

(3) Efficiency units; and

(4) Duplexes.

(B) Community garages serving the principal residential building, containing space for no more than two passenger vehicles for each dwelling unit in the principal building on the lot;

(C) Maintenance and management buildings to serve the multiple dwellings;

(D) Private swimming pool designed and operated only for occupants of the principal building and their personal guests; and

(E) Off-street parking and loading in accordance with §§ 156.060 through 156.068.

(Prior Code, § 15.902) (Ord. eff. 12-1-2019)

§ 156.157 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

In accordance with the attached Schedule of Regulations, Appendix F of this chapter.

(Prior Code, § 15.903) (Ord. eff. 12-1-2019)

MH MOBILE HOME

§ 156.170 INTENT AND PURPOSE.

(A) The Mobile Home District is intended for mobile home parks. Such districts require adequate space and facilities for healthful living conditions for occupants of such facilities. All such districts should have access to arterial or collector streets as designated on the township's comprehensive development plan for easy accessibility.

(B) Suitable water and sewer facilities would also be provided in accordance with state, county and township health regulations and statutes.

(Prior Code, § 15.1001) (Ord. eff. 12-1-2019)

§ 156.171 USES PERMITTED BY RIGHT.

The following uses are permitted subject to review of site plans by the Planning Commission:

(A) Mobile homes, excluding units for sale, with a minimum floor area of 980 square feet each;

(B) Accessory building or structures, for park management or park resident use only and not exceeding two stories or 25 feet in height;

(C) One identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such signs be larger than 50 square feet in surface area nor have any moving parts, nor stand higher than 15 feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than 20 feet; and

(D) Not more than one entry and one exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two square feet in surface area, nor have any moving parts, nor stand higher than five feet from the ground to the top of the sign.

(Prior Code, § 15.1002) (Ord. eff. 12-1-2019)

§ 156.172 PARK SIZE AND MOBILE HOME DENSITY.

Minimum site size for mobile home parks shall be ten acres, with no less than 50 mobile home lots completed and ready for occupancy before the first occupancy is permitted. Average park density shall not exceed seven mobile home units per gross acre.

(Prior Code, § 15.1003) (Ord. eff. 12-1-2019)

§ 156.173 ACCESS.

All mobile home parks shall have access to an arterial or collector street, as shown on the township's comprehensive development plan, by directly abutting thereon, for a minimum distance of 300 feet.

(Prior Code, § 15.1004) (Ord. eff. 12-1-2019)

§ 156.174 SITE COVERAGE.

Maximum site coverage shall be 35%.

(Prior Code, § 15.1005) (Ord. eff. 12-1-2019)

§ 156.175 SETBACKS.

All mobile homes and accessory buildings shall be set back not less than 20 feet from all property lines, except the front property line, from which the setback shall be at least 50 feet and the yard space so formed shall be landscaped in accordance with a site plan approved by the Planning Commission.

(Prior Code, § 15.1006) (Ord. eff. 12-1-2019)

§ 156.176 MOBILE HOME HEIGHT LIMITS.

Maximum height of mobile homes in one and one-half stories or 20 feet.

(Prior Code, § 15.1007) (Ord. eff. 12-1-2019)

§ 156.177 VEHICLE TRAVEL LANES.

All roadways and driveways shall be hard-surfaced and so constructed as to handle all anticipated peak loads, adequately drained and lighted for safety and ease of movement of vehicles. Minimum pavement width shall be 25 feet for all roads and ten feet for all driveways. The local roadway system should be so designed as to prevent the use of such roadways for through traffic.

(Prior Code, § 15.1008) (Ord. eff. 12-1-2019)

§ 156.178 MINIMUM OFF-STREET PARKING REQUIREMENTS.

Adequate hard surface paving shall be provided for off-street parking, vehicle storage and access in accord with the following schedule.

(A) Each unit shall be provided with off-street parking space for two vehicles. This may be provided totally on the lot, or in parking compounds conveniently located and readily accessible to the site which they are intended to serve, or as a combination of the above.

(B) All other uses: sufficient space shall be provided, in accord with acceptable standards of the Planning Commission, to fit the scale of the contemplated use and activity to be developed.

(C) Each parking space shall have a minimum width of nine feet and a minimum depth of 20 feet.

(1) All parking spaces and parking compounds shall be surfaced with an asphaltic or concrete surfacing in accordance with specifications approved by the township's Engineer.

(2) Such facilities shall be so drained as to dispose of all surface water accumulated in the parking area within the confines of said parking area.

(Prior Code, § 15.1009) (Ord. eff. 12-1-2019)

§ 156.179 UTILITIES AND OTHER SERVICES.

(A) All sanitary sewage utilities and water facilities, including connections provided to individual sites, shall meet the requirements of Township Sewer and Water Departments and the State Health Department.

(B) The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.

(C) An adequate amount of running water from the township water system shall be piped to each trailer.

(D) Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

(E) All electric, telephone and other lines from supply poles to the each mobile home site shall be underground. When meters are installed they shall be uniformly located.

(F) Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any mobile home lot found to be safe. All fuel lines leading to mobile home lots shall be underground and so designed as to conform with the township's Building Code and any state code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.

(G) Facilities for the storage and disposal of trash and garbage in a sanitary manner shall be provided in each mobile home park.

(1) All refuse shall be stored in a fly-tight, water-tight, rodent-proof container, which shall be collated not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(2) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

(H) When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.

(I) Street and yard light, attached to standards approved by the township, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively relate to buildings, trees, walks, steps and ramps.

(Prior Code, § 15.1010) (Ord. eff. 12-1-2019)

§ 156.180 SKIRTING, CANOPIES AND AWNINGS.

(A) Each mobile home must be skirted within 90 days after establishment in a mobile home park.

(B) Such skirting shall be of 26 gauge metal, aluminum or other noncorrosive metal or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent the entry of rodents, flies, bugs or other insects.

(C) Permits for the construction skirting shall be required from the Building Inspector.

(D) Canopies and awnings may be attached to any mobile home but they shall not exceed 12 feet in width or length or height of the mobile home.

(E) A permit shall not be required for construction or erection of canopies or awnings which are open on three sides. However, a permit shall be required from the Building Inspector before construction or erection of any screened, glassed in or otherwise enclosed awning or canopy.

(Prior Code, § 15.1011) (Ord. eff. 12-1-2019)

§ 156.181 PADS, MATS OR PLATFORMS.

Each mobile home lot shall be provided with a concrete pad, mat or platform, not less than four inches in depth, or of equal bearing strength if reinforced concrete is used. Minimum pad dimensions for single mobile homes shall be 14 feet by 70 feet; for double wide mobile homes shall be 28 feet by 70 feet.

(Prior Code, § 15.1012) (Ord. eff. 12-1-2019)

§ 156.182 FIRE EXTINGUISHING EQUIPMENT.

Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the State Fire Marshal. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

(Prior Code, § 15.1013) (Ord. eff. 12-1-2019)

§ 156.183 UTILITY CABINETS.

Each mobile home may be provided with one utility cabin which shall be uniform as to size and location throughout the mobile home park site. All cabinets shall be kept clean and shall be maintained in good condition and kept painted and shall contain a minimum of 90 cubic feet of storage area.

(Prior Code, § 15.1014) (Ord. eff. 12-1-2019)

§ 156.184 ON-SITE LAUNDRY DRYING SPACE.

(A) On-site outdoor laundry drying space of adequate area and suitable location shall be provided if the park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants.

(B) Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella-type of hanging apparatus shall be allowed, in the rear yard only, with park management providing a concrete-imbedded socket at each site.

(Prior Code, § 15.1015) (Ord. eff. 12-1-2019)

§ 156.185 MAIL DELIVERY.

Central mail delivery shall be provided for the park. Mailboxes shall be screened aesthetically.

(Prior Code, § 15.1016) (Ord. eff. 12-1-2019)

§ 156.186 GREENBELT.

(A) A greenbelt planting strip of not less than 20 feet in width shall be placed along the perimeter of the mobile home park where it abuts public right-of-way or an area zoned in any other residential classification. The greenbelt shall be developed with a mixture of hardy deciduous and coniferous plant material and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but no longer than one growing season.

(B) Excluded from such planting shall be the following plant material:

- (1) Ailanthus (Tree of heaven);
- (2) Box elders;
- (3) Poplars;
- (4) Soft maples; and
- (5) Willows.

(Prior Code, § 15.1017) (Ord. eff. 12-1-2019)

§ 156.187 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

In accordance with the attached Schedule of Regulations, Appendix F of this chapter.

(Prior Code, § 15.1018) (Ord. eff. 12-1-2019)

C-1 LOCAL BUSINESS DISTRICT

§ 156.200 INTENT AND PURPOSE.

The Local Business District as established in this subchapter, is intended to be that district permitting retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development, so far as is possible and appropriate in each area, uses are permitted which would not create hazards, offensive and loud noises, vibration, smoke, glare or excessive truck traffic. The intent of this district is also to encourage the concentration of local business by proposed areas in the comprehensive development plan to the mutual advantage of both the consumer and merchant. This will promote the best use of land at certain strategic locations and avoid the encouragement of marginal strip business development along major streets.

(Prior Code, § 15.1101) (Ord. eff. 12-1-2019)

§ 156.201 USES PERMITTED BY RIGHT.

In the C-1 District the following uses are permitted:

- (A) Business services; including banks, loan companies, insurance offices, public accountants, real estate offices, stenographic services, business consultants and management companies;
- (B) Clothing services; including laundromats, laundry shops, dry cleaning establishments and self-serve dry cleaning centers, dressmaking, millinery shops, tailors and shoe repair shops;
- (C) Skilled trade services; including plumbing, electric and heating technicians, radio and television repair, carpenters, painters and brick masons;
- (D) Commercial offices; including advertising agencies, travel agencies, building contractors offices and corporation offices;
- (E) Food sales and restaurants; including groceries, meat markets, delicatessens, bakeries, coffee shops, soda fountains, poultry sales and seafood sales, but not including drive-in restaurants serving any type of food or beverages, and any meat or poultry sales where slaughtering is done on the premises;
- (F) Personal services; including beauty shops, barber shops, reducing salons and photographic studios;
- (G) Professional services; including medical centers, doctors' and dentists' offices, attorneys, engineers, architects, landscape architects, planners' and surveyors' offices and opticians;
- (H) Retail sales; including drug stores, stationery and book stores, news dealers, flower stores, haberdasher, household appliance shops, hardware stores, gift shops and art stores;
- (I) General offices and professional office buildings;
- (J) Schools, hospitals, convalescent homes, and nursing homes but not institutions for the care of the feeble-minded or mentally ill;
- (K) Private schools including tutoring, dance and trade schools;
- (L) Retail plumbing shops without open yard storage;
- (M) All the above permitted uses, in addition to other similar uses, shall be subject to the following restrictions.
 - (1) All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
- (N) Accessory structures, uses and signs customarily incidental to the above permitted uses subject to the following restrictions.
 - (1) Any building and use for any of the above enumerated purposes may not have more than 40% of the floor area devoted to fabricating or storage areas incidental to such primary use.
 - (2) Outdoor advertising signs only when pertaining to the sale, rental or use of the premises on which it is located, or to goods sold or activities conducted thereon, provided that any such signs shall not exceed 50 square feet in total area and shall conform to the requirements of §§ 156.080 through 156.095.
- (O) Off-street parking and loading in accordance with the requirements of §§156.060 through 156.068.

(Prior Code, § 15.1102) (Ord. eff. 12-1-2019)

§ 156.202 USES PERMITTED BY SPECIAL LAND USE PERMIT.

Under such reasonable conditions as imposed by the Planning Commission as being essential or desirable to the public convenience or welfare, not injurious to the surrounding neighborhood and not contrary to the spirit and purposes of this chapter, the following uses may be permitted by the Planning Commission:

- (A) Medical marihuana facilities subject to all requirements contained in Appendix C of this chapter; and
- (B) Exception: grower facilities are not permitted in the C-1 District.

(Prior Code, § 15.1103) (Ord. passed 8-23-2018)

§ 156.203 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

In accordance with the attached Schedule of Regulations, Appendix F of this chapter.

(Prior Code, § 15.1104) (Ord. passed 8-23-2018; Ord. eff. 12-1-2019)

C-2 GENERAL BUSINESS DISTRICT

§ 156.215 INTENT AND PURPOSE.

(A) The General Business District, as established in this subchapter, is intended to be that district permitted a wider range of business and entertainment than those permitted in the Local Business District. The permitted uses would serve not only nearby residential areas, but also people further away and transients for goods and services usually found in shopping centers and highway-oriented types of businesses.

(B) These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to buffer such districts from adjacent residential areas. Such C-2 Districts in the township would reflect existing commercial areas or as proposed on the comprehensive development plan.

(Prior Code, § 15.1201) (Ord. eff. 12-1-2019)

§ 156.216 USES PERMITTED BY RIGHT.

In the C-2 District the following uses are permitted:

- (A) All uses permitted in the C-1 Local Business District;
- (B) Automobile, motorcycle, trailer or boat showrooms;
- (C) Blueprinting;
- (D) Bus passenger stations;
- (E) Business schools and colleges, or private schools operate for a profit;
- (F) Carpet, rug, linoleum or other floor covering stores;
- (G) Catering establishments;
- (H) Clothing or costume rental establishments;
- (I) Department stores;
- (J) Eating or drinking establishments, with entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his or her vehicle;

(K) Accessory structures, uses and signs customarily incidental to the above permitted uses, subject to the following restrictions. Outdoor advertising signs only when they pertain to the sale, rental or use of the premises on which it is located, or to goods sold or activities conducted thereon, provided that any such signs shall not exceed 200 square feet in area; and

(L) Off-street parking and loading in accordance with §§156.060 through 156.068.

(Prior Code, § 15.1202) (Ord. eff. 12-1-2019)

§ 156.217 USES PERMITTED BY SPECIAL LAND USE PERMIT.

Under such reasonable conditions as imposed by the Planning Commission as being essential or desirable to the public convenience or welfare, not injurious to the surrounding neighborhood and not contrary to the spirit and purposes of this chapter, the following uses may be permitted by the Planning Commission:

(A) Automobile car wash establishments when completely enclosed within a building, including steam-cleaning, but not rust-proofing;

(B) Bowling alleys, pool and billiard halls, skating rinks, stadia and sports arenas;

(C) Commercial radio and television towers subject to regulations set forth in §156.038;

(D) Drive-in restaurants or other drive-in establishments serving food and/or beverage, provided that the entrance or exit to or from any such use is located at least 100 feet from the intersection of any two streets; that all such uses shall have direct access to an arterial thoroughfare as defined on the township's comprehensive development plan; that all lighting or illuminated display shall not reflect onto any adjacent residential zone; and that consideration is given to proximity of existing places of congregation of children (e.g. schools) and their relationship to traffic safety and sanitation;

(E) Filling stations and public garages;

(F) Open-air business uses including as follows:

(1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other garden supplies and equipment;

(2) Retail sale of fruit and vegetables;

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses;

(4) Bicycle, trailer, motor vehicle boat or home equipment sale or rental services; and

(5) Outdoor display and sale of garages, swimming pools and similar uses.

(G) Outdoor sales space for the exclusive sale of new or used automobiles, trucks, mobile homes or travel trailers, boats or farm machinery and equipment, subject to the following conditions:

(1) This special use is regulated by Ordinance 6-8-71, Section 4.30, page 15.070;

(2) The lot area used for display shall have a clean permanent (i.e., concrete, asphalt or stonecrete), durable and dust free surface and shall be drained in accordance with Ordinance 6-8-71, Section 4.19, Building Grades, Pages 15.058 to 15.060;

(3) Motor vehicles located on the property shall be in saleable and operable condition at all times. The exemption in §§71.03 and 71.04 of this code of ordinances does not apply;

(4) No major repair or refinishing shall be performed on the property, except within an enclosed building. Used component parts shall not be stored on or sold from the property; and

(5) Ingress and egress shall be provided as far as practical from two intersecting streets and shall be at least 50 feet from an intersection.

(H) Drive-in theaters, provided that any such site is adjacent to an arterial thoroughfare as shown on the township's comprehensive development plan; that there shall be no vehicular access to any residential street, and that suitable screening is provided to ensure that there shall be no headlight or other illumination directed upon any residentially zoned or developed property;

(I) Wholesale stores, storage, buildings, warehouses, distributing plants, freezers and lockers; and

(J) Medical marijuana facilities subject to all requirements contained in Appendix C of this chapter. Exception: grower facilities are not permitted in the C-2.

(Prior Code, § 15.1203) (Ord. passed 8-23-2018; Ord. eff. 12-1-2019)

§ 156.218 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

In accordance with the attached Schedule of Regulations, Appendix F of this chapter.

(Prior Code, § 15.1204) (Ord. eff. 12-1-2019)

C-3 INSTITUTIONAL SITE RE-USE DISTRICT

§ 156.230 INTENT AND PURPOSE.

(A) The Institutional Site Re-Use District, as established in this subchapter, is intended to provide options for the practical utilization of abandoned but still viable school or other institutional buildings.

(B) Declining enrollments and consequent school closings present the community with the opportunity to make practical use of such abandoned but otherwise sound structures.

(C) A challenge is also presented as such buildings are frequently found in areas of residential character, thereby precluding their usage in obviously commercial or industrial fashion.

(D) The intent of this district is to clearly identify such sites, and to provide practical options for their use in a manner which will assure that surrounding residential or agricultural areas will not be impacted negatively.

(Prior Code, § 15.1301) (Ord. eff. 12-1-2019)

§ 156.231 GENERAL CONDITIONS.

All of the following permitted uses, in addition to other similar uses, shall be subject to the following restrictions:

(A) All business, servicing, processing and storage, except for off-street parking or loading, shall be conducted wholly within the building;

(B) All activities are to be conducted during normal daylight hours; and

(C) Off-street parking and loading is to be in accordance with the requirements of §§156.060 through 156.068.

(Prior Code, § 15.1302) (Ord. eff. 12-1-2019)

§ 156.232 USES PERMITTED BY RIGHT.

In the C-3 District the following uses are permitted:

(A) General and professional offices including banking, insurance, real estate, legal, medical, dental, architectural and engineering;

(B) Private schools including tutoring, dance, beauty and trade;

(C) Personal services including barber and beauty shops, reducing salons and photographic studios;

(D) Manufacturing, processing, assembling, packaging or treatment of products from previously prepared materials;

(E) Interior decorating establishments;

(F) Furniture stores;

(G) Sign painting shops; and

(H) Skilled services including plumbing, electrical and heating; radio and television repair.

(Prior Code, § 15.1303) (Ord. eff. 12-1-2019)

§ 156.233 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

In accordance with the attached Schedule of Regulations, Appendix F of this chapter.

(Prior Code, § 15.1304) (Ord. eff. 12-1-2019)

M INDUSTRIAL DISTRICT

§ 156.245 INTENT AND PURPOSE.

The intent of this subchapter is to permit industrial uses to locate in planned areas of the township. Reasonable regulations are applied to these uses so as to permit the location of industries which will not cause adverse effects on adjacent residential and/or commercial property.

(Prior Code, § 15.1401) (Ord. eff. 12-1-2019)

§ 156.246 USES PERMITTED BY RIGHT.

In the M District, the following uses are permitted:

- (A) Bakeries;
- (B) Bottling or packaging of cleaning compounds, polishes and seeds;
- (C) Building contract or storage yards for materials, equipment and vehicles;
- (D) Building material sales;
- (E) Carpenter and cabinet making shops;
- (F) Ceramics and pottery manufacturing using only previously pulverized clay, and kilns which are electrically or gas fired only;
- (G) Coal, coke or fuel yards;
- (H) Cold storage plants;
- (I) Confection manufacturing;
- (J) Creameries;
- (K) Dental, surgical and optical goods manufacturing;
- (L) Dry cleaning and carpet cleaning;
- (M) Good products manufacturing;
- (N) Jewelry manufacturing;
- (O) Laboratories, research and testing;
- (P) Laundries;
- (Q) Musical instrument manufacturing;
- (R) Patternmaking shops;
- (S) Pharmaceutical products manufacturing;
- (T) Printing, engraving and bookbinding shops;
- (U) Produce markets and terminals;
- (V) Public utility buildings, including warehouse, storage and transfer yards, and electric and gas service buildings and yards;
- (W) Soil, sand, clay gravel or similar removal operations, quarry excavation, and filling of land subject to all applicable township, county and state ordinances;
- (X) Soda water and soft drinks bottling establishments;
- (Y) Toiletries and cosmetic manufacturing;
- (Z) Tool, die gauge and machine shops manufacturing small parts;
- (AA) Warehousing, transfer, terminal, storage and loft buildings;
- (BB) Water, gas and oil tank containers;
- (CC) Temporary buildings and uses for construction purposes for a period not to exceed six months, after which all such buildings shall be physically removed and uses discontinued;
- (DD) Off-street parking and loading space as required in §§ 156.060 through 156.068;
- (EE) Outdoor advertising signs providing such are not larger than 200 square feet. Signs shall conform to the requirements of §§ 156.080 through 156.095 and the same yard setback requirements as buildings and structures in an M District;
- (FF) Open storage.
 - (1) All storage of building materials, sand, gravel, stone, lumber, equipment and other supplies shall be located within an area not closer than 150 feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than 20 feet from any interior lot line.
 - (2) All such open storage shall be screened from all streets and on all sides which abut any other than an M District by a solid, eight-foot high wall or fence sufficient to serve as a permanent retaining wall.
- (GG) Junkyards, provided the following. Junkyards are allowed in the industrial zone subject to special approval by the Planning Commission provided the following mandatory requirements are met.
 - (1) Such junkyard is entirely enclosed within a boundary or a nine feet high obscuring wall of solid board fencing which wall shall be kept neatly painted.
 - (2) Such junkyards shall be kept and maintained at least 300 feet from the nearest public road or highway.
 - (3) The owner and/or operator shall, to insure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, furnish a surety bond executed by a surety company authorized to business in the state in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder; provided however, that in no case with the sum of the surety bond be less than the \$1,000 per acre of actual operation.
- (HH) Medical marijuana facilities pursuant to the requirements contained in Appendix C; and
- (II) Certain types of recreational marijuana facilities pursuant to the requirements contained in Appendix D, as well as the requirements and constraints of other applicable township ordinances and applicable law and regulations of the state.

(Prior Code, § 15.1402) (Ord. eff. 12-1-2019; Ord. passed 7-21-2020)

§ 156.247 USES PERMITTED BY SPECIAL LAND USE PERMIT.

Under such reasonable conditions as imposed by the Planning Commission as being essential or desirable to the public convenience or welfare, not injurious to the surrounding neighborhood and not contrary to the spirit and purposes of this chapter, the following uses may be permitted by the Planning Commission:

- (A) Medical marijuana facilities pursuant to the requirements contained in Appendix C; and
- (B) Certain types of recreational marijuana facilities pursuant to the requirements contained in Appendix D, as well as the requirements and constraints of other applicable township ordinances and applicable law and regulations of the state.

(Prior Code, § 15.1403) (Ord. passed 8-23-2018; Ord. 11-19-19-A, passed 11-19-2019)

§ 156.248 PROTECTIVE SCREENING.

Those sides of a lot or parcel in an M District which abut an R or RM District shall be provided with protective screening.

(Prior Code, § 15.1404) (Ord. passed 8-23-2018; Ord. eff. 12-1-2019)

§ 156.249 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

In accordance with the attached Schedule of Regulations, Appendix F of this chapter.

(Prior Code, § 15.1405) (Ord. passed 8-23-2018; Ord. eff. 12-1-2019)

SPECIAL LAND USE PERMIT REQUIREMENTS

§ 156.260 INTENT AND PURPOSE.

(A) It is the intent of this subchapter to provide a set of procedures for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

(B) It is the expressed purpose of the regulations and standards herein, to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

(C) The following together with previous references in other chapters of this chapter, designate the requirements, procedures and standards which must be met before special land use permit can be issued.

(Prior Code, § 15.1501) (Ord. eff. 12-1-2019)

§ 156.261 PERMIT PROCEDURES.

The application for a special land use permit shall be submitted and processed under the following procedures.

(A) *Submission of application.*

(1) An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by this chapter.

(2) In the event the allowance of a desired use requires both rezoning and special use permit, both requests may be submitted jointly, subject to the following.

- (a) The ordinance procedures for each shall be followed as specified.
- (b) All applicable standards and specifications required by the ordinance shall be observed.

(B) *Data required.*

(1) Site plan pursuant to § 156.045 portraying the total property involved showing the location of all abutting streets, the location of all existing and proposed structures and uses of the property and any natural or human-made features with affect the property together with indication of abutting uses; and

(2) Preliminary plans and specifications of the proposed development.

(C) *Planning Commission review and hearing.* The application, together with all required data shall be transmitted to the Planning Commission for review. After review and study of any application and related material, the Planning Commission shall hold a public hearing after at least one publication in a newspaper of general circulation in the community. Notice procedure under § 156.277(C)(3) shall be followed. Such notice shall indicate the place, time and purpose of the hearing.

(D) *Permit expiration.* A special land use permit issued pursuant to this chapter shall be valid for one year from the date of issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit. Once a special land use is constructed, annual renewal of such permit shall not be required.

(E) *Revocation.* The Planning Commission shall have the authority to revoke any special land use permit after it has been proved that the holder of permit has failed to comply with any of the applicable requirements in §§ 156.275 through 156.278, or other applicable sections.

(F) *Reapplication.* No application for a special land use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of the one year or more from the date of such denial, except on the grounds of newly discovered evidence or proof or change of conditions.

(Prior Code, § 15.1502) (Ord. eff. 12-1-2019)

§ 156.262 PERMIT STANDARDS.

Before formulating recommendations on a special land use permit application, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied.

(A) *General standards.* Before formulating recommendations on a special land use permit application, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied:

(1) Be designed, constructed, operated and maintained so as to be harmonious and, appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

(2) Not be hazardous or disturbing to existing or intended uses in the same general area and will be in improvement to property in the immediate vicinity and to the community as a whole;

(3) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools;

(4) Not create excessive additional requirements at public cost for public facilities and services;

(5) Not involve uses, activities, processes, materials and equipment or conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors; and

(6) Be consistent with the intent and purpose of the zoning district in which it is propose to locate such use.

(B) *Conditions and safeguards.* The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objective of this chapter will be observed. The breach of any condition, safeguard, or requirements shall automatically invalidate the permit granted.

(C) *Specific requirements.* The general standards and requirements of this section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following sections related to particular uses and are requirements which must be met by those requirements where applicable.

(D) *Permitted uses.* Uses permitted by special land use permit shall be those uses listed as "allowed by special use permit" in each district.

(Prior Code, § 15.1503) (Ord. eff. 12-1-2019)

GENERAL ADMINISTRATION

§ 156.275 GENERAL ADMINISTRATION.

The provisions of this chapter shall be administered by the Planning Commission, the Board of Zoning Appeals and the Township Board in conformance with applicable state enabling legislation.

(A) *Responsibility.* The Township Board with recommendation of the Planning Commission shall employ a Zoning Administrator to act as its officer to effect proper and adequate administration of this chapter. The Township Board may designate the Building Inspector, Township Manager or other administrative officer as the Zoning Administrator. The term of employment, compensation and any other conditions of employment shall be established by the Township Board. For the purpose of this chapter, the Zoning Administrator shall have the power of a police officer.

(B) *Duties of Zoning Administrator.*

(1) All applications for permits or certificates shall be submitted to the Zoning Administrator who may issue certificates of occupancy or sign permits when all applicable provisions of this chapter have been met. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out his or her duties in the enforcement of this chapter.

(2) The Zoning Administrator shall record all nonconforming uses existing at the effective date of this chapter for the purpose of carrying out the provisions of § 156.035.

(3) Under no circumstances is the Zoning Administrator permitted to make changes in this chapter nor to vary the terms of this chapter in carrying out his or her duties.

(C) *Sign permit.* Prior to the construction, erection or structural alteration of a sign, a permit shall be obtained from the Zoning Administrator. Application shall be on a standard prepared form obtained from the Zoning Administrator.

(D) *Certificate of occupancy.* A certificate of occupancy shall be obtained from the Zoning Administrator for any of the following:

(1) Occupancy and use of vacant land (including parking lot construction) or of a building hereafter erected or structurally altered;

(2) Change in the use of land or building, except to another use which represents a continuation of a use under a previous certificate of occupancy; and

(3) Any change in use or enlargement of a non-nonconforming use or building.

(E) *Application for certificate of occupancy.*

(1) *Application.* In all cases where a building permit is required, written application for a certificate of occupancy shall be made coincident with the application for such building permit, and in all cases shall be made not less than ten days prior to the time when a new, changed or enlarged use of building, structure or premises is intended to begin.

(2) *Information required.* Application for certificate of occupancy shall be accompanied by a plat, in duplicate and drawn to scale, showing the exact dimension of the premises to which the certificate of occupancy is to apply; the lines of all lots or parcels under separate ownership contained therein; the width and alignment of all abutting streets, alleys, easement of access and public open spaces; the size, position and height of all buildings or structures erected or altered thereon; and such other information as may be deemed necessary by the Zoning Administrator for the proper enforcement of this chapter.

(3) *Accessory building or structures.* When erected at the same time as the principal building or structures on a lot shown on the application thereof, shall not require separate certificate of occupancy.

(4) *Record of application.* A record of all such application for certificate of occupancy shall be kept on file by the Zoning Administrator. Whenever the building, structure, premises and uses thereof as set forth on the application are in conformity with the provisions of this code and other applicable regulations.

(Prior Code, § 15.1601) (Ord. eff. 12-1-2019)

§ 156.276 ENFORCEMENT.

(A) *Generally.* Unless specified otherwise, the Zoning Administrator shall enforce the provisions of this chapter.

(B) *Cumulative rights and remedies.* The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(C) *Conflicting regulations.* In the interpretation, application and enforcement of the provisions of this chapter, whenever any of the provisions or limitations imposed or required by this chapter are more stringent than any other law or ordinance, then the provisions of this chapter shall govern, provided also that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such other law or ordinance shall govern.

(D) *Building permit requirement.* No structure unless exempted shall be built without the acquisition of a building permit. No permit shall be issued until such time as all the provisions of this chapter have been complied with.

(Prior Code, § 15.1602) (Ord. eff. 12-1-2019)

§ 156.277 AMENDMENT.

(A) *Generally.* The Township Board may amend the regulations and provisions stated in the text of this chapter and the boundaries of zoning districts shown on the zoning district may be amended, supplemented or changed by ordinance the Township Board in accordance with the applicable zoning enabling legislation of the state.

(B) *Initiation of amendments.* Proposals for amendments, supplements or changes may be initiated by the Township Board of its own action, by the Planning Commission or by petition of one or more owners, or their agents, of property to be affected by the proposed amendment.

(C) *Amendment procedures.*

(1) *Petition to Township Board.* Each petition by one or more owners, or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover cost of necessary advertising, for public hearings, for use of a standard amendment sign and investigation of the amendment request. The Clerk shall transmit the application to the Planning Commission for recommendation action.

(2) *Recommendation.* The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the development plan for the community. The Planning Commission may recommend any additions or modifications to the original amendment petition.

(3) *Public hearing.* Before deliberation on any proposal, the Planning Commission shall conduct at least one public hearing, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the community, the notice to be printed not less than 15 days before the date of such hearing.

(a) Not less than 15 days' notice of the time and place of such hearing shall also be given to each public utility company servicing the community, and which has registered its name and mailing address for the purpose of receiving such notice, and to each railroad company servicing the community and to each railroad within the zone affected.

(b) The notice shall include the places and times at which the tentative text and/or map amendment to the zoning regulations may be examined. Letters of notice shall also be mailed at least 15 days prior to the hearing to all property owners of record within 300 feet of a requested rezoning and to the owners of the subject property.

(D) *Township Board.*

(1) Upon receipt of the Planning Commission's recommendation, the Township Board shall review said recommendations. If the Township Board shall deem that any amendments, changes, additions or departures are advisable to the proposed ordinance amendment recommended by the Planning Commission, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Township Board.

(2) After receiving the proposed amendment recommendations heretofore specified, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing.

(3) Thereafter, the Township Board may deny, or adopt the amendment with or without any changes.

(E) *Resubmittal.* No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

(Prior Code, § 15.1603) (Ord. eff. 12-1-2019)

§ 156.278 BOARD OF ZONING APPEALS.

(A) *Creation and membership.*

(1) *Establishment.* By state enabling legislation.

(2) *Membership, terms office.* By state enabling legislation.

(B) *Organization and procedures.*

(1) *Rules of procedure.* The Board of Zoning Appeals shall adopt its own rules of procedure as may be necessary to conduct its meeting and carry out its function. The Board shall choose its Chairperson, and in his or her absence, an Acting Chairperson.

(2) *Meetings.* Meetings shall be held at the call of the Chairperson and at such times as the Board of Zoning Appeals may determine. All meetings by the Board of Zoning Appeals shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

(3) *Records.* Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be made available to the general public.

(4) *Counsel.* The Township Attorney shall act as legal counsel for the Board of Zoning Appeals and shall be present at all meetings upon request by the Board of Zoning Appeals.

(5) *Hearings.*

(a) When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Board shall immediately place the said request for appeal on the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served, personally or by mail, addressed to the parties making the request for appeal, at least five days prior to the date of the scheduled hearing. All notices shall be sent to the addressee stated on the application.

(b) Any person may appear and testify at the hearings, either in person or by duly authorized agent or attorney. The Board of Zoning Appeals may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment of the Board hearing, no further notice shall be required. The Board shall give due notice to all property owners within 300 feet of the property affected, said notice being given at least five days before the hearing date.

(6) *Decisions.* The Board of Zoning Appeals shall return a decision upon each case within 30 days after a request or appeal has been filed unless a further time is agreed upon with the parties concerned. Any decision of the Board of Zoning Appeals shall take effect immediately.

(7) *Majority vote.* The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this chapter or to effect any variation in the chapter.

(C) *Appeals.*

(1) *Filing of appeals.*

(a) Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by any officers, department or board of the township government.

(b) Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this chapter may be made to the Board of Zoning Appeals within ten days after the date of the mailing of the Zoning Administrator's decision. Such appeal shall be filed with the Zoning Administrator and shall specify the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Secretary of the Board of Appeals papers constituting the record upon which the action appealed from was taken.

(2) *Stay.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals after notice of appeal has been filed with him or her that by reason of fact stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stated otherwise than by restraining order, which may be granted by the Board of Zoning Appeals or, on application, by a court or record.

(3) *Fees.* A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Zoning Appeals. The purpose of such fee is to cover, in part, the necessary advertisement, investigations and other expenses incurred by the Board of Zoning Appeals in connection with the appeal.

(D) *Duties and powers.* The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation, variance exception or special approval permit as defined in this section.

(1) *Review.* The Board of Zoning Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this chapter.

(2) *Interpretation.* The Board of Zoning Appeals shall have the power to:

(a) Interpret, upon request, the provision of this chapter in such a way as to carry out the intent and purpose of the chapter;

(b) Determine the precise location of the boundary lines between zoning districts;

(c) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district; and

(d) Determine the off-street parking and loading space requirements of any use not specifically mentioned in §§156.060 through 156.068.

(3) *Variances.* The Board of Zoning Appeals shall have the power to authorize, upon an appeal specific variance from such requirements as lot regulations, yard and depth regulations, and off-street parking and loading space requirements, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter can be satisfied.

(4) *Basic conditions.* Any variance granted from this chapter:

(a) Will not be contrary to the public interest or to the intent and purpose of this chapter;

- (b) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit is required;
- (c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located;
- (d) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such condition reasonably practical;
- (e) Will relate only to property that is under control of the applicant; and
- (f) In the case of a detached garage that is the only garage on the parcel, the maximum height of the structure may be increased to complement the architectural character of the principal dwelling.
- (5) *Special conditions.* When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special conditions can be clearly demonstrated:
- (a) Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land;
- (b) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this chapter; and
- (c) Where such variations is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- (6) *Rules.* The following rules shall be applied in the granting of variances.
- (a) The Board of Zoning Appeals may specify, in writing, such conditions regarding the character, location and other features that will in its judgment, secure the objective and purposes of this chapter. The breach of any such condition shall automatically invalidate the permit granted.
- (b) Each variance granted under the provisions of this chapter shall become null and void unless:
1. The construction authorized by such variance or permit has been commenced within six months after the granting of the variance; and
 2. The occupancy of land, premises or building authorized by the variance has taken place within one year after the granting of the variance.
- (c) No application for a variance which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- (7) *Temporary permits.* Temporary permits for temporary structures, such as a garage, partial structure, cellar or basement to be used for dwelling purposes, including mobile homes or house travel trailer, not located in a licensed mobile home park subject to the following procedures and limitations.
- (a) An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Board of Zoning Appeals on a special form used exclusively for that purpose. The applicant shall submit along with the application the written consent of 50% of the owner of all dwelling within 300 feet of proposed site.
- (b) The Board of Zoning Appeals shall give due notice to the applicant and to all property owners within 300 feet of the property affected at least five days before the hearing will be held on such application.
- (c) A temporary permit shall not be granted unless the Board of Zoning Appeals finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that any on-site water supply and sanitary facilities have been approved by the County Health Department.
- (d) The Board of Zoning Appeals may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
- (e) Unique and temporary conditions shall exist which justify the need for a trailer coach on a given lot or parcel such as dwelling for seasonal farm labor, aged family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal dwelling on the property in question.
- (f) The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed 12 months. No permit shall be transferable to any other owner or occupant. The permit may be renewed in the case of trailer coaches if the conditions of divisions (D)(7)(a) through (D)(7)(e) above can be met again.
- (8) *Bond for compliance; bond authorized.* In authorizing any variance, or in granting any conditional, or special approval permits, the Board of Zoning Appeals may require that a bond of ample sum, but not exceed \$5,000, be furnished to ensure compliance with requirements, specifications and conditions imposed with the grant of variance.
- (Prior Code, § 15.1604) (Ord. eff. 12-1-2019)

SOLAR ENERGY SYSTEMS

§ 156.290 PURPOSE AND INTENT.

The purpose of this subchapter is to establish standards and procedures by which the installation and operation of a solar-energy system(s) (hereinafter "SES") shall be regulated within Spaulding Township (hereinafter "the Township"), in order to promote the safe, effective and efficient use of solar energy.

(Ord. 06-21-22, passed 6-21-2022)

§ 156.291 DEFINITIONS.

- (A) As used in this subchapter:
- ABANDONMENT.** To give up, discontinue, withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.
- ANCILLARY SOLAR EQUIPMENT.** Any accessory part or device of the SES that does not require direct access to sunlight, such as batteries, electric meters, converters, racking/supports, plumbing, or water heater tanks.
- APPLICANT.** The person, firm, corporation, company, limited liability corporation, or other entity which applies for township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved SES. An applicant must have the legal authority to represent and bind the landowner and lessee. The obligations regarding a zoning approval for any approved SES shall be with the owner of the SES and jointly and severally with the owner and operator or lessee of the SES if different than the owner.
- APPLICATION.** A form to be developed from time to time by the Zoning Administrator or per appointee of the Spaulding Township Supervisor. An application for a SES shall be filed with the Spaulding Township Zoning Administrator and subject to approval by the Spaulding Township Planning Commission.
- FENCE.** A continuous barrier extending from the surface of the ground to a uniform height of not less than six feet from the ground at any given point, constructed of steel, or other material of similar nature and strength. The barrier may be solid or have openings, as long as the openings in the banner shall not allow passage of a four inch diameter (102 mm) sphere. Where the banner is composed of horizontal and vertical members, the spacing shall not exceed 1.75 inches (44 mm) in width.
- GROUND MOUNT SYSTEM.** A freestanding solar energy system that is not attached to and is separate from any building on the same parcel on which the solar energy system is located.
- LAYDOWN YARD.** An area outside a work or construction site where tools, materials, equipment, vehicles, etc. are stored until they need to be used.
- PARCEL.** A parcel is determined by the legal description of land identified by the tax identification number existing at the effective date of this subchapter or if such number does not then exist, such time as is appropriate for the fulfillment of the intent of this subchapter.
- RESIDENTIAL SES.** A ground mounted or roof mounted SES that is accessory to the principle residential use on the parcel.
- ROOF MOUNT SYSTEM.** An SES which is installed directly on the roof of a residence.
- SITE.** That part of the parcel on which a SES is to be located.
- SOLAR ENERGY.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.
- SOLAR ENERGY SYSTEM.** An energy facility that includes an area of land principally used to convert solar energy to electricity, which includes, but is not limited to, all the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. This term applies to solar photovoltaic (PV) systems used for the purpose of generating and selling energy to a public utility off site and does not apply to private commercial or residential uses where energy is used for supplying supplemental electricity for on-site uses.
- SOLAR GLARE.** The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- (B) The term **LANDOWNER** or **OWNER**, as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property. With respect to special assessments, however, the owner shall be considered to be the person who appears on the assessment roll for the purpose of giving notice and billing.
- (Ord. 21-08-17, passed 8-17-2021; Ord. 06-21-22, passed 6-21-2022)

§ 156.292 SOLAR ENERGY SYSTEMS ALLOWED AS A PERMITTED USE (RESIDENTIAL SES).

A ground mount or roof mount residential solar energy system used to convert solar energy to electricity where electricity is not sold off site shall be a permitted use in the R, RM, and AG zoning districts only subject to the following regulations:

- (A) A zoning permit shall be obtained from Spaulding Township prior to construction of a residential SES. A building permit shall be issued prior to operation of a solar energy system after an

inspection of the SES by the Spaulding Township Building Inspector or an authorized agent of the township, and a written report of what the inspection finds that the SES complies with all applicable state construction and electrical codes, local building permit requirements and fees, and all manufacturers' installation instructions. The operator of the SES is responsible for all costs of any such inspection. The SES shall not operate nor remain on the parcel unless building and zoning permits have been issued.

(B) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of the manufacturer's installation instructions and blueprints shall be provided to the township and its inspectors.

(C) A Residential SES shall provide electrical power only for one dwelling unit and residential outbuildings or one farmstead, located on that parcel on which the SES is located.

(D) The township shall have the right upon approving any SES to inspect the premises on which the SES is located at all reasonable times. The township may hire a consultant to assist with any such review and inspections at the applicant's cost.

(E) All ground mounted solar panels and SES shall comply with the following:

(1) Shall be located on parcels with a minimum of 15,000 square feet in size.

(2) All set back, yard location requirements, and percentage of lot coverage for accessory buildings shall be met.

(3) For lots less than one acre in size, all ground mounted solar panels and SES shall not exceed ten feet in height when utilized in conjunction with residential properties or structures; all other uses and properties shall comply with the structure height requirements for the applicable land use district.

(4) For lots less than one acre in size, the total surface area of all solar panels and SES shall not exceed 800 square feet.

(5) Solar energy collectors shall be permanently and safely attached to the ground.

(6) The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non reflective of light.

(F) All solar panels or SES on rooftops or structures shall comply with the following:

(1) All structure height requirements for the applicable land use district shall be complied with, inclusive of the solar panel or SES.

(2) No part of the solar panel or SES and equipment shall extend beyond the edge of the roof.

(3) Required accessory equipment may be permitted on the ground and shall meet all accessory structure setbacks and requirements of the township's zoning ordinance and other applicable ordinances.

(4) The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.

(Ord. 06-21-22, passed 6-21-2022)

§ 156.293 SOLAR ENERGY SYSTEMS WHICH REQUIRE A SPECIAL USE PERMIT (COMMERCIAL SES).

An energy facility or an area of land principally used to convert solar energy to electricity, which includes but is not limited to, the use of one or more solar energy systems are a commercial solar energy system. These facilities primarily sell electricity to be used off site. They shall be permitted as a Special Use within C1, C2, and AG zoning districts, subject to the following regulations:

(A) A Commercial SES is limited to sites of a minimum of 20 acres of land.

(B) A Commercial SES must comply with the requirements of this chapter and other applicable chapters or sections of the township zoning ordinance.

(C) A Commercial SES shall be considered a special use and must adhere to the following procedures:

(1) The Planning Commission will hold a public hearing after reviewing the application for the Special Use Permit. A decision on the Special Use Permit application by the Planning Commission is inclusive of all proposed solar energy facilities, underground electrical lines, sub stations, junction boxes, laydown yard(s), and any operations/maintenance building(s).

(2) Applicant must provide the name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application or parcel identification number(s), and any additional contact information. Each application for a Commercial SES shall also be dated to indicate the date the application is submitted to Spaulding Township.

(3) A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule must be included.

(4) A description and drawing of the proposed technology to include type of solar panel and system, fixed mounted versus solar tracking, number of panels, and angles of orientation must be included.

(5) Application must include site plan requirements, including:

(a) The project area boundaries.

(b) The location, height, and dimensions of all existing and proposed structures and fencing.

(c) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest road.

(d) Existing topography.

(e) Water bodies, waterways, wetlands, drainage channels and drain easements.

(f) A site grading, erosion control and storm water drainage plan. The plans will be reviewed by the township or certified professional designated by the township at the applicant's cost.

(g) All comments from the Saginaw County Public Works Commissioner's office pertaining to the proposed solar energy facility shall be submitted to the Planning Commission.

(h) All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries and all ancillary solar equipment.

(i) Identification of a construction/set-up/laydown area.

(6) The SES operator shall maintain a current insurance policy which will cover installation and operation of the SES. The minimum amount of the policy shall be an amount to be set by the Township Board by Resolution, which may be adjusted by the Township Board from time to time.

(7) Application must include certifications that the applicant has complied or will comply with all the applicable county, state, and federal laws, regulations, and ordinances, including compliance with the Farmland Preservation Act (PA 116).

(8) Application must include a Manufacturers' Data Sheet(s). Documentation shall include the type and quantity of all materials used in the operation of all equipment.

(9) Application must include visual simulations. Photo exhibits visualizing the proposed solar energy system, with emphasis on visualizing the location of any fences, landscaping, access roads, and setbacks from adjacent non-participating property.

(10) Applicant shall submit a maintenance plan that: demonstrates that the SES will be designed, constructed, and operated to minimize dust generation, including during construction; states the manner how unpaved access roads will be treated and maintained for dust control; and provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.

(11) The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(12) A decommissioning plan as described in the township zoning ordinance is required.

(D) Commercial SES shall be fenced completely pursuant to the township zoning ordinance. The perimeter fence shall be designed to restrict unauthorized access and additional security measures are encouraged.

(E) All improved areas, including disposal areas, shall be at least 50 feet from the public right-of-way and 50 feet from a fence line.

(F) The applicant must obtain a driveway permit from the Saginaw County Road Commission or MDOT, as applicable.

(G) The applicant must obtain any drain permits from the Saginaw County Public Works Commissioner or MDEQ, as applicable.

(H) No portion of the Commercial SES shall contain or be used to display advertising.

(I) The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator.

(J) A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township Planning Commission.

(K) Improved areas shall be at least 50 feet from any residential use, or church, measured from the lot line.

(L) All access roads and storage areas shall be established on a 30-foot minimum easement to a public right-of-way.

(M) The site of a Commercial SES shall be improved and maintained with a drought tolerant, perennial vegetative ground cover over the entire property including under and around solar arrays. The purpose of this ground cover shall be the prevention of soil erosion and the management of storm water runoff.

(N) Top soil shall not be removed from the property during construction nor during operation of the facility.

(O) All solar energy facilities shall have a minimum landscape buffer of 25 feet along any road or adjacent to a residential use. The buffer shall contain evergreen trees or bushes planted no more than eight feet apart and at least four-foot-tall at time of planting and in such a manner as to provide maximum effect of the buffer, such as staggering or double rows. The buffer shall obtain a height of ten feet within three growing seasons. The trees or bushes may be trimmed but no lower than a height of ten feet. Each owner or operator of a SES shall maintain the landscape buffer so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted. Grass around the SES shall not exceed ten inches in height and shall be maintained by the facility operator.

(P) If a Commercial SES ownership changes, the new owner/operator must meet with the Spaulding Township Planning Commission to review the conditions of the use permit within 60 days of the change in ownership.

(Q) No additional noise over the existing ambient level shall be heard at the property lines of the project. If noise complaints occur, the owner/operator may be required to complete a noise study and mitigate any additional noise that is found.

(R) *Light and glare.*

(1) All SES shall be placed such that solar glare does not project onto nearby inhabited structures, non-participating parcel or roadways, and be considered a nuisance.

(2) The applicant has the burden of proof that any glare produced does not have an adverse effect on neighboring or adjacent uses through siting and mitigation. If the solar panel systems do produce a glare, the applicant shall be responsible for mitigation, and will provide a mitigation plan.

(3) The design and construction of the SES shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and /or traffic control operations.

(Ord. 06-21-22, passed 6-21-2022)

§ 156.294 STANDARDS FOR ALL SOLAR ENERGY SYSTEMS.

(A) Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.

(B) Solar energy equipment shall be repaired or replaced or removed within three months of becoming nonfunctional.

(C) Each system must conform to applicable industry standards including those of the American National Standard Institute (ANSI).

(D) All proposed facilities must comply with all applicable local, state, and federal standards and requirements, including electrical and building code.

(E) All solar energy systems must comply with the requirements established in the Spaulding Township Rural Zoning Ordinance.

(Ord. 06-21-22, passed 6-21-2022)

§ 156.999 PENALTY.

(A) Violations of any provisions of this chapter are declared to be a civil infraction.

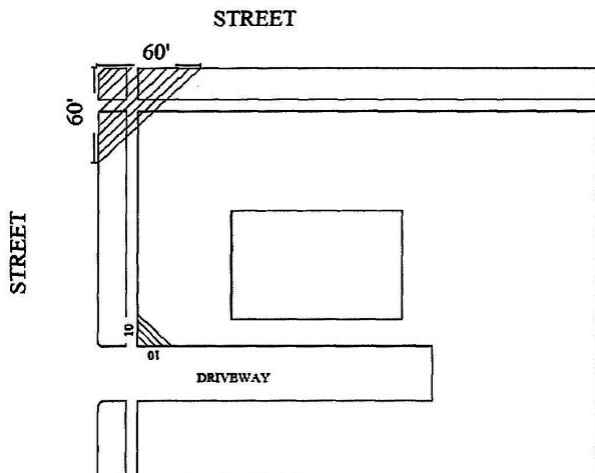
(B) Any and all building or land use activities considered possible violations of the provisions of this chapter observed by or communicated to an official or employee shall be reported to the Zoning Administrator.

(1) *Inspection of violation.* The Zoning Administrator shall inspect each alleged violation or violations he or she observes or is aware of and shall order correction, in writing, of all conditions found to be in violation of this chapter.

(2) *Penalties.* Every person, whether as principal agent, servant, employee or otherwise including the owners of any building, structure or premises or part thereof where any violation of this chapter shall exist or shall be created; who shall violate or refuse to comply with any of the provisions of this code shall be guilty of maintaining a nuisance per se, and, upon conviction thereof, shall be punished by a fine of not more than \$500, or by imprisonment for a term of not to exceed 90 days, or by both such fine and imprisonment, within the discretion of the Court; for each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared a civil infraction.

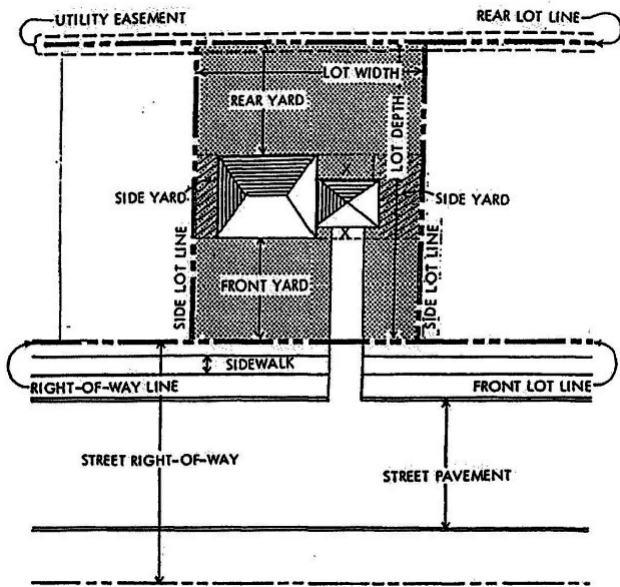
(Prior Code, § 15.1602) (Ord. eff. 12-1-2019)

APPENDIX A: UNOBSTRUCTED SITE DISTANCE



(Ord. eff. 12-1-2019)

APPENDIX B: YARDS



(Ord. eff. 12-1-2019)

APPENDIX C: MEDICAL MARIHUANA FACILITIES

(A) *Purpose.* The township finds that it is in the public interest to allow the permitting of state licensed medical marihuana facilities within its boundaries pursuant to Public Act 281 of 2016, the Medical Marihuana Facilities Licensing Act, being M.C.L.A. §§ 333.27101 et seq.

(B) *Definitions, interpretations and conflicts.*

(1) Any term defined by the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, being M.C.L.A. §§ 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act, as amended. If the definition of a word or phrase set forth in this appendix conflicts with the definition in the Medical Marihuana Facilities Licensing Act, or if a term is not defined but is defined in the Medical Marihuana Facilities Licensing Act, then the definition in the Medical Marihuana Facilities Licensing Act shall apply.

ACT. Public Act 281 of 2016, being M.C.L.A. §§ 333.27101 et seq., the Medical Marihuana Facilities Licensing Act.

APPLICANT. A person who applies for a license under this regulation. If an entity applies for a license, the term includes an officer, director or managerial employee of the entity when appropriate.

GROWER. A licensee that is a commercial entity located in this state that cultivates, dries, trims or cures and packages marihuana for sale to a processor or provisioning center.

MARIHUANA-INFUSED PRODUCT. A topical formulation, tincture, beverage, edible substance or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

MEDICAL MARIHUANA FACILITY. A location at which a license holder is licensed to operate under the Act.

ORDINANCE. This appendix.

PERMIT. A current and valid permit for a medical marihuana facility issued under this appendix, which shall be granted to an applicant only for and limited to a specific medical marihuana facility.

PERMIT APPLICATION. An application for a permit under this appendix and includes all supplemental documentation attached or required to be attached thereto.

PERMIT HOLDER. The person that holds a current and valid permit issued under this appendix.

PERMITTED PREMISES. The particular building or buildings within which the permit holder will be authorized to conduct the medical marihuana facility's activities pursuant to the permit.

PROCESSOR. A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in package form to a provisioning center.

PROVISIONING CENTER. A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies or provides marihuana to registered qualifying patients directly, or through the patients' registered primary caregivers. **PROVISIONING CENTER** includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, being M.C.L.A. §§ 333.26421 to 333.26430, is not a provisioning center for purposes of the Act or this chapter.

SAFETY COMPLIANCE FACILITY. A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the results, and may return the marihuana to the marihuana facility.

SECURE TRANSPORTER. A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

STATE OPERATING LICENSE. A license that is issued under the Act that allows the licensee to operate as marihuana facilities.

(2) Any term defined by the Medical Marihuana Facilities Licensing Act and not defined in this appendix shall have the definition given in the Medical Marihuana Facilities Licensing Act.

(3) Nothing in this appendix shall be construed in such a manner as to conflict with existing Spaulding Township ordinances except as otherwise stated herein

(C) *Applicability, permits, number of permits, eligibility and enabling provision.*

(1) Pursuant to § 205(1) of the Act, the township will authorize permits for the following types of marihuana facilities:

- (a) Growers, Class A;
- (b) Growers, Class B;
- (c) Growers, Class C;
- (d) Processors;
- (e) Provisioning centers;
- (f) Secure transporters; and
- (g) Safety compliance facilities.

(2) The number of permits in effect at any time shall not exceed the following maximums within the township:

- (a) Fifty cumulative permits for growers, Class A, B and C;
- (b) Processors: two;
- (c) Provisioning centers: two;
- (d) Safety compliance facilities: two; and
- (e) Secure transporters: two.

(3) No person or entity that was open or operating any facility purporting to produce, manufacture, test, transfer or transport medical marihuana or marihuana prior to the adoption of this appendix by the Township Council shall be considered a lawful use or lawful nonconforming use.

(4) This section does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.

(D) *Special use permit requirement.*

- (1) All medical marihuana facilities are subject to review and approval by the Planning Commission in accordance with the zoning regulations of Chapter 156 of this code of ordinances.
- (2) Any person or entity that wishes to operate as a marihuana facility in the township shall obtain a permit and must obtain a state operating license prior to opening or operating.
- (3) The application and inspection fee for the permit required by this section shall be as set from time to time by the township by resolution.
- (4) In addition to an annual reapplication and inspection fee, the township shall assess an annual fee in the amount of \$5,000 to defray the costs incurred by the township for inspection, administration and enforcement costs associated with the operation of the marihuana facilities operating in the township.
- (5) No permit issued under this section shall be transferrable unless first approved by the state medical marihuana licensing board.
- (6) All permits issued under this section shall be renewed annually and subject to annual inspection and renewal fees as set from time to time by the township by resolution.
- (7) The township may limit the number of permits issued under this section, and may revise this limit from time to time.
- (8) No person or entity that has opened or operated a facility doing business or purporting to do business under this chapter or the Act without first obtaining a permit shall be eligible for a permit.
- (9) A person or entity that receives a permit under this chapter shall display its permit and, when issued, its state operating license in plain view clearly visible to township officials and State Medical Marihuana Licensing Board authorized agents.

(E) *Location requirements.*

- (1) Processors must be located in the C-1, C-2 or M Zoning District.
- (2) Provisioning centers must be located in the C-1, C-2 or M Zoning District.
- (3) Growers must be located in the M Industrial Zoning District.
- (4) Safety compliance facilities must be located in the C-1, C-2 or M Zoning District.
- (5) Secure transporters must be located in the C-1, C-2 or M Zoning District.
- (6) No provisioning center shall be located within 1,000 feet of a public or private elementary or secondary school.
- (7) The applicant location shall meet all applicable written and duly promulgated standards of the township and, prior to opening, shall demonstrate to the township that it meets the rules and regulations promulgated by the State Medical Marihuana Facilities Licensing Board.
- (8) The applicant location shall conform to all standards of the zoning district which it is located.
- (9) No person shall reside or permit any person to reside in or on the premises of a medical marihuana facility.

(F) *Operational requirements.*

- (1) *Generally.* A medical marihuana facility issued a permit under this appendix and operating in the township shall at all times comply with the following operational requirements, which the township may review and amend from time to time as it determines reasonable.
- (2) *Scope of operation.* Medical marihuana facilities shall comply with all respective codes of the local Zoning, Building and Health Departments. The marihuana facility must hold a valid permit and state operating license for the type of medical marihuana facility intended to be carried out on the property. Medical marihuana facilities shall comply with all applicable state laws.
- (3) *Security.* Permit holders shall at all times maintain a security system that includes the following:
 - (a) Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the property;
 - (b) Robbery and burglary alarm systems which are monitored and operated 24 hours per day; and
 - (c) All medical marihuana in whatever form stored at the property shall be kept in a secure manner and shall not be visible from outside the property.
- (4) *Operating hours.* No provisioning center shall operate between the hours of 8:00 p.m. and 8:00 a.m., Monday through Saturday with no hours of operation to be held on Sunday unless otherwise determined by the Planning Commission.
- (5) *Sign restrictions.* It shall be prohibited for any medical marihuana facilities to display any signs that are inconsistent with local laws, regulations or any other applicable laws. No pictures, photographs, drawings or other depictions of medical marihuana shall appear on the outside of any property nor be visible outside the property. The words "marihuana", "cannabis" and any other words used or intended to convey the presence or availability of marihuana shall not appear on the outside of the permitted premises nor be visible outside of the permitted premises on the property.
- (6) *Use of marihuana.* The sale, consumption or use of alcohol or tobacco products on the permitted premises is prohibited. Smoking or consumption of controlled substances, including medical marihuana, on the permitted premises is prohibited.
- (7) *Disposal.* The disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it.
- (8) *Packaged and labeled.* All medical marihuana delivered to a patient shall be packaged and labeled as provided by applicable laws.
- (9) *Additional conditions.* The Planning Commission may impose such reasonable terms and conditions on a medical marihuana facility's special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this appendix and applicable law.

(G) *Application for and renewal of permits.*

- (1) *Application.* An application for a permit for a medical marihuana facility shall be submitted to the Clerk, and shall contain the following information:
 - (a) The name, address and phone number of the proposed applicant and the proposed marihuana facility;
 - (b) The names, addresses and phone numbers for all owners, directors, officers and managers of the applicant and the marihuana facility;
 - (c) If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all shareholders, officers and directors; if a partnership or limited liability partnership, the names and addresses of all partners; if a limited partnership or limited liability limited partnership, the names of all partners, both general and limited; or if a limited liability company, the names and addresses of all members and managers;
 - (d) The appropriate non-refundable application fee and the nonrefundable licensing fee in the amount determined by the township;
 - (e) The address of the proposed medical marihuana facility, proof of ownership of the proposed location where the medical marihuana facility is to be operated or a copy of the lease for the premises, indicating use of the premises in a manner requiring licensure under this appendix, and any additional contact information deemed necessary and requested by the township;
 - (f) Proof of an adequate premises liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Medical Marihuana Facilities Licensing Act or applicable state laws;
 - (g) Any other information required by the Act and deemed by the township to be required for consideration of a permit; and
 - (h) The Township Board shall not consider an incomplete application but shall, within a reasonable time, return the application to the applicant with notification of the deficiency and instructions for submitting a corrected application.
- (2) *Renewal.* The same requirements that apply to all new applications for a permit apply to all renewal applications. Renewal applications shall require township approval and shall be submitted to and received by the Clerk prior to expiration of the permit.

(H) *Revocation and review.*

- (1) A permit granted under this section may be revoked for any of the following reasons:
 - (a) Any fraud or misrepresentation contained in the permit application;
 - (b) Any known violation of this appendix or conditions of the approval of the special use permit;
 - (c) Loss of the applicant's Michigan operating license;
 - (d) Failure of the applicant to obtain a Michigan operating license within a reasonable time after obtaining a permit under this section; and
 - (e) Conducting business in an unlawful manner or in such a way as to constitute a menace to the health, safety or general welfare of the public.
- (2) Upon approval of a special use permit for any facility, the Planning Commission shall transmit their action to the Township Board. The Township Board shall, upon receipt of a complete permit application and approval by the Planning Commission along with all required fees, approve or deny the permit application within 120 days, or within 150 days if the location of the permitted premises is proposed to be amended. The processing time may be extended upon written notice by the township for good cause, and any failure to meet the required processing time shall not result in the automatic granting of the permit. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the expiration of any permit. The township has no obligation to process or approve any incomplete permit application, and any times provided under this appendix shall not begin to run until the township receives a complete permit application, as determined by the Township Board. A determination of a complete permit application shall not prohibit the township from requiring supplemental information.

(Ord. passed 8-23-2018)

APPENDIX D: RECREATIONAL MARIHUANA FACILITIES

- (A) *Purpose.* The township finds that it is in the public interest to allow the permitting of certain types of state licensed recreational marihuana facilities within its boundaries pursuant to Initiated Law

1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq. (hereinafter "the Act").

(B) *Definitions, interpretations and conflicts.*

(1) Any term defined by the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq., shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act, as amended. If the definition of a word or phrase set forth in this appendix conflicts with the definition in the Michigan Regulation and Taxation of Marihuana Act, or if a term is not defined but is defined in the Michigan Regulation and Taxation of Marihuana Act, then the definition in the Michigan Regulation and Taxation of Marihuana Act shall apply.

ACT. Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act.

APPLICANT. A person who applies for a license under this regulation. If an entity applies for a license, the term includes an officer, director or managerial employee of the entity when appropriate.

GROWER. A licensee licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA-INFUSED PRODUCT. A topical formulation, tincture, beverage, edible substance or similar product containing marihuana and other ingredients and that is intended for human consumption.

MARIHUANA ESTABLISHMENT. A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana-related business licensed by the state and township.

MARIHUANA SAFETY COMPLIANCE FACILITY. A person licensed to test marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER. A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

ORDINANCE. This appendix.

PERMIT. A current and valid permit for a recreational marihuana facility issued under this appendix, which shall be granted to an applicant only for and limited to a specific recreational marihuana facility.

PERMIT APPLICATION. An application for a permit under this appendix and includes all supplemental documentation attached or required to be attached thereto.

PERMIT HOLDER. The person that holds a current and valid permit issued under this appendix.

PERMITTED PREMISES. The particular building or buildings within which the permit holder will be authorized to conduct the recreational marihuana establishment's activities pursuant to the permit. For the avoidance of doubt, **PERMITTED PREMISES** includes the outdoor cultivation of marihuana, so long as the permit holder complies with all other local and state requirements and regulations.

PROCESS or PROCESSING. To separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse or otherwise make or prepare marihuana concentrate or marihuana-infused products.

PROCESSOR or MARIHUANA PROCESSOR. A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

STATE LICENSE. A license issued by the department that allows a person to operate a marihuana establishment.

(2) Any term defined by the Michigan Regulation and Taxation of Marihuana Act and not defined in this appendix shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.

(3) Nothing in this appendix shall be construed in such a manner as to conflict with existing township ordinances except as otherwise stated herein

(C) *Applicability, permits, number of permits, eligibility and enabling provision.*

(1) Pursuant to §§ 9(2) and 10(1)(b) and (1)(e) of the Act, as amended, the township will authorize permits for the following types of marihuana facilities:

- (a) Growers, Class A;
- (b) Growers, Class B;
- (c) Growers, Class C;
- (d) Processors;
- (e) Retailer; and
- (f) Secure transporter.

(2) The number of permits in effect at any time shall not exceed the following maximums within the township:

- (a) Fifty cumulative permits for growers, Class A, B and C;
- (b) Processors: two;
- (c) Retailers: two; and
- (d) Secure transporters: two.

(3) No person or entity that was open or operating any facility purporting to produce, manufacture, test, transfer or transport medical marihuana or marihuana prior to the adoption of this appendix by the Township Board shall be considered a lawful use or lawful nonconforming use.

(4) This section does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.

(D) *Special use permit requirement.*

(1) All recreational marihuana facilities are subject to review and approval by the Township Planning Commission in accordance with the township zoning regulations in Chapter 156 of this code of ordinances.

(2) Any person or entity that wishes to operate a marihuana establishment in the township shall obtain a permit and must obtain a state operating license prior to opening or operating.

(3) The application and inspection fee for the permit required by this appendix shall be as set from time to time by the township by resolution.

(4) In addition to an annual reapplication and inspection fee, the township shall assess an annual fee in the amount of \$5,000 to defray the costs incurred by the township for inspection, administration and enforcement costs associated with the operation of the marihuana establishments operating in the township.

(5) No permit issued under this section shall be transferable unless first approved by the township and the state.

(6) All permits issued under this section shall be renewed annually and subject to annual inspection and renewal fees as set from time to time by the township by resolution.

(7) The township may limit the number of permits issued under this section and may revise this limit from time to time.

(8) No person or entity that has opened or operated a facility doing business or purporting to do business under any state law, this appendix or the Act without first obtaining a permit shall be eligible for a permit.

(9) A person or entity that receives a permit under this appendix shall display its permit and, when issued, its state operating license in plain view clearly visible to township officials and authorized agents of the state.

(E) *Location requirements.*

(1) Processors must be located in the M Industrial Zoning District.

(2) Growers must be located in the M Industrial Zoning District.

(3) Retailers must be located in the M Industrial Zoning District.

(4) Secure Transporters must be located in the M Industrial Zoning District.

(5) All operations and activities of caregivers operating under the Michigan Medical Marihuana Act (M.C.L.A. §§ 333.26421 et seq., Initiated Law 1 of 2008) or any other statute or regulation of the state must be located in a Commercial Zoning District.

(6) No marihuana establishment shall be located within 1,000 feet of a public or private elementary or secondary school.

(7) The applicant location shall meet all applicable written and duly promulgated standards of the township and, prior to opening, shall demonstrate to the township that it meets the rules and regulations promulgated by the state.

(8) The applicant's location shall conform to all standards of the zoning district in which it is located.

(9) No person shall reside or permit any person to reside in or on the premises of a medical marihuana facility.

(F) *Operational requirements.*

(1) *Generally.* A recreational marihuana establishment issued a permit under this appendix and operating in the township shall at all times comply with the operational requirements described herein, which the township may review and amend from time to time as it determines reasonable.

(2) *Scope of operation.* Recreational marihuana establishments shall comply with all respective codes of the local zoning, building, and health departments. The marihuana establishment must hold a valid permit and state operating license for the type of recreational marihuana establishment intended to be carried out on the property. All recreational marihuana establishments shall comply with all applicable state laws.

(3) *Security.* Permit holders shall at all times maintain a security system that includes the following:

- (a) Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the property;
- (b) Robbery and burglary alarm systems which are monitored and operated 24 hours per day; and
- (c) All recreational marihuana in whatever form stored at the property shall be kept in a secure manner and shall not be visible from outside the property.

(4) *Operating hours.* No recreational marihuana establishment shall operate between the hours of 8:00 p.m. and 8:00 a.m., Monday through Saturday with no hours of operation to be held on Sunday unless otherwise determined by the Planning Commission.

(5) *Sign restrictions.* It shall be prohibited for any recreational marihuana establishment to display any signs that are inconsistent with local laws, regulations or any other applicable laws. No pictures, photographs, drawings or other depictions of recreational marihuana shall appear on the outside of any property nor be visible outside the property. The words "marihuana", "cannabis" and any other words used or intended to convey the presence or availability of marihuana shall not appear on the outside of the permitted premises nor be visible outside of the permitted premises on the property.

(6) *Use of marihuana.* The sale, consumption or use of alcohol or tobacco products on the permitted premises is prohibited. Smoking or consumption of controlled substances, including recreational marihuana, on the permitted premises is prohibited.

(7) *Disposal.* The disposal of recreational marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it.

(8) *Packaged and labeled.* All recreational marihuana delivered to a patient shall be packaged and labeled as provided by applicable laws and ordinances.

(9) *Additional conditions.* The Planning Commission may impose such reasonable terms and conditions on a recreational marihuana establishment's special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this appendix and applicable law.

(G) *Application for and renewal of permits.*

(1) *Application.* An application for a permit for a recreational marihuana establishment shall be submitted to the Township Clerk, and shall contain the following information:

- (a) The name, address and phone number of the proposed applicant and the proposed marihuana establishment;
- (b) The names, addresses and phone numbers for all owners, directors, officers and managers of the applicant and the marihuana establishment;
- (c) If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all shareholders, officers and directors; if a partnership or limited liability partnership, the names and addresses of all partners; if a limited partnership or limited liability limited partnership, the names of all partners, both general and limited; or if a limited liability company, the names and addresses of all members and managers;
- (d) The appropriate non-refundable application fee and the nonrefundable licensing fee in the amount determined by the township;
- (e) The address of the proposed recreational marihuana establishment, proof of ownership of the proposed location where the recreational marihuana establishment is to be operated or a copy of the lease for the premises, indicating use of the premises in a manner requiring licensure under this appendix, and any additional contact information deemed necessary and requested by the township;
- (f) Proof of an adequate premises liability and casualty insurance policy in a minimum amount to be determined by the Township Board. This minimum amount may be adjusted from time to time as the Township Board finds appropriate;
- (g) Any other information required by the Act or this appendix and deemed by the township to be required for consideration of a permit; and
- (h) The Township Board shall not consider an incomplete application but shall, within a reasonable time, return the application to the applicant with notification of the deficiency and instructions for submitting a corrected application.

(2) *Renewal.* The same requirements that apply to all new applications for a permit apply to all renewal applications. Renewal applications shall require township approval and shall be submitted to and received by the Clerk prior to expiration of the permit.

(H) *Revocation and review.*

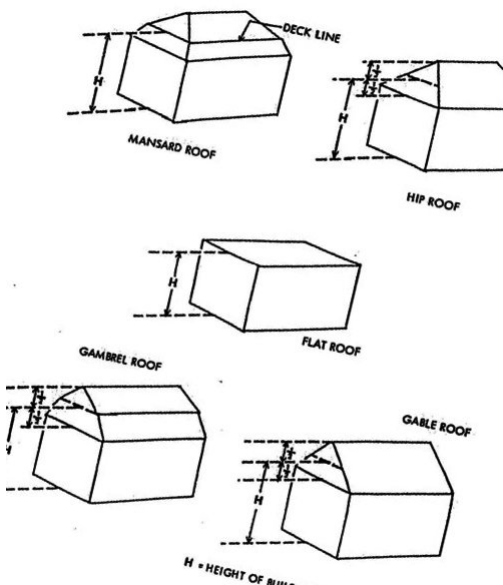
(1) A permit granted under this section may be revoked for any of the following reasons:

- (a) Any fraud or misrepresentation contained in the permit application;
- (b) Any known violation of this appendix or conditions of the approval of the special use permit;
- (c) Loss of the applicant's Michigan operating license;
- (d) Failure of the applicant to obtain a Michigan operating license within a reasonable time after obtaining a permit under this section; and
- (e) Conducting business in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public.

(2) Upon approval of a special use permit for any establishment contemplated herein, the Planning Commission shall transmit its action to the Township Board. The Township Board shall, upon receipt of a complete permit application and approval by the Planning Commission along with all required fees, approve or deny the permit application within 120 days of receipt of the complete permit application and approval by the Planning Commission along with all required fees, or within 150 days if the location of the permitted premises is proposed to be amended. The processing time may be extended upon written notice by the township for good cause, and any failure to meet the required processing time shall not result in the automatic granting of the permit. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the expiration of any permit. The township has no obligation to process or approve any incomplete permit application, and any times provided under this appendix shall not begin to run until the township receives a complete permit application, as determined by the Township Board. A determination of a complete permit application shall not prohibit the township from requiring supplemental information.

(Ord. 11-19-19-A, passed 11-19-2019; Ord. passed 7-21-2020)

APPENDIX E: BUILDING HEIGHTS



(Ord. eff. 12-1-2019)

APPENDIX F: SCHEDULE OF REGULATIONS

| | Max. Lot Coverage % | Minimum Lot Size per Dwelling | Maximum Height of Buildings | | Minimum yard Setbacks in Feet (a, b) | | | | Minimum Floor Area Per Dwelling Unit (c) |
|------------------------------------|---------------------|-------------------------------|-----------------------------|---------|--------------------------------------|--------------|--------------|------|--|
| | | | In Stories | In Feet | Front | At Least One | Total of Two | Rear | In Square Feet |
| | | | | | | | | | |
| | Max. Lot Coverage % | Minimum Lot Size per Dwelling | Maximum Height of Buildings | | Minimum yard Setbacks in Feet (a, b) | | | | Minimum Floor Area Per Dwelling Unit (c) |
| | | | | | | | | | |
| AG Agricultural (d) | 35 | 10 acre (e) | 2 | 25 (f) | 40 | 10 | 20 | 35 | 1,000 |
| R Single-Family Residential | 35 | 8,000 sq. ft. | 2 | 25 | 40 | 10 (g) | 20 | 35 | 1,000 |
| RM Multiple-Family Residential (h) | 35 | i | 2 | 25 | 40 | 10 (j) | 20 (j) | 35 | k |
| MH Mobile Home District (l) | - | - | - | | - | - | - | - | - |
| C-1 Local Business | - | - | 1 | 20 | 40 | 15 (m, n) | 30 | 25 | - |
| C-2 General Business | - | - | 2 | 40 | 40 | 15 (m, n) | 30 | 25 | - |
| C-3 Institution Re-Use | - | - | 2 | 40 | 40 | 15 (m, n) | 30 | 25 | - |
| M Industrial | 35 | - | 2 | 40 | 40 | 15 (m, n) | 30 | 25 | - |

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|---|--|
| a | In determining required yard spaces for all land users in any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot of the nearest lot line. For those lots adjacent to arterial or collector streets, as identified on the township's comprehensive development plan, the yard spaces shall be measured from the proposed future right-of-way line for such thoroughfare to the building or structure or any permitted uses. |
| b | In the residential district, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for said homes which front upon said side street. All buildings, structures and accessory use shall maintain such required yard space. |
| c | The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages. |
| d | All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than 100 feet from any dwelling and not less than 25 feet from lot line or property boundary, with the exception that the main farm barn building shall not be less than 150 feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this chapter. |
| e | For single-family dwellings unrelated to farm operations, the minimum site size shall be 8,000 sq. ft., with minimum lot width of 80 feet. Residential lots in the Westlawn Subdivision have a 40 feet minimum lot width and 4,000 sq. ft. minimum lot size per dwelling. |
| f | Maximum height for silos is 60 feet; storage barn is 40 feet. |
| g | In all residential districts, the width of side yards for all buildings, structures and accessory uses which abut upon a street, on the same side of which other residential lots front in the same block, shall not be less than the required front yard setback for said homes. |
| h | The requirements of area, height, bulk and placement regulations, as they are usually applicable to office buildings and multiple dwelling, would be in certain cases of large scale developments, have results affording less protection to the public health, safety and welfare than if a degree of flexibility were permitted. It is the intention of this section to provide a degree of flexibility to these regulations for large scale developments which qualify as planned multiple dwelling or office building projects. The permitting of these planned projects as specific exceptions can, in certain cases, increase the desirability and convenience to the residents and users of the planned projects without adverse effects on adjoining properties. Subject to the above intent, the Township Board may approve waivers in the regulations for the RM District in regard to area, height, bulk and placement requirements after a written advisory recommendation has been received from the Township Planning Commission, providing that the following conditions are met: |
| | 1. Total floor space in all buildings on the lot may not exceed the gross lot area; |
| | 2. Where building heights are above 30 feet are allowed, the minimum yard width between buildings and adjoining lot lines and between unconnected buildings on the same lot shall be at least 40 feet plus 5 feet for each story in the building, the major portion of which is more than 30 feet in height; |
| | 3. Minimum lot area shall be 2 acres; and |
| | 4. Lot must front upon an arterial thoroughfare. |
| i | 1. Where multiple, row, terrace or efficiency dwellings are permitted in an R District, the required lot area per dwelling unit shall be computed as follows: |
| | a. Efficiency unit, 2,000 sq. ft.; |
| | b. One bedroom unit, 2,500 sq. ft.; |
| | c. Two bedroom unit, 3,000 sq. ft.; |
| | d. Three bedroom unit, 3,500 sq. ft.; and |
| | e. Each additional room (excluding kitchen and bath), 300 sq. ft. |
| | 2. No multiple, row, terrace or efficiency dwelling structure or structures, shall be erected on a lot or parcel which has a width of less than 200 feet and an area less than 2 acres. |

| | |
|---|---|
| j | 1. For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a yard space on each side of the lot. This yard space shall be increased beyond the yard spaces indicated by 2 feet for each 10 feet or part thereof, by which the length of the multiple, row or terrace dwelling exceeds 40 feet in overall dimension, along the adjoining lot line. |
| | 2. Where 2 or more multiple, row or terrace dwellings are erected upon the same lot, a minimum yard space of 20 feet in width shall be provided between structures. This yard width shall be increased by 2 feet for each 10 feet or part thereof, by which said multiple, row or terrace dwellings, having common yards, exceed 40 feet in length on that side of the dwelling facing the common yard. |
| k | Where multiple, row, terrace or efficiency dwellings are permitted in an RM District, the required floor space per unit shall be as follows: |
| | 1. Efficiency unit, 350 sq. ft.; |
| | 2. One bedroom unit, 600 sq. ft.; |
| | 3. Two bedroom unit, 800 sq. ft.; and |
| | 4. Three bedroom unit (plus 80 sq. ft. for each bedroom over 3 bedrooms in a dwelling unit), 1,000 sq. ft. |
| l | For regulations of this district, refer to §156.036. |
| m | Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fireproof construction and wholly without windows or other openings. Under no condition shall a commercial building be built with other than fire proof construction. |
| n | Where any C-1 or C-2 District borders on a side street, whereon a residential zoning district exists in the same block, there shall be provided a setback of 20 feet for all commercial buildings, and parking and loading areas. |

(Ord. eff. 12-1-2019)

TABLE OF SPECIAL ORDINANCES

Table

I. FRANCHISES

TABLE I: FRANCHISES

| Ord. No. | Date Effective/Passed | Description |
|----------|-----------------------|---|
| 9-12-72 | 9-12-1972 | Granting a non-exclusive right to Saginaw Cable TV Co., a Delaware corporation, its successors and assigns, to operate and maintain a community television system in the township for a term of 15 years. |
| | | |

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated

References to Prior Code

References to Ordinances

REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED

| M.C.L.A. Cites | Code Section |
|-----------------------------|---------------------------------|
| M.C.L.A. Cites | Code Section |
| 15.261 through 15.275 | 156.045 |
| 28.451 et seq. | 92.02, 92.06 |
| 41.813 | 31.03 |
| 117.5h | 110.03 |
| 125.1501 through 125.1531 | 150.01 |
| 125.3101 et seq. | 156.292 |
| 141.101 through 141.138 | 51.09 |
| 141.103 | 51.02 |
| 141.121 | 51.07 |
| 247.61 et seq. | 90.30 |
| 247.655 | 72.01 |
| 247.659 | 72.01 |
| 257.301 to 257.329 | 72.01 |
| 286.471 et seq. | 151.02 |
| 324.101 et seq. | 152.02 |
| 324.3101 et seq. | 152.02 |
| 324.81101 through 324.81151 | 72.08 |
| 324.81129 | 72.01 |
| 324.81131(3) | 72.04 |
| 324.81131(5) | 72.06 |
| 333.26421 et seq. | 111.21, 111.22, Ch. 156, App. D |
| 333.26421 to 333.26430 | Ch. 156, App. C |
| 333.26423 | 111.22, 111.32 |
| 333.27101 et seq. | 111.04, Ch. 156, App. C |
| 333.27951 et seq. | 111.02, 111.03, Ch. 156, App. D |
| 333.27953 | 111.03 |
| 560.101 through 560.293 | 155.02, 155.03 |
| 560.108 and 560.109 | 155.03 |
| 600.8379 | 72.11 |
| 600.8396 | 30.02 |

| | |
|---------------------------|-------|
| 600.8701 through 600.8735 | 10.02 |
| 764.9a through 764.9e | 10.10 |
| | |

REFERENCES TO PRIOR CODE

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| <i>Prior Code Section</i> | <i>Code Section</i> |
| 12.051 | 112.01 |
| 12.052 | 112.02 |
| 12.053 | 112.03 |
| 12.054 | 112.04 |
| 12.055 | 112.05 |
| 12.056 | 112.06 |
| 12.057 | 112.07 |
| 12.058 | 112.08 |
| 12.059 | 112.09 |
| 12.060 | 112.10 |
| 12.061 | 112.11 |
| 12.062 | 112.12 |
| 12.063 | 112.13 |
| 12.064 | 112.14 |
| 12.065 | 112.15 |
| 12.066 | 112.16 |
| 12.067 | 112.17 |
| 12.068 | 112.99 |
| 12.070 | 112.18 |
| 15.101 | 156.001 |
| 15.102 | 156.002 |
| 15.103 | 156.003 |
| 15.104 | 156.004 |
| 15.105 | 156.005 |
| 15.106 | 156.006 |
| 15.201 | 156.020 |
| 15.202 | 156.021 |
| 15.301 | 156.035 |
| 15.302 | 156.036 |
| 15.303 | 156.037 |
| 15.304 | 156.038 |
| 15.305 | 156.039 |
| 15.306 | 156.040 |
| 15.307 | 156.041 |
| 15.308 | 156.042 |
| 15.309 | 156.043 |
| 15.310 | 156.044 |
| 15.311 | 156.045 |
| 15.312 | 156.046 |
| 15.313 | 156.047 |
| 15.401 | 156.060 |
| 15.402 | 156.061 |
| 15.403 | 156.062 |
| 15.404 | 156.063 |
| 15.405 | 156.064 |
| 15.406 | 156.065 |
| 15.407 | 156.066 |
| 15.408 | 156.067 |
| 15.409 | 156.068 |
| 15.501 | 156.080 |
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| 15.513 | 156.092 |
| 15.514 | 156.093 |
| 15.515 | 156.094 |
| 15.516 | 156.095 |
| 15.601 | 156.110 |
| 15.701 | 156.125 |
| 15.702 | 156.126 |
| 15.703 | 156.127 |
| 15.704 | 156.128 |
| 15.801 | 156.140 |
| 15.802 | 156.141 |

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|---------|------------------|
| 15.803 | 156.142 |
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|-----------------|--------------------|--|
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Appendix E

Schedule of Regulations

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| <p>In determining required yard spaces for all land users in any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot of the nearest lot line. For those lots adjacent to arterial or collector streets, as identified on the Township's Comprehensive Development Plan, the yard spaces, shall be measured from the proposed future right-of-way line for such thoroughfare to the building or structure or any permitted uses.</p> |
| <p>In the residential district, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for said homes which front upon said side street. All buildings, structures and accessory use shall maintain such required yard space.</p> |
| <p>The minimum floor area per dwelling unit shall not include area of basements, breezeways, parches or attached garages.</p> |
| <p>All accessory farm buildings for uses other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from lot line or property boundary, with the exception that the main farm barn building shall not be less than one hundred fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this ordinance.</p> |
| <p>For single-family dwellings unrelated to farm operations, the minimum site size shall be 8,000 sq. ft., with minimum lot width of eighty (80) feet. Residential Lots in the Westlawn Subdivision have a forty (40) feet minimum lot width and 4,000 sq. ft. minimum lot size per dwelling.</p> |
| <p>Maximum height for silos is sixty (60) feet; storage barn is forty (40) feet.</p> |
| <p>In all residential districts, the width of side yards for all buildings, structures and accessory uses which abut upon a street, on the same side of which other residential lots front in the same block, shall not be less than the required front yard setback for said homes.</p> |
| <p>The requirements of area, height, bulk and placement regulations, as they are usually applicable to office buildings and multiple dwelling, would be in certain cases of large scale developments, have results affording less protection to the public health, safety, and welfare than if a degree of flexibility were permitted. It is the intention of this section to provide a degree of flexibility to these regulations for large scale developments which qualify as planned multiple dwelling or office building projects. The permitting of these planned projects as specific exceptions can, in certain cases, increase the desirability and convenience to the residents and users of the planned projects without adverse effects on adjoining properties. Subject to the above intent, the Township Board may approve waivers in the regulations for the RM District in regard to area, height, bulk and placement requirements after a written advisory recommendation has been received from the Township Planning Commission, providing that the following conditions are met</p> <ol style="list-style-type: none"> 1. Total floor space in all buildings on the lot may not exceed the gross lot area. 2. Where building heights above thirty (3) feet are allowed, the minimum yard width between buildings and adjoining lot lines and between unconnected buildings on the same lot shall be at least forty (40) feet plus five (5) feet for each story in the building, the major portion of which is more than thirty (30) feet in height. 3. Minimum lot area shall be two (2) acres. 4. Lot must front upon an arterial thoroughfare. |

Appendix E

Schedule of Regulations

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|--|--|-----------------|--------------|------------------|--------------|------------------|--------------|--|--------------|--|-------------|
| | <p>Where multiple, row, terrace or efficiency dwellings are permitted in an R District, the required lot area per dwelling unit shall be computed as follows:</p> <table style="margin-left: 40px;"> <tr> <td>Efficiency Unit</td> <td style="text-align: right;">2000 sq. ft.</td> </tr> <tr> <td>One Bedroom Unit</td> <td style="text-align: right;">2500 sq. ft.</td> </tr> <tr> <td>Two Bedroom Unit</td> <td style="text-align: right;">3000 sq. ft.</td> </tr> <tr> <td>Three Bedroom Unit</td> <td style="text-align: right;">3500 sq. ft.</td> </tr> <tr> <td>Each Additional Room (excluding kitchen and bath)</td> <td style="text-align: right;">300 sq. ft.</td> </tr> </table> | Efficiency Unit | 2000 sq. ft. | One Bedroom Unit | 2500 sq. ft. | Two Bedroom Unit | 3000 sq. ft. | Three Bedroom Unit | 3500 sq. ft. | Each Additional Room (excluding kitchen and bath) | 300 sq. ft. |
| Efficiency Unit | 2000 sq. ft. | | | | | | | | | | |
| One Bedroom Unit | 2500 sq. ft. | | | | | | | | | | |
| Two Bedroom Unit | 3000 sq. ft. | | | | | | | | | | |
| Three Bedroom Unit | 3500 sq. ft. | | | | | | | | | | |
| Each Additional Room (excluding kitchen and bath) | 300 sq. ft. | | | | | | | | | | |
| i. | <p>No multiple, row, terrace or efficiency dwelling structure or structures, shall be erected on a lot or parcel which has a width of less than two hundred (200) feet and an area less than two (2) acres)</p> <p>For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a yard space on each side of the lot. This yard space shall be increased beyond the yard spaces indicated by two (2) feet for each ten (10) feet or part thereof, by which the length of the multiple, row or terrace dwelling exceeds forty (40) feet in overall dimension, along the adjoining lot line.</p> | | | | | | | | | | |
| j. | <p>Where two (2) or more multiple, row or terrace dwellings are erected upon the same lot, a minimum yard space of twenty (20) feet in width shall be provided between structures. This yard width shall be increased by two (2) feet for each ten (10) feet or part thereof, by which said multiple, row or terrace dwellings, having common yards, exceed forty (40) feet in length on that side of the dwelling facing the common yard.</p> | | | | | | | | | | |
| k. | <p>Where multiple, row, terrace or efficiency dwellings are permitted in an RM District, the required floor space per unit shall be as follows:</p> <table style="margin-left: 40px;"> <tr> <td>Efficiency Unit</td> <td style="text-align: right;">350 sq. ft.</td> </tr> <tr> <td>One Bedroom Unit</td> <td style="text-align: right;">600 sq. ft.</td> </tr> <tr> <td>Two Bedroom Unit</td> <td style="text-align: right;">800 sq. ft.</td> </tr> <tr> <td>Three Bedroom Unit (plus eighty (80) sq. ft. for each bedroom over three (3) bedrooms in a dwelling unit)</td> <td style="text-align: right;">1000 sq. ft.</td> </tr> </table> | Efficiency Unit | 350 sq. ft. | One Bedroom Unit | 600 sq. ft. | Two Bedroom Unit | 800 sq. ft. | Three Bedroom Unit (plus eighty (80) sq. ft. for each bedroom over three (3) bedrooms in a dwelling unit) | 1000 sq. ft. | | |
| Efficiency Unit | 350 sq. ft. | | | | | | | | | | |
| One Bedroom Unit | 600 sq. ft. | | | | | | | | | | |
| Two Bedroom Unit | 800 sq. ft. | | | | | | | | | | |
| Three Bedroom Unit (plus eighty (80) sq. ft. for each bedroom over three (3) bedrooms in a dwelling unit) | 1000 sq. ft. | | | | | | | | | | |
| l. | <p>For regulations of this district, refer to Section 15.302.</p> | | | | | | | | | | |
| m. | <p>Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fireproof construction and wholly without windows or other openings. Under no condition shall a commercial building be built with other than fire proof construction.</p> | | | | | | | | | | |
| n. | <p>Where any C-1 or C-2 District borders on a side street, whereon a residential zoning district exists in the same block, there shall be provided a setback of twenty (20) feet for all commercial buildings, and parking and loading areas.</p> | | | | | | | | | | |

Appendix E

Schedule of Regulations

| | Max Lot Coverage % | Minimum Lot Size per Dwelling | Maximum Height of Buildings | | Minimum yard Setbacks in Feet (a,b) | | | | | Minimum Floor Area Per Dwelling Unit (c) |
|------------------------------------|--------------------|-------------------------------|-----------------------------|---------|-------------------------------------|--------------|--------------|------|----------------|--|
| | | | In Stories | In Feet | Front | At Least One | Total of Two | Rear | In Square Feet | |
| AG Agricultural (d) | 35 | 10acre(e) | 2 | 25(f) | 40 | 10 | 20 | 35 | 1000 | |
| R Single Family Residential | 35 | 8,000 sq. ft. | 2 | 25 | 40 | 10(g) | 20 | 35 | 1000 | |
| RM Multiple Family Residential (h) | 35 | i | 2 | 25 | 40 | 10(j) | (20j) | 35 | k | |
| MH Mobile Home District (l) | - | - | - | - | - | - | - | - | - | |
| C-1 Local Business | - | - | 1 | 20 | 40 | 15(m,n) | 30 | 25 | - | |
| C-2 General Business | - | - | 2 | 40 | 40 | 15(m,n) | 30 | 25 | - | |
| C-3 Institution Reuse | - | - | 2 | 40 | 40 | 15(m,n) | 30 | 25 | - | |
| M Industrial | 100 | - | 2 | 40 | 40 | 15(m,n) | 30 | 25 | - | |



Spaulding Township

Zoning Ordinance



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Chapter 1

Miscellaneous Provisions

Section 15.101 Short Title.

This Ordinance shall be known as the Spaulding Township Zoning Ordinance.

Section 15.102 Purpose.

It is the general purpose of this Ordinance to provide for the establishment of districts or zones within which the use of land and structures may be restricted and regulated to:

1. Meet the needs of Spaulding Township residents for food, fiber, energy, and other natural resources places of residence, recreation, industry, trade service, and other uses of land.
2. Ensure that uses of the land shall be situated in appropriate locations and relationships.
3. Limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities.
4. Facilitate adequate and efficient provisions for transportation systems, sewage disposal water, energy, education, recreation, and other public services and facility needs.
5. Promote public health, safety, and welfare and for those purposes may divide the township into districts of the number, shape and area considered best suited to carry out this section.

For each district or zone, regulations are imposed which designate the uses for which buildings or structures shall or shall not be erected or altered, and which designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

Section 15.103 Conflicts with other laws.

Whenever any provisions of this Ordinance impose requirements for lower heights of buildings or a less percentage of lots that may be occupied or required wider or larger courts or deeper yards than are imposed or required by existing provisions of law, or other Ordinance of Spaulding Township, the provisions of this Ordinance shall govern. Wherever provisions of any other Ordinance or regulation of Spaulding Township imposes requirements for lower height of buildings or less percentage of lots that may be occupied, or require wider or larger courts or deeper yards than are required by this Ordinance, the provisions of the other Ordinance or regulation shall govern.

Section 15.104 Severability

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid such ruling shall not be construed as affecting the validity of remaining portions of the Ordinance, it being the intent that this Ordinance shall stand, notwithstanding the invalidity of any provision or section therein.

Section 15.105 Repeal

The existing zoning regulations of Spaulding Township, as amended, are hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior Ordinance, as amended, if the use is in violation of the provisions of this Ordinance.

Section 15.106 Effective Date

This Ordinance Shall take immediate effect.

Chapter 2

Definitions

Section 15.201 Rules Applying to the Text.

For the purposes of this Ordinance, certain rules of construction apply to the text, as follows:

1. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
2. The word "person" includes a corporation or firm as well as an individual.
3. The word "lot" includes the word "plot," "tract," or "parcel."
4. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
5. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arrange or designed to be used or occupied."
6. Any word or term not herein defined shall be used with a meaning of common standard use.

Section 15.202 Definitions.

Accessory Use. An accessory use is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

Accessory Building. A detached building which use is clearly incidental to, customarily found in connection with, and located on the same lot as the principle building.

Adult Entertainment Activities. Any activity or live exhibition including the display, exhibition or viewing of materials describing or relating to human sex acts or by any emphasis on male or female genitals. This shall include massage parlors, theaters, model studios and all other forms of video and aural display.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material. (See specified sexual activities and specified anatomical areas)

Adult Mini Motion Picture Theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observations by patrons therein.

Adult Motion Picture Theater. An enclosed building or open air site used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or anatomical areas for observation by patrons therein.

Adult Related Business. Any activity described in any of the remaining paragraphs of this chapter and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying and specified anatomical area or engaging in any specified sexual activity.

Alley. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Antenna. The surface from which wireless radio signals are sent and received by a wireless service facility.

Automobile Car Wash. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

Automobile Service Station. An establishment being housed in a building or portion thereof, together with necessary equipment used for the direct retail sale of gasoline or any other engine fuel, kerosene, or motor oil lubricants or grease and including the sale of minor accessories, and the servicing of and minor repair of automobiles.

Automobile Repair Shop. An establishment being housed in a building or portion thereof, together with the necessary equipment used for the general repair of

automobiles, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service and painting or undercoating of automobiles.

Basement. A story having part but not more than one ($\frac{1}{2}$) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5') feet or is used for business or dwelling purposes.

Berm. An earthen mound designed to provide visual interest on a site or screen undesirable views, reduce noise, or fulfill other such purposes.

Building. Any structure erected on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind. A building does not include tents or trailer coaches.

Building, Height of. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. See Appendix D.

Building, Front Line of. The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

Building Lines. A line defining the minimum front side or rear yard requirements outside of which no building or structure may be located.

Building Principal. A building in which is conducted the main or principal use of the lot on which is located.

Building Setback. The distance between the street right-of-way or front lot line and the front line of a building or any projection of the building, excluding uncovered steps.

Bulk Station. A place where crude petroleum, gasoline naphtha, benzene, benzol, kerosene, or any other liquid, except such as will stand a test of 150 degree Fahrenheit, closed cup tester, are stored for wholesale purposes only,

where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons

Business. A use designated and intended to generate revenue, an occupation, trade or profession.

Clinic. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

Clubs. An organization catering exclusively to members and their guest, or premises, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities; except as required incidentally for membership and purpose of such club.

Commerce (Commercial). Occupation of buying and selling - Trade.

Common Land. A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Communication Tower. Any ground-mounted pole, spire, structure or combination thereof, including supporting lines, braces, wires, cables, masts, intended primarily for the purposes of mounting an antenna or similar apparatus above ground.

Courts. Open unoccupied spaces other than yards on the same lot with a building.

- A. Court, Inner. An open, unoccupied space not extending to the street or front, or rear yard.
- B. Court, Outer. An open, unoccupied space opening upon a street, alley, yard or setback.

Convalescent or Nursing Home. A building wherein infirmed or incapacitate persons are furnished shelter, care, food, lodging, and needed attention for a compensation.

Coverage, Lot. Percent of the plot or lot covered by the building area.

Cul de Sac. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

District. Any Section within the community for which the regulations contained within this ordinance are the same.

Dormitory. A residence hall, which is used for sleeping quarters or entire buildings primarily providing sleeping and residential quarters for large numbers of people, often boarding school, college or university students

Dwelling. A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall an automobile chassis, recreational vehicle, basement, accessory building, temporary building, tent or portable building, motel or automobile court, rooming or boarding house, hotel, or hospital be considered as a dwelling, so long as these are used for the purposes described in this chapter. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions hereof relative to dwellings.

Dwelling Types. For the purpose of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly.

- a. Single family dwelling is a detached building containing one(1) dwelling unit and so designed to provide living, cooking, and kitchen accommodations for one (1) family only.
 1. It complies with the minimum floor area requirements of this code for the zone in which it is located.
 2. It has a minimum dimension across every front, side, and rear elevation of twenty-five (25) feet and complies in all respects with the Township building regulations, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are different than those imposed by the Township building regulations, then and in that event such federal or state standard or regulations shall apply.
 3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township building regulations and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building regulations for single-family dwellings. In the event that the dwelling is a mobile home, as

defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

4. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to the public sewer and water supply when required or to such private facilities approved by the local health department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. 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 subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling," as well as the character, design and appearance of one (1) or more residential dwellings located outside of mobile home parks within the neighborhood 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.

8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 9. The dwelling complies with all pertinent building and fire regulations; and all dwellings shall meet or exceed all applicable roof snow load and strength requirements. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
 10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.
 11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township building regulations and requirements.
- b. Two-family dwelling is a building containing two (2) dwelling units each provided with separate facilities for each family for living accommodations.
 - c. Multiple-dwelling is a building or portion thereof containing three (3) or more dwelling units living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, but not including boarding or tourist houses.
 - d. An efficiency dwelling unit consists of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room containing not less than three hundred and fifty (350) square feet of floor area.

Dwelling Unit. Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home automobile chassis, tent or other portable building be

considered a dwelling in a single-family, two-family, or multiple-family residential area. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.

Drive-in. A business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service.

Family.

1. Shall include the following:
 - a. One (1) or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, and occupying the whole or part of a dwelling unit as a single housekeeping unit. A FAMILY shall be deemed to include domestic servants, gratuitous guests, and not more than four (4) foster or boarded children who are sponsored or whose room and board is paid by a recognized childcare agency or organization. A FAMILY shall also be deemed to include not more than six (6) persons occupying the dwelling unit and living together as a single nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, 42 USC 2000e et seq., as amended by the Fair Housing Amendment Act of 1988.
 - b. A group of not more than three (3) persons, who need not be related by bonds of consanguinity, marriage, or legal adoption, living together as a single housekeeping unit, as distinguished from individuals occupying a hotel, club, boarding house, rooming house, fraternity or sorority house. The group living in the dwelling unit must occupy such dwelling unit in the same manner as a dwelling occupied by a FAMILY defined in paragraph (a) of this definition.
2. An affirmative finding that any one (1) or more of the following criteria exists shall create a rebuttable presumption that the group occupying the dwelling unit is not a family:
 - a. Bedroom doors that can be locked on the exterior and interior sides of the door;

- b. More than one (1) mailbox provided per group;
- c. Bedroom doors designated by number or letter.

Farm. A tract of land which is directly devoted to agricultural purposes provided further farms may be considered as including establishments operated as greenhouses, nurseries, orchards, kennels, quarries or gravel or sand pits shall not be considered farms hereunder unless combined with a bonafide farm operation on the same contiguous tract of land of not less than ten (10) acres.

Fence. A finite structure that provides an area of enclosure, privacy and/or ornamental value that is constructed of conventional materials or other materials approved by the Zoning Administrator.

Garage, Private. A private garage is a building used for the storage of motor vehicles and containing no public repair or service facilities. See Graphics and Refer to Section 305.

Gypsum and Lime Processing Activities. Any activity involving the processing of gypsum or lime for sale as an agricultural soil amendment and an industrial filler and whereby raw material is completely processed to produce a number of end products including the capture of the dust as a saleable product.

Home-Sectional or Component. Several building components meeting the Michigan Building Code, factory fabricated, and transported to the home site where they are put on a permanent foundation and joined to make a complete house.

Home Occupation. Any business carried on by one or more members of a family residing on the premises, providing it:

- a. Be operated in its entirety within the principal dwelling or accessory structure;
- b. Does not have a separate entrance from outside the building;
- c. Is not involved alteration or construction not customarily found in dwelling or accessory structures;
- d. Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes or for agricultural purposes if the home occupation is located in the Agricultural Zoning District;
- e. Does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling,
- f. Does not display, or create outside the structure any external evidence of the operation of the home occupation, including

- additional traffic, except for one (1) unanimated, non-illuminated, wall sign having an area of not more than two (2) square feet.
- g. Does not employ any persons other than family members residing on the premises.

Junk/Salvage Yard. A licensed open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of salvage yards that are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

Kennel. Any facility, on a single parcel, where more than three (3) dogs or three (3) cats or other household pets, over four (4) months old are kept, housed or boarded for a fee, or where such animals are kept for breeding purposes.

Loading/Space Berth. An off-street space at least ten (10') feet wide, twenty-five (25') feet long and fifteen (15') feet high; either within a building or outside on the same lot, provided maintained and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.

Lot. A parcel of land occupied or intended for occupancy by a main building and accessory building thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.

Lot Area. The total horizontal area within the lot lines of the lot.

Lot: Corner, Interior and Through:

Corner Lot is a lot which has at least two contiguous sides abutting upon a street for their full length, and provided two sides intersect at an angle of not more than one-hundred thirty-five (135) degrees.

Interior Lot is a lot other than Corner Lot.

Through Lot is an Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.

Lot Lines. The lines abutting a lot as defined herein:

Lot Line, Front. That line separating the lot from the street right-of way. In the case of a corner lot or through lot, the lines separating the lot from each street.

Lot Line, Rear. Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lot lines converging at the rear, the lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20') feet long, lying farthest from the front lot line and wholly within the lot. See graphics Page G-5.

Lot Line, Side. Any lot line that is not a front lot line or not a rear lot line.

Lot Width of. The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum setback.

Lot of Record. A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

Motel. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile facilities. The term "motel" shall include buildings designed as "auto courts," "tourist courts," "motor courts," "motor hotels," and similar appellations which are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" shall have the same meaning.

Mobile Homes. A detached single-family dwelling unit with all of the following characteristics :

- a. Designed for long-term occupancy.
- b. Containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside system.
- c. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers on detachable wheels.
- d. Arriving at site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of one thousand one hundred (1,100) square feet, and including appliances and

- furniture and ready for occupancy except for minor incidental location operations
- e. not having a shingled overhanging roof.

Modular Home. A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential uses with a minimum width and length of 25', have a shingled overhanging roof and be certified by the State of Michigan .

Mobile Home Park. A parcel of land twenty (20) acres or more, intended and designed to accommodate sixty (60) or more mobile homes for residential use, which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use. Referred to also a "Park."

Mobile Home Space. A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

Mobile Home Stand. That part of a Mobile Home Space which has been reserved for the placement of the Mobile home, appurtenant structures, or additions.

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

Open Space. Any unoccupied space open to the sky on the same lot with a building. See Courts.

Parking Space. An off-street space of at least one-hundred and eighty (180) square feet exclusive of necessary drive-ways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

Parking, Shared. Any public or private area, outside of a building or structure, designed for and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets that is used by more than one residential development, business or industry.

Principal Use. The main use to which the premises are devoted and the principal purpose for which the premises exist.

Processing, Limited Manufacturing - 1 District. A series of operations usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. Limited Manufacturing processing includes such products as bakery goods, candy, pharmaceuticals, toiletries, food products, hardware and cutlery, tool and die, garage products and sheet metal products. Limited manufacturing processing also includes processing of semi-finished or previously prepared materials such as bone, hair, fur, leather or feathers, fiber, plastics, glass or cellophane, wood, paper, cork, sheet metal or wire, tobacco, rubber, precious or semi-precious stones, and similar articles or products which are previously prepared or semi-finished.

Processing, Intensive Manufacturing - 2 District. A series of operations usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. Processing includes material, goods, foodstuffs and other semi-finished products from raw materials. Processing may include the chemical transformation of materials or substances into new products or the blending or combination of gases and liquids. Processing also may be applied to specific industrial or manufacturing operations.

Public Utility. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation of water service.

Recreation facility. A non-motorized recreation facility that utilizes environmental or natural resource conditions as a basis for recreation.

Recreational Vehicle. A recreational vehicle includes motor homes, travel trailers, snowmobiles on trailers, boats, and similar related type units.

Right-of-way. A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

Roadside Stand. A structure erected on a farm adjacent to a public road for the sale of chiefly products produced on the farm, provided such shall not constitute a commercial district, nor be deemed a commercial activity.

Sand Packaging Activities. Any activity whereby dried sand is placed in packaging for sale, the sand not being dried on the same property.

Satellite Dish. Any antenna in the shape of a shallow dish, of any size, and appurtenant equipment, used for the receptions of communications (television and otherwise) from orbiting satellites and ground transmitters.

Service-Essential. The construction, alteration or maintenance by private companies or public departments or agencies of the various transmissions, distribution or disposal systems that are essential for the preservation of the public health, safety or general welfare such as gas, electricity, telephone, water and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes cables traffic signals, hydrants and other similar equipment or accessories reasonable necessary to provide adequate service of said companies or agencies; but the term shall not include buildings or utility substations.

Sign. A "sign" is a name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. A "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this Ordinance the following sign or sign related terms are defined:

- a. Area, or Surface Area, of Sign. That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
- b. Billboard Sign. A freestanding outdoor sign which advertises something not located on the immediate premises.
- c. Construction Signs. Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended.
- d. Electric Sign. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- e. Electronic Message Board. Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.
- f. Entrance/Exit. Signs directing traffic movement to or from a parcel.
- g. Freestanding Sign. A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also "Ground Mounted" sign.)

- h. Ground Level. The elevation to be used for computing the height of signs. Defined as the roadway center line grade elevation at its intersection with the center line of the driveway serving the parcel which is located nearest to the sign location.
- i. High Profile Sign. A freestanding identity sign intended to announce the existence of a business located near an expressway interchange to travelers on the expressway so they may react in time to exit safely.
- j. Identity Sign. A sign that identifies the business, owner, or resident and/or the street address and which sets forth no other advertisement.
- k. Illuminated Sign. A sign that provides artificial light directly or through any transparent or translucent material.
- l. Institutional Bulletin Board. A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution and the announcement of its services or activities.
- m. Integral Sign. Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- n. Joint Sign. A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.
- o. Land Development Project Signs, Temporary. Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel.
- p. Location. A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- q. Marquee. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- r. Off-Premise Sign. A sign which advertises an activity, business, product or service not sold or conducted on the parcel on which the sign is located.
- s. Political Campaign Signs. Signs announcing candidates for public political office and other data pertinent to an upcoming election.
- t. Private Traffic Direction. Signs directing traffic movement or giving instructions, located within a parcel.
- u. Projection. The distance by which a sign extends over public property or beyond the building line.
- v. Projecting Sign. A sign, other than a wall sign, which projects 18" or more from and is supported by a wall of a building or structure.

- w. Property Rental Signs. Signs on the premises announcing rooms, apartment or house for rent, not to exceed four (4) square feet.
- x. Public Signs. Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.
- y. Real Estate Signs. Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed.
- z. Roof Line. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to the portion of the building on whose wall the sign is located.
- aa. Roof Sign. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
- bb. Setback. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A *Front Setback* is measured from the edge of the right of way of any abutting roadway. A *Rear Setback* is measured from the property line opposite the road way. A *Side Setback* is measured from any other abutting property line. *Corner Lots* shall require two front setbacks, but only one rear setback.
- cc. Size of Sign. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.
- dd. Special Purpose Signs. Any other temporary signs.
- ee. Street Banners. Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Saginaw County Road Commission or Michigan Department of Transportation.
- ff. Temporary Sign. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- gg. Wall Sign, Flat. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less the eighteen (18") inches at all points.

Site, Area. The total area within the property lines excluding street rights-of-way and easements.

Site Plan. Documents and drawings are required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. Conditions of the Ordinance for site plan submittal must be complied with.

Special Use. The term applied to a use which may be permitted by the application for an issuance of a Special Use Permit by the Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

Specified Anatomical Areas. (1) Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola. (2) Human genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities. (1) Human genitals in a state of stimulation or arousal. (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy. (3) Fondling of or erotic touching of human genitals, pubic region, buttock or female breast. (4) Bestiality. (5) Fellatio and cunnilingus. (6) Human excretory function.

Storage. See Warehousing.

Story, Height of. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Roof, types of. Gable or Hip, Flat, Mansard, Gambrel. Appendix D.

Storage. Outside Storage, Inside Storage, Warehousing.

- a. Outside storage includes the storage of materials, items, products (raw or finished) in an open yard without full protection from the weather.
- b. Inside storage includes the storage of materials, items, products (raw or finished) completely enclosed by a building on all four sides with a roof.
- c. Warehousing is the use of a commercial building for storage of goods

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street Functional Classification. Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterial for primary mobility; (2) Collectors for both mobility and land access and (3) Locals for primarily land access.

- a. Principal Arterial. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desires.
- b. Minor Arterial. Interconnects with an augments the principal arterial system and provides service to trips of moderate length at somewhat lower level of travel mobility than principal arterial.
- c. Collectors. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
- d. Locals. Serves as direct land access and access to higher systems.

Street Line. The legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.

Use. The employment or occupation of a building structure or land for service, benefit or enjoyment.

Variance. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.

Yard. An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line (property line) and the building the line.

Yard, Front. A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building. Appendix B

Yard, Rear. An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. Appendix B.

Yard, Side. An open, unoccupied space on the same lot with the building, situated between the principal building and the side line of the lot and extending from the front yard to the rear yard. Appendix B

Yard Required - How Measured. The open space between the lot line and the setback line.

Chapter 3

General Requirements

Section 15.301 Nonconforming Uses

It is the intent of this Ordinance to permit the continuance of a lawful use of any building, structure or use of any part thereof and shall be used, altered, constructed or reconstructed in conformity with the provisions of this Ordinance and further it is hereby declared that the existence of nonconforming uses is contrary to the best interests of the general public and further it is hereby declared to be the policy of this community as expressed in this Ordinance to discontinue nonconforming uses in the course of time as circumstances permit, having full regard for the rights of all parties concerned.

1. Elimination of Nonconforming Uses:
 - a. In accordance with the applicable state and local missive legislation, the Township through its agents may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.
 - b. Whenever a nonconforming use has been discontinued for 24 consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.
2. Nonconforming Uses of Land: The nonconforming uses of land existing at the effective date of this Ordinance where no building is located may be continued, PROVIDED dimensional requirements are complied with, and further PROVIDED that no buildings are to be constructed after the effective date of this Ordinance, except that will conform to district requirements within which the use is

located, and further PROVIDED all other pertinent requirements of Section 301 are compiled with.

3. Nonconforming Signs. Signs existing at the time of the enactment of this ordinance and not conforming to its provisions, but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs which may be continued as properly regarded and maintained as provided in this code and continue to be in conformance with other ordinances of this municipality. Non conforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this code.
4. Illegal Nonconforming Uses: Nonconforming uses of buildings or land existing at the effective date of this Ordinance established without a building permit or not shown on the tax records as a nonconforming use prior to the last official assessment roll, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of the Ordinance shall be declared illegal nonconforming uses and shall be discontinued.
5. Reconstruction and Restoration. Any lawful nonconforming use damaged by fire, explosion, or act of God, or by other causes may be restored, rebuilt, or repaired, PROVIDED that such restoration does not exceed its State Equalized assessed value as determined by the assessing officer, exclusive of foundations, and PROVIDED that said use be the same or more nearly conforming with the provision of the district in which it is located.
6. Repair of Nonconforming Buildings: Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.
7. Changing Uses: If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the

nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

8. Prior Construction Approval: Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance PROVIDED that construction is commenced within thirty (30) days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.
9. Districts Changes: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 15.302 Supplementary Use Regulations.

1. Prior Building Permits: Any Building Permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date of permit application and completed within one (1) year after the issuance of the building permit.
2. Access to a Street: Any lot of record created after the effective date of this Ordinance shall have frontage on a public street, except as may be approved as a planned unit development in accordance with the provisions of this ordinance or the Plat Act of 1967.
3. Rear Dwelling Prohibited: No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers, and domestic employees whose employment functions are related to the function of the principal building: PROVIDED that all other requirements of this Ordinance are satisfied.

4. Use of Structure for Temporary Dwelling: No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance and the requirements of the Building Code. No temporary structure whether of a fixed or portable construction shall be erected for any length of time unless authorized by the issuance, by the Board of Zoning Appeals, of a temporary permit as provided in Chapter 19.

5. Mobile Home Dwellings. No person, or entity, shall use, occupy or permit the use or occupation of a mobile home as a dwelling within the Township in an area not designated as a mobile home park, unless:
 - a. A permit for the placement thereof has been obtained from the Township Official authorized by the Township Board to issue the same. All applications for said permit shall be accompanied by a non-refundable fee. That said fee may be changed or altered by the resolution of the Township Board so as to cover the cost of all expenses of the Township in connection with inspection made, or hearings held, and investigations made.

 - b. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Township Zoning Ordinance relative to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is located. Further, a mobile home occupied as a dwelling shall have a minimum width across any front, side, or rear elevation of twenty-five (25') feet. Where a mobile home dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed under the Township Building Code, then federal or state standard or regulation shall apply.

 - c. Said mobile home shall be connected to potable water and sanitary sewerage disposal facilities approved by the health agency having jurisdiction. If public water or sanitary sewage disposal facilities are available to said premises, said mobile home shall be connected thereto.

 - d. Said mobile home shall be firmly attached to a permanent foundation constructed on the site in accordance with

Township Building Code and shall have a wall of the same perimeter dimensions of the dwellings. In the event that the mobile home is used as a dwelling such mobile home dwelling shall be installed pursuant to the manufacturer's set up instructions and shall be secured to premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have perimeter wall as required above. The mobile home shall be so placed and situated that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to foundation so that the towing mechanism, undercarriage or chassis are not exposed to view.

- e. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards.
- f. If placed within a flood zone, said mobile home shall meet all requirements for construction of dwelling onsite within said zone.
- g. Said mobile home dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- h. As to a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR3280, and as from time to time such standards may be amended.
- i. Said mobile home dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling: shall have not less than two exterior doors with the second one being either the rear or side of the mobile home dwelling: shall have steps connected to the said exterior

door areas or to porches connected to said door areas where differences in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular mobile home dwelling, subject to appeal by an aggrieved party to an Appeals Board. The membership of the Appeal Board shall be the same membership as the Zoning Board of Appeals under the Spaulding Township Zoning Ordinance. The appeal, if taken, must be taken within fifteen (15) days from the receipt of notice of Township Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth herein, as well as the character, design, and appearance of one or more residential dwellings other than the mobile home parks within two thousand (2,000) feet of the subject mobile home dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.

- j. The foregoing provisions shall not apply to a mobile home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.
- k. In connection with the application to permit the occupation of a mobile home as dwelling, the construction specifications of the mobile home proposed to be occupied as a dwelling shall be supplied along with whatever other information and documents may be required, as the Township may from time to time determine are needed or necessary to enable the appropriate officials to assure compliance with this Ordinance.
- l. The term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for

temporary use which are not designed for permanent residence and connection to sanitary sewage, electrical power, and potable water supplies.

6. Required Water Supply and Sanitary Sewerage Facilities:
After the effective date of this Ordinance, no structure shall be erected, altered or moved upon a lot or premise and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it shall be provided with a safe sanitary and potable water supply and with a safe and effective means of collection treatment, and disposal of human excreta and domestic, commercial and industrial waste. All such installations and facilities shall conform with the minimum requirements of the County Health Department and applicable State Regulations.
7. One Dwelling per Lot: Only one (1) single-family detached dwelling will be allowed to be erected on a lot.
8. Fences, Walls and Screens
 - a. Fences in front yard areas. Fences which are located in the required front yard area shall not exceed a height of four (4) feet.
 - b. Fences in rear yard areas. Fences which are located in the rear yard shall not exceed a height of six (6) feet and may be of open or closed construction.
 - c. Fences on corner lots.
 1. Fences constructed or installed on corner lots or parcels having a side yard abutting upon a street may be erected to a height of six (6) feet above ground level but shall not extend beyond the side yard building line in the side yard area adjacent to the street side of the building thereon.
 2. Fences located in the street side yard area on corner lots, between the dwelling and the street property line, shall not exceed a height of four (4) feet except that a fence six (6) feet in height construction may be erected in the street side yard area where a

corner lot shares a common rear lot line with the rear adjacent property owner.

- d. Fences located in interior side yard areas. Fences constructed or erected in the interior yard area may be erected to a height of six (6) feet above ground level and may be of open or closed construction except that when an abutting dwelling has a door or window (except basement window) located less than five (5) feet from the fence, said fence shall be reduced to four (4) feet in height if it is of closed construction.
- e. Exceptions. The height restrictions of this chapter shall not apply to schools, public or private, or to public recreation areas, or to public utility installations where higher fences are required for the safety and protection of the public.
- f. Unobstructed site.
 - 1. Unobstructed site distance. No fence, structure, hedge or planting shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two (2) streets or the intersection of a street and an alley (see diagram, Appendix A). Fences or plantings located in the triangular areas described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above grade.
 - 2. Unobstructed sight area. The unobstructed triangular area is described as follows:

The area formed at the corner, intersection of two (2) streets bounded by the curb lines extended to the point of the intersection and by a base line intersecting each curb sixty (60) feet from said point of intersection. Where no curb exists, the edge of the roadway shall be considered a curb within the meaning of this section (See Appendix A);

The area formed at the corner, intersection of the public right-of-way and a driveway, the two (2) sides of the triangular are being ten (10) feet in length measured along the right-of-way line and the edge of the driveway, and the third side being a line connecting these two (2) sides (See Appendix A).

- g. Use of abutting properties. No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Zoning Administrator may require a fence to be set back a minimum distance from a driveway or property line.
- h. Barbed wire. The placement of barbed wire is regulated as follows:
 - 1. Industrial Districts. For industrial properties, barbed wire must be at least six (6) feet above grade. Barbed wire is not allowed on properties used for residential purposes in industrial districts.
 - 2. Business Districts. For business properties where outdoor storage is allowed, barbed wire may be approved by the Board of Appeals on Zoning as a special exception when there are unique and exceptional circumstances. If approved by the Board of Appeals on Zoning, the barbed wire must be at least six (6) feet above grade. Barbed wire is not allowed on properties used for residential purposes in business districts.
 - 3. Public utility installations. Barbed wire may be placed on fences surrounding a public utility installation in any zoning district, provided the barbed wire is placed not less than six (6) feet above grade.
- i. Electric fences. Electric fences may be approved in by the Board of Appeals on Zoning as a special exception when there are unique and exceptional circumstances.

- j. Materials. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. If, because of design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
 - k. Maintenance. All fences shall be maintained in a good structural condition at all times.
 - l. Permit. Any property owner wishing to install a new fence of any type shall first secure a zoning permit prior to installing said fence. The property owner or applicant shall complete an application provided by the Township indicating the location, height, materials, and the proximity to any buildings on an abutting property. There shall be no fee associated with this application.
9. Inoperative or Dismantled Cars, Trucks or Buses: The storage of dismantled, wrecked and/or unlicensed vehicles within any District is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided said storage does not exceed one (1) week.
10. Space Used Once. Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure existing or intended to exist at the same time as such building or structure. Use Exceptions: Nothing in the Ordinance shall be construed to prohibit the following accessory or incidental uses:
- a. The renting of rooms to not more than two (2) nontransit persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
 - b. Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area.
 - c. Essential services as defined in Chapter 2, Section 202

- d. Garden, garden ornaments and usual landscape features within required yard space.
 - e. Fences within required yard space provided the standards cited in Chapter 3, Section 302 (8) are met.
 - f. Retaining walls and public playgrounds.
 - g. Off-street parking for motor vehicles as specified in Chapter 4.
 - h. Home Occupation as specified in "R" District regulations and Chapter 2, Section 202.
 - i. Use of a premises as a voting place in connection with local, state or national elections.
11. Parking of Recreational Equipment: The parking of recreational equipment including travel trailers, trailers, campers, boats and similar recreational equipment is prohibited within the required front yard areas of any "R" District,

A total of three (3) but not more than one (1) of each of the above units may be stored or parked outside on a residentially zoned lot except that with regard to snowmobiles or personal watercraft up to four units may be parked outside provided the ownership of said units is that of the lot owner, tenant, or lessee.

The above units when stored outside shall be located a minimum of five (5) feet to the rear of the front building line.

The combined area covered by outside storage of said units, dwelling, accessory buildings, swimming pools and the area covered by the shall not exceed forty (40) percent of the total area of the lot.

12. Heavy Vehicles. Storage or overnight parking of trucks in excess of four (4) tons gross weight rated capacity is prohibited within any "R" District.

13. Prohibited Uses. Any use not specifically permitted as defined in a zoning district established by this Ordinance is hereby specifically prohibited from that district.
14. Rummage Sale: Allow the sale of a non-perishable merchandise, household goods, domestic items or other articles, except in any "R" district, unless the sale is temporary. Such a sale shall not continue for a period exceeding one week from date of commencement and may not commence again for a period of forty-five (45) days from the last date of prior sale at that location with no more than three (3) such sales in a calendar year. No items available during sales may be openly displayed when sales are not in progress. (This provision shall be enforced by the Police Department.)
15. **Swimming Pool Fencing:** All swimming pools shall have a barrier as required by the Michigan Building Code.

Section 15.303 Supplementary Yard Regulations.

1. Permitted Yard Encroachments:
- a. Paved terraces, patios, and uncovered porches shall not be subject to yard requirements, PROVIDED:
1. The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal building.
 2. The highest finished elevation of the paved area is not over thirty (30) inches above the average surrounding finished grade area.
 3. No portion of any paved area is closer than five (5') feet from any lot line nor projects into any front yard setback area. Such paved areas may have non-continuous windbreaks or walls not over six (6') feet high and not enclosing more than one-half (½) the perimeter of the paved area.

- b. Unenclosed porches, roofed, or unroofed, may project into a required side or rear yard area PROVIDED:
 - 1. The porch is unenclosed and no higher than one (1) story and is erected on supporting piers.
 - 2. The porch shall not be closer than eight (8') feet to any side or rear lot line except for lots or parcels less than 65' wide, then the porch cannot be closer than four (4) feet to any side lot line.
 - c. Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
 - d. Special structural elements such as cornices, sills, chimneys, gutters and similar structural features may project into any yard up to a maximum of two and one-half (2 ½') feet.
 - e. Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five (5') feet.
 - f. Signs may encroach into yard areas but no sign or portion, thereof, shall be closer to any lot line or street right-of-way than ten (10') feet.
2. Yard Exceptions: In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the building setback on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. The required street width shall be determined by the standards set forth and adopted by the Planning Commission.
3. Minimum Side Yard Requirements: Lots or parcels less than sixty-five (65') feet in width and existing prior to adoption of this Ordinance may have a minimum side yard of four (4') feet. Corner lots 65' or less in width shall conform to the street side setbacks required but the side yard opposite the street side may be four (4') feet.

Section 15.304 Supplementary Height Requirements

1. Permitted Exceptions for Communications Towers and Structural Appurtenances: The following kinds of communications towers and structural appurtenances shall be permitted to exceed the height limitations for authorized uses:
 - a. Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers and flag poles; PROVIDED that such structural elements do not exceed twenty (20%) percent of the gross roof area.
 - b. Communications towers and appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, radio or television towers, aerials and fire and base towers; PROVIDED the total height of the structure or the building and appurtenance is one-hundred seventy-five (175') feet or less measured from the ground. The foregoing permitted exceptions shall not be for human occupancy or dwelling.
2. **Permitted Exceptions, Conservation-Greenbelt and Agricultural Districts:**
 - a. No exceptions are permitted for residential structures.
 - b. Structures for agricultural operations are permitted up to seventy-five (75') feet.
 - c. Other non-residential permitted structures may be erected to a height in excess of that specified; PROVIDED each front, side and rear yard minimum is increased one (1') foot for each one (1') foot of additional height above the district requirements.
3. **Permitted Exceptions, Residential Districts:**
 - a. No other exceptions are permitted for residential structures. Antennas and flag poles are allowed, but not to exceed the height of 45' from the ground.
 - b. Principal hospital and church structures may be permitted to exceed height limitations with a maximum total height limit of seventy-five feet (75') PROVIDED each front, side and rear yard

is increased by one (1') foot for each one (1') foot of additional height above the district maximum requirement.

4. Permitted Exception, Business and Industrial Districts:

- a. In any business or industrial district any principal structure may be erected at a height in excess of that specified for the district, PROVIDED each front, side and rear yard minimum is increased one (1') foot for each one (1') foot of additional height above the district maximum requirement.

Section 15.305 Accessory Buildings.

1. Required Yards:

- a. In a front yard: No accessory building (attached or detached) shall project into any required front yard.
- b. In a rear yard: No accessory building, including attached or detached garages, shall be closer than five (5') feet to the rear lot line and not closer to the side lot line than the permitted distance for principal buildings within that district.
- c. In a side yard: No accessory building, including garages shall be erected closer to any side lot line than the permitted distance within that district for principal building except in a residential district, where an accessory building is located ten (10') feet or more to the rear of the principal building, then the accessory building shall be no closer than eight (8') feet to the side lot line. See exception Section 303 (3).
- d. On a corner lot: No accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8') feet to the common lot line.
- e. Accessory buildings are not allowed on vacant lots in an R district.
- f. The total number of detached accessory buildings may not exceed two (2).

- g. In any R District detached accessory buildings shall comply with the following regulations:
1. They shall not be used in any part for dwelling purposes.
 2. They shall not be more than one (1) story of fifteen (15') feet measured from the average grade around the structure to a point midway between the highest point of the roof and the lowest point of the roof to the average height of the building (See Appendix D).
 3. The total area of detached accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard area.
 4. Accessory buildings shall not exceed the ground floor area of the principal building or 1600 s.f. whichever is larger.
 5. The foregoing building dimensions may be increased by one (1%) percent for each one hundred (100) square feet that the building site surpasses the minimum lot size, but not to exceed one hundred (100%) percent.
 6. They shall be constructed of materials similar to that of the principle building.
 7. All walls shall be vertical and accessory buildings shall be designed typical of residential accessory building construction or as determined appropriate by the Township Planning Commission.
- h. Antennas: All antennas shall be required to have the same yard setbacks as accessory buildings.
- i. Swimming Pools, Ponds, and Fountains: All swimming pools, ponds, or fountains which are regulated by the Michigan Building Code shall be located in the rear yard or interior side yard and further shall comply with the setback requirements for accessory buildings. Any pond which requires a permit from the Michigan Department of Environmental Quality shall be subject to the site plan review and special land use procedures contained in this ordinance and shall be reviewed

and approved by the Township Planning Commission prior to commencement of construction.

Section 15.306 District Boundary Exception.

Where a district boundary line, as established by this Ordinance, when adopted or subsequently amended, divides a lot in single and separate ownership a use permitted in the less restrictive portion of said lot may be extended to the entire lot, subject to the following conditions:

1. That one-half (½) or more of the area of said lot shall be in the less restrictive district.
2. That any part of a less restrictive use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building and such building shall conform to any applicable yard and area requirements in the more restrictive district.

Restrictiveness by district proceeding from most restrictive to least restrictive is herein established as follows: AG, R, RM, MH, C-1, C-2, C-3, M.

Section 15.307 Approval of Plats.

No proposed plat of new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this Ordinance and all other applicable codes or Ordinances.

Section 15.308 Zoning of Plats.

All plats shall be subject to the provisions of the district within which they are located pertinent to allowed uses and further required zoning district change which may be necessary to accommodate proposed use or uses shall be made according to amendment procedures prescribed by this Ordinance.

Section 15.309 Public Sanitary Sewer Connection.

When public sewer is available or becomes available in the street, connection to the public sewer system shall be made within ninety (90) days.

Section 15.310 Density Computation.

Should density computation be required for a land development project, except as specified for planned unit developments and mobile home parks, the following criteria shall be applied:

1. Site Acreage Computation: In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created:
 - a. Land utilized by public utilities as easements for major facilities such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easement.

2. Maximum number of lots and/or dwelling units: After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned development is located. The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

| District Use | % of Project Area |
|--|-------------------|
| R (Single-Family detached) | 25 |
| RM (Single-Family attached, two family and multi-family) | 20 |

These percentages shall apply regardless of the amount of land actually required for street right-of-way.

Section 15.311 Issuance of "Building Permit" per Approved Site Plan.

1. SUBMISSION OF SITE PLAN:

- a. No Building Permit shall be issued until the applicant has submitted an approved site plan as required by this section of this Zoning Ordinance.

2. SITUATIONS REQUIRING A SITE PLAN REVIEW.

- a. The proposed use is allowed by Special Use Permit.
- b. The proposed use or redevelopment and is in an RM, MH, C-1, C-2, C-3 or M District.
- c. Any adjoining parcel is in a more restrictive Zoning District.
- d. The proposed project will have more than two (2) tenant users (dwelling units, offices, stores or other uses).
- e. The proposed project will require 50 or more parking spaces.
- f. The project site is larger than three acres.
- g. The use is a commercial or industrial use and is a new development.

3. SITE PLAN REVIEW PROCESS.

- a. APPLICATION DEADLINES. If a rezoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application for the Site Plan must be received at least thirty (30) days before the date of the Planning Commission.
- b. APPLICATION MATERIAL. Applications requiring Site Plan Review, must be accompanied by a fee as established by this ordinance and by at least four copies of a plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.
- c. SITE PLAN REQUIREMENTS. Note that any proposed construction, landscaping, retention of natural features or other

property conditions depicted in the plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions or the alteration of site conditions in a way other than that which is approved on the site plan constitutes a violation of the terms of the Zoning Permit issued pursuant to site plan approval. Enforcement Provisions in Section 1902 apply. Site plan approval is not effective until a State of Michigan DEQ Floodplain Permit is granted and filed with the Building Inspector.

- d. SCALE. The site plan must be drawn to a consistent scale of not less than one inch equals twenty feet (1" = 20') for sites of three acres or less, or one inch equals one hundred feet (1" = 100') for larger sites.
- e. IDENTIFICATION. The applicant's name, address and telephone number and the name and address of the firm or firms responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf or has a legitimate purchase option on the property.
- f. PROPERTY INFORMATION. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan.
- g. SITE FEATURES. The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six inches in diameter, topography, drainage features, wetlands, and existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- h. TRANSPORTATION FEATURES. The site plan must show the location and surface type of all existing and proposed public

roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.

- i. UTILITIES. The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television. All drainage structures and systems must be shown, along with flood plain information.
- j. STRUCTURES. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multi-family housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, fences, and decorative walls.
- k. SUPPLEMENTARY MATERIAL. The site plan shall be complemented by any additional information which, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; proposed measures to control or mitigate such impacts as noise, smoke, particulate, vibration, odors, or fire hazards.

4. STAFF REVIEW OF SITE PLAN

- a. PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Township Public Works, Police Chief and Fire Chief, or their alternates, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other government department or utility that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their

comments in writing to the Zoning Administrator at least seven (7) days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Zoning Administrator shall make recommendations to the Planning Commission regarding the site plan.

- b. STANDARD TO BE USED. Reviewers shall address the consideration identified by the Review Standards. If a Site Plan Review is being conducted for proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.
5. PLANNING COMMISSION REVIEW OF SITE PLAN.
- a. The Planning Commission shall address the Site Plan Review at a public meeting. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. General guidelines to use in the deliberation process include the following:
 - 1. Safe and convenient vehicular access to and from the proposed use without interference with surrounding transportation patterns and safe internal circulation.
 - 2. Provisions of bicycle and/or pedestrian access if appropriate.
 - 3. Impact of structures, fencing, lighting and landscaping on adjacent land uses and properties.
 - 4. Appropriate consideration of environmental concerns including natural resources, air quality, noise levels, rubbish disposal and storm runoff.
 - 5. Continuance of established area patterns of landscaping, setbacks, structural materials and street furniture.
 - b. In the interest of providing a timely response to the applicant, the Planning Commission WILL take one of the following actions at the meeting during which the Site Plan Review is conducted.
 - 1. APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to

approve a site plan. Once approved, the site plan becomes a condition of any Zoning Permit that may be granted for the proposed project.

2. **CONDITIONAL APPROVAL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be imposed to promote the health, safety and welfare of the citizens of Spaulding Township or required by provisions of local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission and shall be reflected in any Zoning Permit granted for the project.

Approval of any proposed site plan which must also receive approvals from other public agencies shall be conditioned upon granting of said other approvals. This shall include any variances which must be issued by the Spaulding Township Zoning Board of Appeals. Approval of a variance for conditions which differ from those depicted on the site plan or specified in a conditional approval does not require an additional site plan approval by the Planning Commission as long as the previously established conditions have been met.

3. **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards listed is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
4. **TABLE TO SPECIFIED MEETING.** The Planning Commission may choose to delay its decision for any reason by tabling the action to another meeting. This meeting must be called in compliance with the Open Meetings Act. The date, time and

place of said meeting must be identified in the motion to table and clearly stated for the benefit of persons in attendance at the meeting where the tabling motion is made.

5. DEVIATIONS FROM APPROVED SITE PLAN.

- a. It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with. These deviations shall be documented.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder, the Township Building Inspector, and the Planning Commission in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector, affecting that portion of the project which is not in compliance with the Site Plan Review Standards.

Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the Review Standards and/or the approved site plan, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance

guarantee attached to the Zoning Permit may be fully refunded.

1. RECORD BE MAINTAINED. The record relating to any approved site plan shall be maintained by the Zoning Administrator together with the records pertaining to the Zoning Permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

6. SITE PLAN REVIEW STANDARDS.

All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing. However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- a. DISTRICT REGULATIONS. The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- b. SUPPLEMENTARY REGULATIONS. The project must comply with any and all of the Supplementary Regulations which may apply to it.

- c. SPECIAL USE STANDARDS. If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use will apply.
- d. TRANSPORTATION. Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question and the development is on a road which is under the jurisdiction of another entity, the input of the road authority shall be sought.
- e. UTILITIES. Public utilities, including water and sewer, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- f. STORM WATER MANAGEMENT. The proposed project must make provisions for on-site detention of storm water runoff to accommodate the 10 year storm event, and drainage provisions to accommodate the 100 year storm event. In all cases, post development discharge rates should not exceed pre-development discharge rates or increase downstream drainage. Drainage solutions using natural features should be utilized whenever possible.

The site plan should include structural and nonstructural detention and/or drainage features, including plans of all parking lots, storm sewers, and discharge calculations pre and post development. All site plans may be reviewed and approved by an engineer and must meet the standards of

all departments of Spaulding Township and of all other impacted public officials.

- g. FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs and must receive Fire Chief approval.
- h. ENVIRONMENT. Natural features of the landscape should be retained wherever practical to furnish a buffer between the project and adjoining property(ies) or to help control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Saginaw County Health Department or other agencies.
- i. CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, and with the purpose of the Zoning District in which the subject parcel is located.

Section 15.312 Buffering and Berms

BUFFERING REGULATIONS. The intent and purpose of buffering is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by

encouraging improvements to uses that abut residential districts. Buffering requirements shall be determined at the time of site plan review. If a berm is constructed as part of buffering, the following standards shall apply.

Minimum Standards for Berms.

- A. Berms shall be constructed so as to maintain a side slope not to exceed one foot (1') rise to three foot (3') run ratio.
- B. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition. Additional landscaping must be used within any areas that do not have a berm six (6') feet high.
- C. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- D. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

Residential construction of berms must be approved by the building inspector and do not require a site plan.

Section 15.313 Grading and Filling of Land

- 1. New Construction
 - a. Upon application for a building permit the applicant shall submit a grading plan which indicates the slope of the grade from the subject property to the abutting properties. It shall also indicate the amount of fill to be placed on the site. The grading plan shall be approved by the building inspector prior to the placement of any fill material on the site. The building inspector may require the installation of a drainage system along abutting property lines if deemed necessary by the building inspector.
 - b. Upon completion of the project the area of the new construction shall be planted with grass and made erosion resistant. This planting shall be done within six months of commencement of construction.
- 2. Landscaping or grading
 - a. The placement of fill material for landscaping or grading shall be approved by the building inspector prior to the placement of any material.

3. Berms
 - a. Section 313(2) applies to berms
 - b. In regards to height and location of berms Section 302 (8) shall apply

4. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes or by-products is not permitted in any zoning district except under a certificate from, and under the supervision of, the Zoning Administrator in accordance with a topographic plan, submitted by the feeholder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than fifty feet equals one inch (50 feet = 1 inch) and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Zoning Administrator. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Inspector, or to minor grade adjustments incidental to uses which do not alter natural drainage patterns or cause or increase runoff onto adjacent properties

5. The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the building regulations, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Administrator.

CHAPTER 4

General Off-Street Parking and Loading

Section 15.401 Purpose and Intent

It is the purpose and intent of this Ordinance that off-street parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles; to avoid unnecessary congestion and interference with public use of streets; and to provide for sound and stable environmental conditions and the prevention of future blighted areas.

Section 15.402 Off Street Parking and Loading Requirements

1. In all zoning districts, off-street parking and loading requirements shall be provided in amounts not less than those specified in the table of off-street parking.
2. Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed as determined by the zoning administrator.
3. Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
4. For the purposes of determining off-street parking and loading requirements, the number of occupants of a building shall be determined by the building inspector in accordance with the Michigan Building Code and said occupant load shall be used in those cases which require an occupant load determination to be made.
5. In the case of mixed uses, where each occupies at least twenty (20%) percent of the floor area of a Building and the operating schedules of any two such uses vary by a total of three hours in a typical day, the parking requirement for the Building, as determined using the Table on page 61, may be reduced by Ten (10%) percent.

6. Joint provision of off-street parking where two or more abutting Parcels in and Commercial or Industrial Zoning District provide paved drives and sidewalks between parking areas, allowing travel between Parcels without use of a Public Street, the number of parking spaces required for each Parcel may be reduced by ten (10%) percent, in addition to reductions allowed by other provisions of the Section.
7. It shall be unlawful to use any of the off-street parking or loading areas established to meet the requirements of the Ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.
8. Parking and loading setback areas shall conform to twenty (20') foot front yard and street side yard requirements and off-street parking shall be no closer to any principal building than five (5') feet. Bumper guards or curbs shall be installed to prevent yard encroachment.

Exceptions: a. Shared parking
 b. One and Two Family Dwellings

9. Parking and loading areas may be extended to the property line except as herein above specified by Section 402 (8) and as specified under Section 403 (3).
10. All required parking facilities shall be on the same or adjacent property of the business it serves.
 - a. Joint use of off-street parking area may be authorized when the parking requirements for a group of uses outlined in Chapter 4, Section 404, are complied with.

Section 15.403 Site Development and Construction Requirements

1. Area Requirement: three hundred square feet of lot area shall be deemed a parking space for one motor vehicle including an access aisle, except that one hundred eighty (180) square feet of lot area which has direct means of ingress and egress from an alley or street may also be deemed a parking space.

2. Fractional Units: In computing units or measurements to determine the number of required spaces, any fraction up to and including one half ($\frac{1}{2}$) shall be disregarded and fractions over one half ($\frac{1}{2}$) shall require one space.
3. Loading spaces shall not be construed as supplying an off street parking space.
4. Location of Spaces: The off-street parking facilities required for one- (1) and two-family (2) dwellings shall be located on the same lot or plot of ground as the building they are intended to serve and shall consist of a parking strip, parking apron or garage. A parking strip or driveway shall be located such that it leads to at least one (1) parking space in a yard other than the required front or street side yard. Additional spaces may be located in the required front or street side yard provided the space is not located in a space bound by the front building line, the side building line nearest the parking strip or driveway and the front lot line or on corner lots the space bound by the front lot line, the street side yard lot line. Off-street parking facilities required for all other uses shall be located on the lot or on property within four hundred (400) feet of any entrance to the building such parking is intended to serve, measured between such entrance and the nearest point of such required parking area.
5. Surfacing: Off-street parking and loading areas, including access drives, unless otherwise specifically approved by the Planning Commission, for all uses shall be surfaced with either:
 - a. Six (6) inches of Portland cement concrete; or
 - b. Two (2) inches of asphaltic concrete laid over a base of crushed stone with a compacted thickness of six (6) inches and shall be graded and drained to dispose of all surface water on the property.

Exception: 1 and 2 above for single-family dwellings parking spaces, strips or aprons shall be surfaced with asphalt, concrete or six (6) inches of stone mix or gravel. Gravel and stone mix surfaces shall be maintained such that the parking space, strip or apron is free from ruts or holes.

6. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property as parking space, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent or trustee of such property.
7. All Off-Street parking lots of more than forty (40) spaces shall incorporate and provide protected landscaped areas located within the parking lot. The ratio of landscaped area to number of parking spaces shall be one hundred (100) square feet for each twenty (20) parking spaces. The minimum size for an interior parking lot landscaped island shall be one hundred (100) square feet. Required parking lot setback areas shall not satisfy the requirement for interior landscaping. Applicants are encouraged to locate landscaped islands adjacent to end parking stalls to protect end vehicles and improve sight distance.

In all landscaped areas, at least one (1) evergreen tree with a minimum height of four (4) feet or one (1) deciduous tree with a minimum caliper of three (3) inches shall be provided for every two hundred (200) square feet of parking lot landscaping required. The landscaping shall be provided with a variety of plant materials including trees of a selected variety and size as may be practical for planting and architectural effect. When parking lot landscaping is provided in one (1) or more end islands, the maximum mature height of shrubs and similar species shall be thirty (30) inches and the minimum canopy height of deciduous trees shall be eight (8) feet, in order to provide clear sight distance.

In order to delineate on-site circulation; ensure adequate sight distance at the intersection of parking aisles, ring roads and private roads, protect vehicles at the end of parking bays, and define the geometry of internal intersections, end islands (painted or landscaped/ curbed) shall be required at the end of all Off-Street parking spaces adjacent to an aisle or road. At a minimum, one (1) landscaped island shall be provided for every (2) painted islands.

8. Where the required parking area of three (3) spaces or more is within forty (40') feet of an adjoining Residential District or lot, said parking area shall be no closer to any side or rear property line than ten (10') feet and within said ten (10) foot strip, either of the following shall be established:

- a. A planting strip five (5') feet in width approved by the Building Inspector. Said planting strip shall not be less than five (5') feet in height and shall consist of a sufficiently dense material to screen the parking and shall be adequately maintained.
- b. A solid masonry wall or uniformly treated wood fence not less than five (5') feet in height.
- c. Said wall or planting strip shall be as such length of the parking area.
- d. Off-street parking areas shall be lighted when provided for all uses, except single-family and two-family duplexes, in accordance with a plan approved by the planning commission and as specified in Section 407.
- e. Parking as specified and/or provided in any residential district shall not be allowed to encroach into the front yard area.

Section 15.404 Table of Off-Street Parking Requirements

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| Use | |
| Residential, One Family and Two Family | Two (2) parking spaces for each dwelling unit. |
| Residential, Multiple Family | Two (2) for each dwelling unit |
| Mobile Home Parks | One (1) and one-half (1 ½) for each mobile home unit |
| Boarding House | One (1) for each sleeping room |
| Senior Citizen Housing | One (1) for every two (2) dwelling units |
| INSTITUTIONAL | |
| Churches, temples, and synagogues or buildings of similar use with fixed seats | One (1) for each three (3) seats based on the maximum seating capacity in the main place of assembly therein. |
| Hospitals | One (1) for each three (3) patient |

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| | beds, plus one (1) space for each staff or visiting doctor plus one (1) for each employee including nurses on maximum working shift. |
| Convalescent homes and nursing homes | One (1) space for each four (4) beds, plus one (1) space for each employee, including nurses on a maximum working shift. |
| Pre-School child care (day nursery) and day care centers | One (1) for each three hundred and fifty (350) square feet of floor space plus one (1) for each employee, plus three (3) spaces for the loading and unloading of children. |
| Elementary Schools and Junior High Schools | One (1) for each teacher and administrator, in addition to the requirements for the auditorium. |
| Senior High Schools and Colleges | One (1) for each four (4) persons of legal capacity as established by the Michigan Building Code. |
| Lodge Halls, meeting halls and community centers or buildings of similar use without fixed seats | One (1) for each four (4) persons of legal capacity as established by the Michigan Building Code. |
| Libraries, museums, and post office buildings | One (1) for each three hundred (300) square feet of gross floor area, plus (1) space for each employee employed therein. |
| Public Office Building not elsewhere specified | One (1) for each three hundred (300) square feet of gross floor area, plus one (1) space for each employee employed therein. |
| Private golf clubs, swimming pool, tennis clubs or other similar uses | One (1) for each two (2) member families or individual |
| Golf courses open to the general public, except miniature or "par-3" courses | Six (6) for each one (1) golf hole and one (1) for each employee |
| Theaters and auditoriums | One (1) for each four (4) seats, plus one (1) for each employee on maximum working shift. |
| Stadium, sports arena, or similar place of outdoor assembly | One (1) for each three (3) seats or six (6) feet of benches, and one (1) |

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| | for each employee on a maximum working shift. |
| BUSINESS AND COMMERCIAL | |
| Auto Wash | One (1) for each employee. In addition adequate waiting space for autos shall be provided on the premises to accommodate fifty (50%) of the hourly rate of capacity. |
| Beauty Parlor or Barber Shop | Three (3) spaces for each of the first two (2) beauty or barber chairs and one and one half (1 ½) for each additional chair. |
| Bowling Alleys | Four (4) for each one (1) bowling lane, plus one (1) for each employee on a maximum working shift |
| Assembly halls, without fixed seats for commercial recreation including dance halls, pool or billiard parlors, skating rinks and exhibition halls or buildings for similar uses | One (1) for each sixty (50) square feet of gross floor used for permitted use. |
| Establishments for sale and consumption on premises of beverages, food or refreshments | One (1) for each one hundred (100) square feet of usable floor space, except as otherwise specified herein plus one (1) for each employee on maximum working shift. |
| Drive-in restaurants or similar drive-in uses for the sales of beverages, food or refreshments | One (1) for each fifteen (15) square feet of floor area plus one (1) for each employee on maximum working shift. |
| Furniture and appliances, household equipment, repair shops, show-room of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses | One (1) for each eight hundred (800) square feet of usable floor area use in processing, one (1) additional space shall be provided for each person employed therein on a maximum working shift. |
| Automobile service stations | Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump plus one (1) for each employee on maximum |

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| | working shift. |
| Laundromats and coin operated dry cleaners | One (1) for each two (2) washing machines |
| Miniature or "Par-3" golf courses | Three (3) for each one (1) hole plus one (1) for each employee. |
| Mortuary establishment | One (1) for each one hundred (100) square feet of usable floor space, plus one (1) for each employee on maximum working shift |
| Motel, hotel or other commercial lodging establishment | One (1) for each one (1) occupancy unit, plus one (1) for each employee on maximum working shift plus extra spaces for dining rooms, ballrooms, or meeting rooms as above where the capacity of such areas exceeds the number of beds in the building |
| Motor vehicle sales and service establishment | One (1) for each three hundred (300) square feet of usable floor space or sales room and one (1) for each one auto service stall in the service room |
| Retail stores except as specified herein | One (1) for each three hundred (300) feet of feet of usable floor space, plus one (1) for each employee on maximum working shift |
| Quick Oil Change | One for each employee on a maximum shift plus one for each change bay. |
| OFFICES | |
| Banks | One (1) for each three hundred (300) square feet of usable floor space plus one (1) for each employee on maximum working shift. |
| Business offices or professional offices of lawyers, architects, engineers, planners, accountant or other similar professions. | One (1) for each three hundred (300) square feet of usable floor space |
| Professional offices of doctors, | Five (5) spaces per one thousand |

| | |
|---|--|
| dentists or similar professional | (1000) square feet of gross floor area or one (1) space per two hundred square feet of gross floor area. |
| INDUSTRIAL | |
| Industrial or research establishment including manufacturing, testing laboratory, creameries, bottling works, printing, plumbing or electrical workshops. | Five (5) plus one (1) for each employee on maximum working shift. Space on site shall also be provided for all construction workers during periods of plant construction. |
| Wholesale establishments and warehouses | Five (5) plus one (1) for every employee in the largest working shift, or one (1) for every sixteen hundred (1600) square feet of usable floor space, whichever is greater |
| Wholesale and Retail Lumber and Building Product Sales and Display | One (1) space for ever eight hundred square feet of useable floor area plus one for each employee. |

Section 15.405 Off Street waiting spaces for drive through facilities

An off-street waiting space is defined as an area ten (10) feet wide by twenty-four (24) feet long and shall not include the use of any public space, street, alley, or sidewalk.

On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided off-street waiting spaces in accordance with the following:

| Use Served by Drive-Through Lane | Minimum Stacking Requirements by Lane |
|----------------------------------|---|
| Car wash (coin operated) | Three (3) vehicles in advance of the washing beyond storage for one and one-half (1½) vehicles beyond the washing bay as a drying vacuum area |

| | |
|--|---|
| Car wash (tunnel wash) | Four (4) times the maximum capacity of the auto wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas |
| Pre-School child care (day nursery) and day care centers | One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building |
| Convenience market | Three (3) vehicles per lane inclusive of the vehicle at the window |
| Dry cleaners | Four (4) vehicles per lane inclusive of the vehicle at the window |
| Financial institution | Six (6) vehicles per lane inclusive of the vehicle at the window |
| Quick oil change | Four (4) vehicles per lane inclusive of the vehicle being served |
| Restaurant | The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board) |
| Other uses | For uses not listed above, the Planning Commission shall make the determination of minimum required vehicle stacking spaces at the time of the site plan review. |

Section 15.406 Approval for Construction

No parking lot shall be constructed unless in conformance with the provisions of this chapter and an approved site plan. No Parking Lot construction shall proceed without the specific authorization of the Building Inspector.

Section 15.407 Lighting

Parking area and other exterior onsite lighting fixtures shall not exceed a height of twelve feet (12') when located within two hundred (200) feet of a residential district, and further may not exceed a height of sixteen (16) feet unless otherwise permitted by the planning commission.

Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets.

Section 15.408 Off Street Parking Layout and Design

Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

| Parking Pattern | Maneuvering Lane Width | Parking Space Width | Parking Space Length | Total Width of One Tier of Spaces Plus Maneuvering Lane | Total Width of Two Tiers of Space Plus Maneuvering Lane |
|------------------------|------------------------|---------------------|----------------------|---|---|
| 0° parallel parking | 12 ft. | 8 ft. | 23 ft. | 20 ft. | 28 ft. |
| 45° | 12 ft. | 9 ft. | 18.5 ft. | 33 ft. | 47 ft. |
| 60° | 16 ft. | 9 ft. | 18.5 ft. | 35 ft. | 54 ft. |
| 90° | 26 ft. | 9 ft. | 18.5 ft. | 44.5 ft. | 63 ft. |

Section 15.409 Off Street Loading Requirements

(A) On the same premises with every building, structure or part thereof erected and occupied for industrial establishments, storage, goods display, department store, hotel, high rise apartment building, market, hospital, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, or within such building or structure, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

(B) Such loading and unloading space, unless otherwise adequately provided for, shall be an area twelve (12) feet by fifty (50) feet, and fifteen (15) feet height clearance, according to the following schedule:

| <i>Gross Floor Area (in square feet)</i> | <i>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area</i> | |
|--|--|--|
| | <i>Commercial</i> | Industrial |
| 0 - 5,000 | None | None |
| 5,001 - 20,000 | 1 | 1 + 1/5,000 in excess of 5,000 |
| 20,001 - 50,000 | 1 + 1/20,000 in excess of 20,000 | 3 + 1/15,000 in excess of 20,000 |
| 50,001 - 100,000 | 1 + 1/20,000 in excess of 20,000 | 5 + 1/10,000 in excess of 50,000 |
| 100,001 - 300,000 | 5 + 1/100,000 in excess of 100,000 | 10 + 1/100,000 in excess of 100,000 |
| 300,001 - 500,000 | 10 + 1/100,000 in excess of 300,000 | 10 + 1/100,000 in excess of 300,000 |
| Over 500,000 | 12 + 1/250,000 in excess of 500,000 | 14 + 1/150,000 in excess of 500,000 |

Chapter 5

Sign Regulations by District

Section 15.501 Intent and Purpose

The sign regulations as herein set forth are intended to control the size, location, character and other pertinent features of all exterior signs.

The purpose of this section is to regulate all exterior signs so as to protect health, safety and morals and to promote the public welfare.

Section 15.502 General

The following sign regulations by zone are intended to include every zone in the community. The zones are as defined by the zoning ordinance and official zoning map. Only signs as described herein and as may be described under Temporary Signs and Exceptions will be permitted in each particular zone.

If any zone is omitted from this Ordinance, or if a new zone is created after the enactment of this Ordinance, no signs shall be permitted therein until this Ordinance shall be amended to include this zone.

Section 15.503 Illumination

- (A) Signs in residential districts may be illuminated with not more than two hundred (200) watts of non-flashing white light. Such lights must be shielded so that they illuminate only the surface of the sign.
- (B) No sign shall have blinking, flashing, rotating or fluttering illumination.
- (C) No sign shall be illuminated in a manner which changes light intensity, brightness or color.
- (D) No sign shall have colored lights which may be confused with or construed as traffic control devices or emergency vehicles.
- (E) No sign shall be illuminated in such manner that the direct or reflected light from the sign creates a traffic hazard for motor vehicle operators on public thoroughfares.
- (F) Electronic message boards. A sign or portion thereof that is an electronic message board shall not be greater than 24 square feet in area and shall comply with the following regulations:

- 1) If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 NITS (candelas per square meter) during daylight hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.
- 2) Each electronic message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each such sign location due to sunrise, sunset, prevailing weather conditions or otherwise.
- 3) No additional electronic message board is permitted on the building if it is visible from a public road.

Section 15.504 Non Conforming Signs

- (A) Signs lawfully erected prior to the effective date of this subchapter which do not meet the standards thereof may be maintained except as hereafter provided.
- (B) No nonconforming signs:
 - (1) Shall be changed to another nonconforming sign;
 - (2) Shall have any changes made in the message displayed unless the sign is specifically designed for periodic change of message;
 - (3) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming;
- (C) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this subchapter.

Section 15.505 Signs for Non Conforming Uses

- (A) Onsite signs for any building or land use not conforming to the zoning provisions for the district in which it is located shall not exceed the following size limitations, whichever results in the larger sign area:
 - (1) One-half ($\frac{1}{2}$) square foot of sign area for each lineal foot of building frontage or one-fourth ($\frac{1}{4}$) square foot of sign area for each lineal foot of lot frontage, whichever is greater, not to exceed a maximum of twenty-five (25) square feet in area; or

- (2) The maximum sign area permitted for the zoning district in which the sign is located.
- (B) Offsite signs shall comply with all the provisions of the district in which the nonconforming use is located.

Section 15.506 Off Site Signs

Off Site signs are permitted only in the C-1, C-2, or M zoning districts and are subject to the following provisions

1. The sign may not be larger than 750 square feet in area
2. The height of the sign may not be taller than what is necessary base on the elevation of the road, structures located in the area, and other natural features. Maximum height of the sign shall be determined by the planning commission based on evidence presented by the developer of the sign.
3. The construction of new off site signs shall be subject to site plan approval by the planning commission.
4. Off site signs that are not regulated by the State of Michigan shall be subject to a 1000 foot spacing requirement. Ie. No off site sign shall be closer than 1000 feet to another off site sign.
5. Off site signs shall not be located in any required yard space.

Section 15.507 Auxiliary Parking Lot Signs

- (A) An auxiliary parking lot in conjunction with an adjacent use may have one (1) onsite identification sign per adjacent street. Each such sign shall not exceed four (4) square feet in area.
- (B) The area of signs indicating an entrance or exit shall not exceed four (4) square feet in area.
- (C) The area of signs indicating other parking instructions or traffic direction information shall not exceed three (3) square feet in area.
- (D) Such signs may be located anywhere within the limits of the premises subject to the height restriction of the zoning district in which located.

Section 15.508 Public Signs

Public signs are exempted from the provisions of this chapter.

Section 15.509 Temporary Signs

The following signs shall be permitted anywhere within the Township and shall conform with all yard and height requirements herein.

1. Construction Signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, and sign announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of twenty (20) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days of the beginning of the intended use of the project.
2. Real Estate Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.
3. Political Campaign Signs announcing the candidates seeking public political office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise. These signs shall be confined within private property and removed within fourteen (14) days after the election for which they were made.
4. Street Banners advertising a public entertainment or event, if specially approved by the local legislative board and only for location designated by the legislative body during and for fourteen (14) days before and seven (7) days after the event.
5. Show Window Signs in a window display of merchandise when incorporated with such a display. They need not be related in content with the display.

Section 15.510 Special Purpose Temporary Signs

Special purpose temporary signs shall be allowed in any zoning district, providing that each such sign shall require a permit and be subject to the following restrictions:

- (A) *Time limit.* A special purpose temporary sign may be displayed for no more than the number of days specified below, commencing on the issue date of the permit. At the conclusion of the permit period, the special purpose temporary sign must be removed from the parcel or stored indoors.
 - (1) *Residential properties.* Special purpose temporary sign permits shall be valid for a period of three (3) consecutive days and no more than three

(3) special purpose temporary signs shall be allowed per residential parcel per calendar year.

Exception: A sign advertising a compliant yard or garage sale is exempt from this provision, and such signs may be displayed as long as the sale is in compliance with other provisions of this ordinance.

(2) *Non-residential properties.* Special purpose temporary signs may be placed on a parcel for no more than thirty (30) days in a calendar year and no more than four (4) special purpose temporary sign permits shall be issued per parcel per calendar year.

- (B) *Size.* A special purpose temporary sign shall be no larger than thirty-two (32) square feet.
- (C) *Location.* A special purpose temporary sign is subject to the height and setback restrictions for signs in the zoning district in which it is placed. No off-site special purpose temporary signs are allowed.
- (D) *Illumination.* Illumination of special purpose temporary signs is permitted but only in accordance with 31.503.
- (E) *Permits.* A permit fee, as established by the Township Manager with Township Board approval, shall be charged, except for residential parcels, each time such sign is placed on the parcel.
- (F) *Tagging.* All special purpose temporary signs shall display a tag, in a place conspicuous to inspectors, indicating the name of the permit holder, the permit number, the date the permit was issued and when it expires, said tag to be provided by the Township.

Section 15.511 Signs in AG District

- (A) In any AG District only the following onsite signs may be displayed either flatly against the surface of the building involved or at least ten (10) feet from any street lot line:
 - (1) Any sign permitted in an R Districts as permitted therein;
 - (2) One (1) identification sign each for all other permitted uses, excluding home occupations, not to exceed four (4) square feet in area except as otherwise specifically provided;
 - (3) One (1) identification sign for each recreational facility not to exceed twenty (20) square feet in area.
- (B) Unless otherwise provided, any sign permitted may be illuminated in accordance with § 31.503.
- (C) The height restriction on signs in AG District shall be the same as specified for R Districts.

Section 15.512 Signs in R District

- (A) In any R District, only the following onsite signs may be displayed either flatly against the surface of the building involved or at least ten (10) feet from any street lot line:
 - (1) Signs indicating the names and addresses of the occupants not to exceed a total of two (2) square feet;
 - (2) One (1) temporary announcement sign or permanent bulletin board, with changeable copy, not to exceed thirty-two (32) square feet in area and one (1) identification sign not to exceed ten (10) square feet in area except for residential uses;
 - (3) One (1) identification sign for each permitted use after special approval, not to exceed four (4) square feet in area;
- (B) Unless otherwise provided, any sign permitted may be illuminated in accordance with § 31.503.
- (C) No sign displayed flatly against the surface of a building shall project above the roof line of the associated structure. No other sign shall extend more than six (6) feet above the average grade at the base of the sign.

Section 15.513 Signs in RM District

- (A) In any RM District, only the following onsite signs may be displayed either flatly against the surface of the building involved or at least ten (10) feet from any street lot line:
 - (1) Any sign permitted in R District as permitted therein;
 - (2) Any sign for a permitted use or permitted use after special approval other than a residential use not to exceed 32 square feet in area.
- (B) Unless otherwise provided, any sign permitted may be illuminated in accordance with § 31.503.
- (C) The maximum height of signs in RM Districts shall be the same as specified for R Districts.

Section 15.514 Signs in C-1, C-2, and C-3 District

- (A) In any C-1, C-2, or C-3 District, only the following onsite identification signs may be displayed provided no portion of such sign is located nearer than nine (9) feet from any street lot line unless otherwise provided:
 - (1) Any sign permitted in R or RM Districts as permitted therein except as modified in this section with regard to setback;

- (2) Signs facing the front lot line whose area does not exceed one and one-half (1½) square feet for each lineal foot of building frontage or one-half (½) square foot for each lineal foot of lot frontage, whichever is greater;
 - (3) Signs located on corner lots facing other than the front lot line whose area does not exceed fifty percent (50%) of one and one-half (1½) square feet for each lineal foot of building length along the respective lot line or fifty percent (50%) of one-half (½) square foot for each lineal foot of lot length along the respective lot line, whichever is greater;
 - (4) Signs on the vertical faces of marquees provided that no such sign shall project above or below the marquee if the marquee is located over the required yard area or public right-of-way;
 - (5) Signs attached to the building or erected separately subject to the setback requirements of this section;
- (B) Any sign permitted may be illuminated in accordance with §31.503.
- (C) No sign displayed on, attached to, or over a building shall project above the eave line of the associated structure. No other sign shall extend more than twenty (20) feet above the average grade at the base of the sign.
- (D) The total area of all signs permitted for any property use, including corner lots, shall not exceed two hundred (200) square feet.

Section 15.515 Signs in M Districts

Any sign permitted to be displayed in AG, R, C-1, C-2, or C-3 Districts shall be permitted in the M District.

Section 15.516 Maintenance of Signs

- A) Any sign erected, altered, or converted subsequent to the passage of this subchapter and in violation of any of the provisions thereof is hereby declared to be a civil infraction.
- (B) All signs existing at the time of passage of this ordinance shall be maintained such that they do not pose a public health and safety risk. Maintenance shall occur as needed and the Building Inspector shall make all determinations as it relates to signage that is not being properly maintained.

LAND USE DISTRICTS

CHAPTER 6 - Districts

Section 15.601. Division of the Township.

For the purposes of this Ordinance, Spaulding Township, excepting street and alleys, is divided into the following Zone Districts:

- | | | |
|----|-----|---|
| A. | AG | Agricultural |
| B. | R | Single Family Residential |
| C. | RM | Residential Multiple-Family Residential |
| D. | MH | Mobile Home District |
| E. | C-1 | Local Business |
| F. | C-2 | General Business |
| G. | C-3 | Institutional Site Re-Use District |
| H. | M | Industrial |

CHAPTER 7

AG - Agricultural

Section 15.701. Intent and Purpose.

Agricultural Districts are those open areas of the Township where farming, dairying, forestry operations, and other rural activities are found. Vacant land, fallow land and wooded areas also would be included where such areas are interspersed among farms.

Section 15.702. Uses Permitted by right.

In the AG District, the following uses are permitted:

- a. Single-family dwellings with a minimum site size of one (1) acre and a minimum lot width of two hundred (200) feet.
- b. Farm buildings and greenhouses.
- c. Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming and other similar bona fide agricultural enterprise or use of land and structure. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle, or similar livestock. There shall be no obnoxious odors, flies or other nuisances caused by the keeping of livestock or fowl, or by any agricultural operation.
- d. Truck gardening.
- e. Tree and shrub nurseries.
- f. Public and private stables, riding academies, office of a veterinarian, and animal clinics subject to yard setbacks in Appendix E.
- g. Churches, provided that the site for a church is not less than two (2) acres, that there is adequate access to all required off-street parking areas; that there is no parking in the required front yard; and that the site abuts an arterial or collector street as shown in the Township's Comprehensive Development Plan.
- h. Swimming pools, subject to regulations of Section 15.302.
- i. Cemeteries.

- j. Soil, sand, clay, gravel or similar removal operations, quarry excavation, and filling of land subject to all applicable Township, County, and State ordinances.
- k. Accessory buildings, structures and uses customarily incidental to any of the above uses when located on the same property.

Section 15.703 Permitted Uses after Special Approval

The following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan subject to the specific standards for each particular land use hereinafter itemized and subject to the general standards to guide the actions of the Planning Commission as specified in Section 15.1503.

- a. The raising of fur-bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals, shall be located on a continuous parcel of land forty (40) acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (94) feet in height. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of five hundred (500) feet, and the rear property line a minimum of fifty (50) feet.
- b. Private parks, country clubs, gun clubs, golf courses, and golf driving ranges, when located on a continuous parcel of five (5) acres or more in area; when any structure on said parcel is located at least two hundred and fifty (250) feet from a lot line of any adjacent Residential District when all ingress and egress from said parcel is directly from a public road designated as an arterial or collector thoroughfare on the Township's Comprehensive Development Plan.
- c. Summer housing and migratory labor camps used for seasonal labor, between April 1 and November 15, provided that any such building or structure complies with the following regulations:
 - 1. All buildings or structures shall be maintained in a safe and sanitary condition and shall be furnished with a safe and sanitary water supply and with sewage disposal facilities which are no less than those required by the County and State of Michigan Health Department.
 - 2. All buildings or structures shall be located so as to comply with regulations for structures in an AG Agricultural District as set forth in Appendix (E) with the exception that no building

shall be located nearer than fifty (50) feet to any side property line.

- d. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Township. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Board of Zoning Appeals after consultation with appropriate aeronautical agencies.
- e. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards; when operation requirements necessitate the location within the district in order to serve the immediate vicinity.

Section 15.704 Area, Height, Bulk and Placement Requirements

In accordance with the attached Schedule of Regulations, Appendix (E) of this ordinance.

CHAPTER 8

R – Single Family Residential

Section 15.801. Intent and Purpose.

The Single Family Residential District is established as a district in which the principal use of the land is for single family dwellings. For the Single Family Residential District, in promoting the general purpose of this Ordinance, the specific intent of this section is:

- a. To encourage the construction of, and the continued use of the land for single family dwellings.
- b. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or maintenance of single family dwellings in the district.
- c. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
- d. To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets.
- e. To discourage any use which, because of its character or size, would create requirements and costs for public services such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single family dwellings.
- f. To permit the continuation of the agricultural use of open lands in such a manner that their future use as desirable residential areas will be guaranteed.

Section 15.802. Uses Permitted by Right.

The following uses are permitted by right within a Suburban Residential District:

- a. Single family detached dwellings.
- b. Churches and other facilities normally incidental thereto, provided that the proposed site for a church is not less than two

- (2) acres; that there is adequate access to all required off-street parking areas; that there is no parking in the required front yard; and that the church site abuts an arterial or collector roadway as shown on the Township's Comprehensive Development Plan.
- c. Public, parochial and private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
 - d. Publicly owned and operated buildings, libraries, parks, parkways and recreational facilities.
 - e. Public hospitals, but not including institutions for the care of the feeble-minded or insane, provided that the hospital is adjacent to an arterial or collector street as defined on the Township's Comprehensive Development Plan.
 - f. Nursery schools, day nurseries and child care centers; provided that for each child so cared for, there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least fifteen hundred (1500) square feet.
 - g. Private noncommercial recreational areas.
 - h. Municipal buildings and uses.
 - i. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity.
 - j. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year, subject to renewal.
 - k. Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation. One (1) private garage for each residential lot in which there are housed not more than three (3) automobiles, not more than one (1) of which may be a commercial vehicle not larger than a regularly manufactured pick-up or panel truck of three-quarter (3/4) ton capacity which shall be housed within a garage and provided said commercial vehicle is owned and operated by a member of the family who resides in said living unit. Provided further, that all accessory buildings shall conform and be located as required in Section 15.305.
 - l. Home occupations as limited and defined in 15.202.
 - m. Off-street parking in accordance with the requirements of Chapter 4.

n. Cemeteries.

Section 15.803 Area, Height, Bulk and Placement Requirements.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

Chapter 9

RM – Multiple Family Residential

Section 15.901. Intent and Purpose.

The RM Multiple Dwelling Residential District is designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses. Various types and sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

Section 15.902. Uses Permitted by Right.

In the RM District, the following uses are permitted, subject to review of the site plans by the Planning Commission:

- a. Multiple dwellings including:
 1. Apartment Houses
 2. Row or town house dwellings
 3. Efficiency Units
 4. Duplexes
- b. Community garages serving the principal residential building, containing space for no more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot.
- c. Maintenance and management buildings to serve the multiple dwellings.
- d. Private swimming pool designed and operated only for occupants of the principal building and their personal guests.
- e. Off-street parking and loading in accordance with Chapter 4 of this Ordinance.

Section 15.903 Area, Height, Bulk and Placement Requirements.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 10

MH – Mobile Home District

Section 15.1001. Intent and Purpose.

The Mobile Home District is intended for mobile home parks. Such districts require adequate space and facilities for healthful living conditions for occupants of such facilities. All such districts should have access to arterial or collector streets as designated on the Township's Comprehensive Development Plan for easy accessibility. Suitable water and sewer facilities would also be provided in accordance with State, County and Township health regulations and statutes.

Section 15.1002. Uses Permitted by Right.

The following uses are permitted subject to review of site plans by the Planning Commission:

- a. Mobile homes, excluding units for sale, with a minimum floor area of nine hundred eighty (980) square feet each.
- b. Accessory building or structures, for park management or park resident use only and not exceeding two stories or twenty five (25) feet in height.
- c. One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such signs be larger than fifty (50) square feet in surface area nor have any moving parts, nor stand higher than fifteen (15) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than twenty (20) feet.
- d. Not more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.

Section 15.1003. Park size and mobile home density.

Minimum site size for mobile home parks shall be ten (10) acres, with no less than fifty (50) mobile home lots completed and ready for occupancy before the first occupancy is permitted. Average park density shall not exceed seven (7) mobile home units per gross acre.

Section 15.1004. Access.

All mobile home parks shall have access to an arterial or collector street, as shown on the Township's Comprehensive Development Plan, by directly abutting thereon, for a minimum distance of three hundred (300) feet.

Section 15.1005. Site Coverage.

Maximum site coverage shall be thirty five (35) percent.

Section 15.1006. Setbacks.

All mobile homes and accessory buildings shall be set back not less than twenty (20) feet from all property lines, except the front property line, from which the setback shall be at least fifty (50) feet and the yard space so formed shall be landscaped in accordance with a site plan approved by the Planning Commission.

Section 15.1007. Mobile Home Height Limits.

Maximum height of mobile homes in one and one-half (1 ½) stories or twenty feet.

Section 15.1008. Vehicle Travel Lanes.

All roadways and driveways shall be hard-surfaced and so constructed as to handle all anticipate peak loads, adequately drained and lighted for safety and ease of movement of vehicles. Minimum pavement width shall be twenty-five (25) feet for all roads and ten (10) feet for all driveways. The local roadway system should be so designed as to prevent the use of such roadways for through traffic.

Section 15.1009. Minimum Off-street Parking Requirements.

Adequate hard surface paving shall be provided for off-street parking, vehicle storage and access in accord with the following schedule:

- a. Each unit shall be provided with off-street parking space for two (2) vehicles. This may be provided totally on the lot, or in parking compounds conveniently located and readily accessible to the site which they are intended to serve, or as a combination of the above.
- b. ALL OTHER USES. Sufficient space shall be provided, in accord with acceptable standards of the Planning Commission, to fit the scale of the contemplated use and activity to be developed.
- c. Each parking space shall have a minimum width of nine (9) feet and a minimum depth of twenty (20) feet. All parking spaces and parking compounds shall be surfaced with an asphaltic or concrete surfacing in accordance with specifications approved by the Township's Engineer. Such facilities shall be so drained as to dispose of all surface water accumulated in the parking area within the confines of said parking area.

Section 15.1010. Utilities and Other Services.

- a. All sanitary sewage utilities and water facilities, including connections provided to individual sites, shall meet the requirements of Spaulding Sewer and Water Departments and the Michigan State Health Department.
- b. The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.
- c. An adequate amount of running water from the Township water system shall be piped to each trailer.
- d. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

- e. All electric, telephone and other lines from supply poles to the each mobile home site shall be underground. When meters are installed they shall be uniformly located.
- f. Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any mobile home lot found to be safe. All fuel lines leading to mobile home lots shall be underground and so designed as to conform with the Spaulding Building Code and any state code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.
- g. Facilities for the storage and disposal of trash and garbage in a sanitary manner shall be provided in each mobile home park. All refuse shall be stored in a fly-tight, watertight, rodent-proof container, which shall be collated not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
- h. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
- i. Street and yard light, attached to standards approved by the Township, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively relate to buildings, trees, walks, steps, and ramps.

Section 15.1011. Skirting, Canopies, and Awnings.

- a. Each mobile home must be skirted within 90 days after establishment in a mobile home park.
- b. Such skirting shall be of 26 gauge metal, aluminum or other non0corrosive metal or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent the entry of rodents, flies, bugs or other insects.
- c. Permits for the construction skirting shall be required from the Building Inspector.

- d. Canopies and awnings may be attached to any mobile home but they shall not exceed twelve (12) feet in width, or length or height of the mobile home.
- e. A permit shall not be required for construction or erection of canopies or awnings which are open on three (3) sides. However, a permit shall be required from the Building Inspector before construction or erection of any screened, glassed in or otherwise enclosed awning or canopy.

Section 15.1012. Pads, Mats or Platforms.

Each mobile home lot shall be provided with a concrete pad, mat or platform, not less than four (4) inches in depth, or of equal bearing strength if reinforced concrete is used. Minimum pad dimensions for single mobile homes shall be 14' x 70'; for double wide mobile homes – 28' x 70'.

Section 15.1013. Fire Extinguishing Equipment.

Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the State Fire Marshall. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

Section 15.1014. Utility Cabinets.

Each mobile home may be provided with one utility cabin which shall be uniform as to size and location throughout the mobile home park site. All cabinets shall be kept clean and shall be maintained in good condition and kept painted and shall contain a minimum of ninety (90) cubic feet of storage area.

Section 15.1015. On-site Laundry Drying Space.

On-site outdoor laundry drying space of adequate area and suitable location shall be provided if the park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella-type of hanging apparatus shall be allowed, in the rear yard only, with park management providing a concrete-imbedded socket at each site.

Section 15.1016. Mail Delivery.

Central mail delivery shall be provided for the park. Mailboxes shall be screened aesthetically.

Section 15.1017. Greenbelt.

A greenbelt planting strip of not less than twenty (20) feet in width shall be placed along the perimeter of the mobile home park where it abuts public right-of-way or an area zoned in any other residential classification. The greenbelt shall be developed with a mixture of hardy deciduous and coniferous plant material and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but no longer than one growing season. Excluded from such planting shall be the following plant material:

- Ailanthus (Tree-of-Heaven)
- Box Elders
- Poplars
- Soft Maples and
- Willows

Section 15.1018. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 11

C-1 Local Business District

Section 15.1101. Intent and Purpose.

The Local Business District, as established in this Chapter, is intended to be that district permitting retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development, so far as is possible and appropriate in each area, uses are permitted which would not create hazards, offensive and loud noises, vibration, smoke, glare or excessive truck traffic. The intent of this district is also to encourage the concentration of local business by proposed areas in the Comprehensive Development Plan to the mutual advantage of both the consumer and merchant. This will promote the best use of land at certain strategic locations and avoid the encouragement of marginal strip business development along major streets.

Section 15.1102. Uses Permitted by Right.

In the C-1 District the following uses are permitted:

1. Business services; including banks, loan companies, insurance offices, public accountants, real estate offices, stenographic services, business consultants and management companies.
2. Clothing services; including laundromats, laundry shops, dry cleaning establishments and self-serve dry cleaning centers, dressmaking, millinery shops, tailors, and shoe repair shops.
3. Skilled trade services; including plumbing, electric, and heating technicians, radio and television repair, carpenters, painters, and brick masons.
4. Commercial offices; including advertising agencies, travel agencies, building contractors offices, and corporation offices.
5. Food sales and restaurants; including groceries, meat markets, delicatessens, bakeries, coffee shops, soda fountains, poultry sales, and seafood sales, but not including drive-in restaurants serving any

type of food or beverages, and any meat or poultry sales where slaughtering is done on the premises.

6. Personal services; including beauty shops, barber shops, reducing salons, and photographic studios.
7. Professional services; including medical centers, doctors' and dentists' offices, attorneys, engineers, architects, landscape architects, planners' and surveyors' offices, and opticians.
8. Retail sales; including drug stores, stationery and book stores, news dealers, flower stores, haberdasher, household appliance shops, hardware stores, gift shops, and art stores.
9. General offices and professional office buildings.
10. Schools, hospitals, convalescent homes, and nursing homes but not institutions for the care of the feeble-minded or mentally ill.
11. Private schools including tutoring, dance and trade schools.
12. Retail plumbing shops without open yard storage.
13. All the above permitted uses, in addition to other similar uses, shall be subject to the following restrictions:
 - a. All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
 - b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
14. Accessory structures, uses, and signs customarily incidental to the above permitted uses subject to the following restrictions:
 - a. Any building and use for any of the above enumerated purposes may not have more than forty (40) percent of the floor area devoted to fabricating or storage areas incidental to such primary use.
 - b. Outdoor advertising signs only when pertaining to the sale, rental or use of the premises on which it is located, or to goods

sold or activities conducted thereon, provided that any such signs shall not exceed fifty (50) square feet in total area and shall conform to the requirements of Section 5.

15. Off-street parking and loading in accordance with the requirements of Chapter 4.

Section 15.1103. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 12

C-2 General Business District

Section 15.1201. Intent and Purpose.

The General Business District, as established in this Chapter, is intended to be that district permitted a wider range of business and entertainment than those permitted in the Local Business District. The permitted uses would serve not only nearby residential areas, but also people further away and transients for goods and services usually found in shopping centers and highway-oriented types of businesses. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to buffer such districts from adjacent residential areas. Such C-2 Districts in the Township would reflect existing commercial areas or as proposed on the Comprehensive Development Plan.

Section 15.1202. Use Permitted by Right.

In the C-2 District the following uses are permitted:

1. All uses permitted in the C-1 Local Business District.
2. Automobile, motorcycle, trailer, or boat showrooms.
3. Blueprinting.
4. Bus passenger stations.
5. Business schools and colleges, or private schools operate for a profit..
6. Carpet, rug, linoleum, or other floor covering stores.
9. Catering establishments.
10. Clothing or costume rental establishments.
11. Department stores.

12. Eating or drinking establishments, with entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
13. Accessory structures, uses, and signs customarily incidental to the above permitted uses, subject to the following restrictions:
 - a. Outdoor advertising signs only when they pertain to the sale, rental, or use of the premises on which it is located, or to goods sold or activities conducted thereon, provided that any such signs shall not exceed two hundred (200) square feet in area.
14. Off-street parking and loading in accordance with Chapter 4.

Section 15.1203. Uses Permitted by Special Land Use Permit.

Under such reasonable conditions as imposed by the Planning Commission as being essential or desirable to the public convenience or welfare, not injurious to the surrounding neighborhood and not contrary to the spirit and purposes of this Ordinance, the following uses may be permitted by the Planning Commission:

1. Automobile car wash establishments when completely enclosed within a building, including steam-cleaning, but not rust-proofing.
2. Bowling alleys, pool and billiard halls, skating rinks, stadia, and sports arenas.
3. Commercial radio and television towers subject to regulations set forth in Section 15.304.
4. Drive-in restaurants or other drive-in establishments serving food and/or beverage, provided that the entrance or exit to or from any such use is located at least one hundred (100) feet from the intersection of any two (2) streets; that all such uses shall have direct access to an arterial thoroughfare as defined on the Township's Comprehensive Development Plan; that all lighting or illuminated display shall not reflect onto any adjacent residential zone; and that consideration is given to proximity of existing places of congregation of children (e.g. schools) and their relationship to traffic safety and sanitation.

5. Filling stations and public garages.
6. Open-air business uses including as follows:
 - a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other garden supplies and equipment.
 - b. Retail sale of fruit and vegetables.
 - c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
 - d. Bicycle, trailer, motor vehicle boat or home equipment sale or rental services.
 - e. Outdoor display and sale of garages, swimming pools and similar uses.
7. Outdoor sales space for the exclusive sale of new or used automobiles, trucks, mobile homes or travel trailers, boats or farm machinery and equipment, subject to the following conditions:
 - a. This special use is regulated by Ordinance 6-8-71, Section 4.30, page 15.070.
 - b. The lot area used for display shall have a clean permanent (ie. Concrete, asphalt or stonecrete), durable and dust free surface and shall be drained in accordance with Ordinance 6-8-71, Section 4.19, Building Grades, Pages 15.058 to 15.060.
 - c. Motor vehicles located on the property shall be in saleable and operable condition at all times. The exemption in ordinance 9-13-77, Section 3, pages 20.053 to 20.054 does not apply.
 - d. No major repair or refinishing shall be performed on the property, except within an enclosed building. Used component parts shall not be stored on or sold from the property.
 - e. Ingress and egress shall be provided as far as practical from two (2) intersecting streets and shall be at least fifty (50) feet from an intersection.
8. Drive-in theaters, provided that any such site is adjacent to an arterial thoroughfare as shown on the Township's Comprehensive Development Plan; that there shall be no vehicular access to any residential street, and that suitable screening is provided to insure that there shall be no headlight or other illumination directed upon any residentially zoned or developed property.

9. Wholesales stores, storage, buildings, warehouses, distributing plants, freezers and lockers.

Section 15.1204. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 13

C-3 Institutional Site Re-Use District

Section 15.1301. Intent and Purpose.

The Institutional Site Re-Use District, as established in this Chapter, is intended to provide options for the practical utilization of abandoned but still viable school or other institutional buildings. Declining enrollments and consequent school closings present the community with the opportunity to make practical use of such abandoned but otherwise sound structures. A challenge is also presented as such buildings are frequently found in areas of residential character, thereby precluding their usage in obviously commercial or industrial fashion. The intent of this district is to clearly identify such sites, and to provide practical options for their use in a manner which will assure that surrounding residential or agricultural areas will not be impacted negatively.

Section 15.1302. General Conditions.

All of the following permitted uses, in addition to other similar uses, shall be subject to the following restrictions:

1. All business, servicing, processing, and storage, except for off-street parking or loading, shall be conducted wholly within the building.
2. All activities are to be conducted during normal daylight hours.
3. Off-street parking and loading is to be in accordance with the requirements of Chapter 4.

Section 15.1303. Uses Permitted by Right.

In the C-3 District the following uses are permitted:

1. General and professional offices including banking, insurance, real estate, legal, medical, dental, architectural, and engineering.
2. Private schools including tutoring, dance, beauty, and trade.
3. Personal services including barber and beauty shops, reducing salons, and photographic studios.

4. Manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials.
5. Interior decorating establishments.
6. Furniture stores.
7. Sign painting shops.
8. Skilled services including plumbing, electrical, and heating; radio and television repair.

Section 15.1304. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 14

M - Industrial

Section 15.1401. Intent and Purpose.

The intent of this Chapter is to permit industrial uses to locate in planned areas of the Township. Reasonable regulations are applied to these uses so as to permit the location of industries which will not cause adverse effects on adjacent residential and/or commercial property.

Section 15.1402. Uses Permitted by Right.

In the M District the following uses are permitted.

1. Bakeries
2. Bottling or packaging of cleaning compounds, polishes and seeds.
3. Building contract or storage yards for materials, equipment and vehicles.
4. Building material sales.
5. Carpenter and cabinet making shops
6. Ceramics and pottery manufacturing using only previously pulverized clay, and kilns which are electrically or gas fired only.
7. Coal, coke or fuel yards.
8. Cold storage plants
9. Confection manufacturing.
10. Creameries.
11. Dental, surgical, and optical goods manufacturing.
12. Dry cleaning and carpet cleaning.
13. Good products manufacturing.
14. Jewelry manufacturing.
15. Laboratories, research and testing.
16. Laundries.
17. Musical instrument manufacturing.
18. Patternmaking shops.
19. Pharmaceutical products manufacturing.
20. Printing, engraving, and bookbinding shops
21. Produce markets and terminals.

22. Public utility buildings, including warehouse, storage and transfer yards, and electric and gas service buildings and yards.
23. Soil, sand, clay gravel or similar removal operations, quarry excavation, and filling of land subject to all applicable Township, County, and State ordinances and the regulations set forth in Section 4.37 [15.077] and 4.38 [15.078].
24. Soda water and soft drinks bottling establishments.
25. Toiletries and cosmetic manufacturing.
26. Tool, die gauge, and machine shops manufacturing small parts.
27. Warehousing, transfer, terminal, storage, and loft buildings.
28. Water, gas and oil tank containers.
29. Temporary buildings and uses for construction purposes for a period not to exceed six (6) months, after which all such buildings shall be physically removed and uses discontinued.
30. Off-street parking and loading space as required in Chapter 4.
31. Outdoor advertising signs providing such are not larger than two hundred (200) square feet. Signs shall conform to the requirements of Chapter 5 and the same yard setback requirements as buildings and structures in an M District.
32. Open Storage. All storage of building materials, sand, gravel, stone, lumber, equipment and other supplies shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line. All such open storage shall be screened from all streets and on all sides which abut any other than an M District by a solid, eight (8) foot high wall or fence sufficient to serve as a permanent retaining wall.
33. Junkyards, provided. Junkyards are allowed in the industrial zone subject to special approval by the Planning Commission provided the following mandatory requirements are met.
 - a. Such junkyard is entirely enclosed within a boundary or a nine (9) feet high obscuring wall of solid board fencing which wall shall be kept neatly painted.
 - b. Such junkyards shall be kept and maintained at least three hundred (300) feet from the nearest public road or highway.
 - c. That the owner and/or operator shall, to insure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, furnish a Surety Bond executed by a surety company authorized to business in the State of Michigan in an amount determined by the Township

Board to be reasonably necessary to insure compliance hereunder; provided however, that in no case with the sum of the Surety Bond be less than the One Thousand (1,000) dollars per acre of actual operation.

Section 15.1403. Protective Screening.

Those sides of a lot or parcel in an M District which abut an R or RM District shall be provided with protective screening as described in Section 4.35 [15.075]

Section 15.1404. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 15

Special Land Use Permit Requirements

Section 15.1501. Intent and Purpose.

It is the intent of this Section to provide a set of procedures for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards herein, to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

The following together with previous references in other chapters of this Ordinance, designate the requirements, procedures and standards which must be met before Special Land Use Permit can be issued.

Section 15.1502. Permit Procedures.

The application for a Special Land Use Permit shall be submitted and processed under the following procedures:

1. **Submission of Application.** An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by this ordinance.

In the event the allowance of a desired use requires both rezoning and special use permit, both requests may be submitted jointly, subject to the following

- a. The ordinance procedures for each shall be followed as specified.
 - b. All applicable standards and specifications required by the ordinance shall be observed.
2. **Date Required.**

- a. Site plan pursuant to Section 15.311 portraying the total property involved showing the location of all abutting streets, the location of all existing and proposed structures and uses of the property and any natural or manmade features with affect the property together with indication of abutting uses.
 - b. Preliminary plans and specifications of the proposed development.
3. **Planning Commission Review and Hearing.** The application, together with all required data shall be transmitted to the Planning Commission for review. After review and study of any application and related material, the Planning Commission shall hold a public hearing after at least one publication in a newspaper of general circulation in the community. Notice procedure under Section 1603 (3)(c) shall be followed. Such notice shall indicate the place, time and purpose of the hearing.
 4. **Permit Expiration.** A Special Land Use Permit issued pursuant to this Chapter shall be valid for one (1) year from the date of issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit. Once a special land use is constructed, annual renewal of such permit shall not be required.
 5. **Revocation.** The Planning Commission shall have the authority to revoke any special land use permit after it has been proved that the holder of permit has failed to comply with any of the applicable requirements in Chapter 16, or other applicable sections.
 6. **Reapplication.** No application for a Special Land Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of the (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof or change of conditions.

Section 15.1503. Permit Standards.

Before formulating recommendations on a Special Land Use Permit Application, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied:

1. **General Standards.** Before formulating recommendations on a Special Land Use Permit Application, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied:
 - a. Be designed, constructed, operated and maintained so as to be harmonious and, appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - b. Not be hazardous or disturbing to existing or intended uses in the same general area and will be in improvement to property in the immediate vicinity and to the community as a whole.
 - c. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - d. Not create excessive additional requirements at public cost for public facilities and services.
 - e. Not involved uses, activities, processes, materials, and equipment or conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors.
 - f. Be consistent with the intent and purpose of the Zoning District in which it is propose to locate such use.
2. **Conditions and Safeguards.** The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objective of this Ordinance will be observed. The breach of any condition, safeguard, or requirements shall automatically invalidate the permit granted.
3. **Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following Sections related to particular uses and are requirements which must be met by those requirements where applicable.

4. **Permitted Uses.** Uses permitted by Special Land Use Permit shall be those uses listed as “allowed by Special Use Permit” in each District.

CHAPTER 16

General Administration

Section 15.1601. General Administration.

The provisions of this ordinance shall be administered by the Planning Commission, the Board of Zoning Appeals, and the Township Board in conformance with applicable State of Michigan enabling legislation.

1. **Responsibility.** The Township Board with recommendation of the Planning Commission shall employ a Zoning Administrator to act as its officer to effect proper and adequate administration of this Ordinance. The Township Board may designate the Building Inspector, Township Manager or other administrative officer, as the Zoning Administrator. The term of employment, compensation, and any other conditions of employment shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the power of a police officer.
2. **Duties of Zoning Administrator.** All applications for permits or certificates shall be submitted to the Zoning Administrator who may issue certificates of occupancy or sign permits when all applicable provisions of this Ordinance have been met. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance.

The Zoning Administrator shall record all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 3, Section 301.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties.

3. **Sign Permit.** Prior to the construction, erection or structural alteration of a sign, a permit shall be obtained from the Zoning Administrator. Application shall be on a standard prepared form obtained from the Zoning Administrator.

4. **Certificate of Occupancy.** A Certificate of Occupancy shall be obtained from the Zoning Administrator for any of the following:
- a. OCCUPANCY AND USE OF VACANT LAND (including parking lot construction) or of a building hereafter erected or structurally altered.
 - b. CHANGE IN THE USE OF LAND OR BUILDING, except to another use which represents a continuation of a use under a previous Certificate of Occupancy.
 - c. ANY CHANGE IN USE OR ENLARGEMENT OF A NON-
NONCONFORMING USE OR BUILDING.
5. **Application for Certificate of Occupancy.**
- a. APPLICATION. In all cases where a building permit is required, written application for a Certificate of Occupancy shall be made coincident with the application for such building permit, and in all cases shall be made not less than ten (10) days prior to the time when a new, changed or enlarged use of building, structure or premise is intended to begin.
 - b. INFORMATION REQUIRED. Application for Certificate of Occupancy shall be accompanied by a plat, in duplicate and drawn to scale, showing the exact dimension of the premises to which the Certificate of Occupancy is to apply; the lines of all lots or parcels under separate ownership contained therein; the width and alignment of all abutting streets, alleys, easement of access and public open spaces; the size, position and height of all buildings or structures erected or altered thereon; and such other information as may be deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.
 - c. ACCESSORY BUILDING OR STRUCTURES; when erected at the same time as the principal building or structures on a lot shown on the application thereof, shall not require separate Certificate of Occupancy.
 - d. RECORD OF APPLICATION. A record of all such application for Certificate of Occupancy shall be kept on file by the Zoning

Administrator. Whenever the building, structure, premise and uses thereof as set forth on the application are in conformity with the provisions of this code and other applicable regulations.

Section 15.1602. Enforcement.

Unless specified otherwise, the Zoning Administrator shall enforce the provisions of this Ordinance.

1. **Violation and Penalties.** Violations of any provisions of this Ordinance are declared to be a civil infraction. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed by or communicated to an Official or employee shall be reported to the Zoning Administrator.
 - a. INSPECTION OF VIOLATION. The zoning Administrator shall inspect each alleged violation or violations he observes or is aware of and shall order correction in writing, of all conditions found to be in violation of this Ordinance.
 - b. PENALTIES. Every person, whether as principal agent, servant, employee or otherwise including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created; who shall violate or refuse to comply with any of the provisions of this code shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not more than five hundred (\$500) dollars or by imprisonment for a term of not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Court; for each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared a CIVIL INFRACTION
 - c. CUMULATIVE RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
2. **Conflicting Regulations.** In the interpretation, application and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of

any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or Ordinance shall govern.

3. **Building Permit Requirement.** No structure unless exempted shall be built without the acquisition of a Building Permit. No permit shall be issued until such time as all the provisions of this ordinance have been complied with.

Section 15.1603. Amendment.

1. **Township Board May Amend** the regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District may be amended, supplement, or changed by ordinance the Township Board in accordance with the applicable zoning enabling legislation of the state.
2. **Initiation of Amendments.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission or by petition of one (1) or more owners, or their agents, of property to be affected by the proposed amendment.
3. **Amendment Procedures**
 - a. **PETITION TO TOWNSHIP BOARD.** Each petition by one (1) or more owners, or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover cost of necessary advertising, for public hearings, for use of a standard amendment sign and investigation of the amendment request. The clerk shall transmit the application to the Planning Commission for recommendation action.
 - b. **RECOMMENDATION.** The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Development Plan for the Community. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - c. **PUBLIC HEARING.** Before deliberation on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by one publication in a

newspaper of general circulation in the community, the notice to be printed not less fifteen (15) days before the date of such hearing. Not less than 15 days' notice of the time and place of such hearing shall also be given to each public utility company servicing the community, and which has registered its name and mailing address for the purpose of receiving such notice, and to each railroad company servicing the community and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and/or map amendment to the Zoning Ordinance may be examined. Letters of Notice shall also be mailed at least fifteen (15) days prior to the hearing to all property owners of record within 300 feet of a requested rezoning and to the owners of the subject property.

- d. TOWNSHIP BOARD. Upon receipt of the planning commission's recommendation, the Township Board shall review said recommendations. If the Township Board shall deem that any amendments, changes, additions, or departures are advisable to the proposed Ordinance amendment recommended by the Planning Commission, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Township Board.

After receiving the proposed amendment recommendations heretofore specified, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing.

Thereafter, the Township Board may deny, or adopt the amendment with or without any changes.

- e. RESUBMITTAL. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

Section 15.1604. Board of Zoning Appeals.

1. Creation and Membership

- a. ESTABLISHMENT: (By State enabling legislation).
- b. MEMBERSHIP, TERMS OFFICE: (By State enabling legislation).

2. Organization and Procedures.

- a. RULES OF PROCEDURE. The Board of Zoning Appeals shall adopt its own rules of procedure as may be necessary to conduct its meeting and carry out its function. The Board shall choose its chairman, and in his absence, an acting chairman.
- b. MEETING. Meeting shall be held at the call of the chairman and at such times as the Board of Zoning Appeals may determine. All meetings by the Board of Zoning Appeals shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- c. RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be made available to the general public.
- d. COUNSEL. The Township Attorney shall act as legal counsel for the Board of Zoning Appeals and shall be present at all meetings upon request by the Board of Zoning Appeals.
- e. HEARINGS. When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Board shall immediately place the said request for appeal on the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served, personally or by mail, addressed to the parties making the request for appeal, at least five (5) days prior to the date of the scheduled hearing. All notices shall be sent to the addressee stated on the application.

Any person may appear and testify at the hearings, either in person or by duly authorized agent or attorney. The Board of Zoning Appeals may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment of the Board hearing, no further notice shall be required. The Board shall give due notice to all property owners within three hundred (300') feet of the property affected, said notice being given at least five (5) days before the hearing date.

- f. DECISIONS. The Board of Zoning Appeals shall return a decision upon each case within thirty (30) days after a request or appeal has been filed unless a further time is agreed upon with the parties concerned. Any decision of the Board of Zoning Appeals shall take effect immediately.
- g. MAJORITY VOTE. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in the Ordinance.

3. Appeals.

- a. FILING OF APPEALS. Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by any officers, department, or board of the Township government.

Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be made to the Board of Zoning Appeals within ten (10) days after the date of the mailing of the Zoning Administrator's decision. Such appeal shall be filed with the Zoning Administrator and shall specify the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Secretary of the Board of Appeals papers constituting the record upon which the action appealed from was taken.

- b. STAY. An Appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals after notice of appeal has been filed with him that by reason of fact stated in the certificate a

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stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stated otherwise than by restraining order, which may be granted by the Board of Zoning Appeals or, on application, by a court or record.

- c. FEES. A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Zoning Appeals. The purpose of such fee is to cover, in part, the necessary advertisement, investigations, and other expenses incurred by the Board of Zoning Appeals in connection with the appeal.

4. Duties and Powers

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, variance exception, or special approval permit as defined in this Section.

- a. REVIEW. The Board of Zoning Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance.
- b. INTERPRETATION. The Board of Zoning Appeals shall have the power to:
 - 1. Interpret, upon request, the provision of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts.
 - 3. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

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4. Determine the off-street parking and loading space requirements of any use not specifically mentioned in Chapter 4.
- c. VARIANCES. The Board of Zoning Appeals shall have the power to authorize, upon an appeal specific variance from such requirements as lot regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED all of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.
 - d. BASIC CONDITIONS. That any variance granted from this Ordinance:
 1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 2. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit is required.
 3. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 4. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such condition reasonably practical.
 5. Will relate only to property that is under control of the applicant.
 6. In the case of a detached garage that is the only garage on the parcel, the maximum height of the structure may be increased to complement the architectural character of the principle dwelling.
 - e. SPECIAL CONDITIONS. When ALL of the foregoing basic conditions can be satisfied, a variance may be granted when any ONE of the following special conditions can be clearly demonstrated.

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1. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
 3. Where such variations is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- f. RULES. The following rules shall be applied in the granting of variances.
1. The Board of Zoning Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objective and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 2. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - a. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
 - b. The occupancy of land, premises, or building authorized by the variance has taken place within one (1) year after the granting of the variance.
 3. No application for a variance which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted for a period of (1) year from the date of the last denial,

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except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

- g. TEMPORARY PERMITS for temporary structures, such as a garage, partial structure, cellar or basement to be used for dwelling purposes, including Mobile Homes or House Travel Trailer, not located in a licensed mobile home park subject to the following procedures and limitations.
1. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Board of Zoning Appeals on a special form used exclusively for that purpose. The applicant shall submit along with the application the written consent of fifty (50%) percent of the owner of all dwelling within three hundred (300') feet of proposed site.
 2. The Board of Zoning Appeals shall give due notice to the applicant and to all property owners within three hundred (300') of the property affected at least five (5) days before the hearing will be held on such application.
 3. A temporary permit shall not be granted unless the Board of Zoning Appeals finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that any on-site water supply and sanitary facilities have been approved by the Saginaw County Health Department.
 4. The Board of Zoning Appeals may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
 5. Unique and temporary conditions shall exist which justify the need for a trailer coach on a given lot or parcel such as dwelling for seasonal farm labor, aged family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal dwelling on the

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property in question.

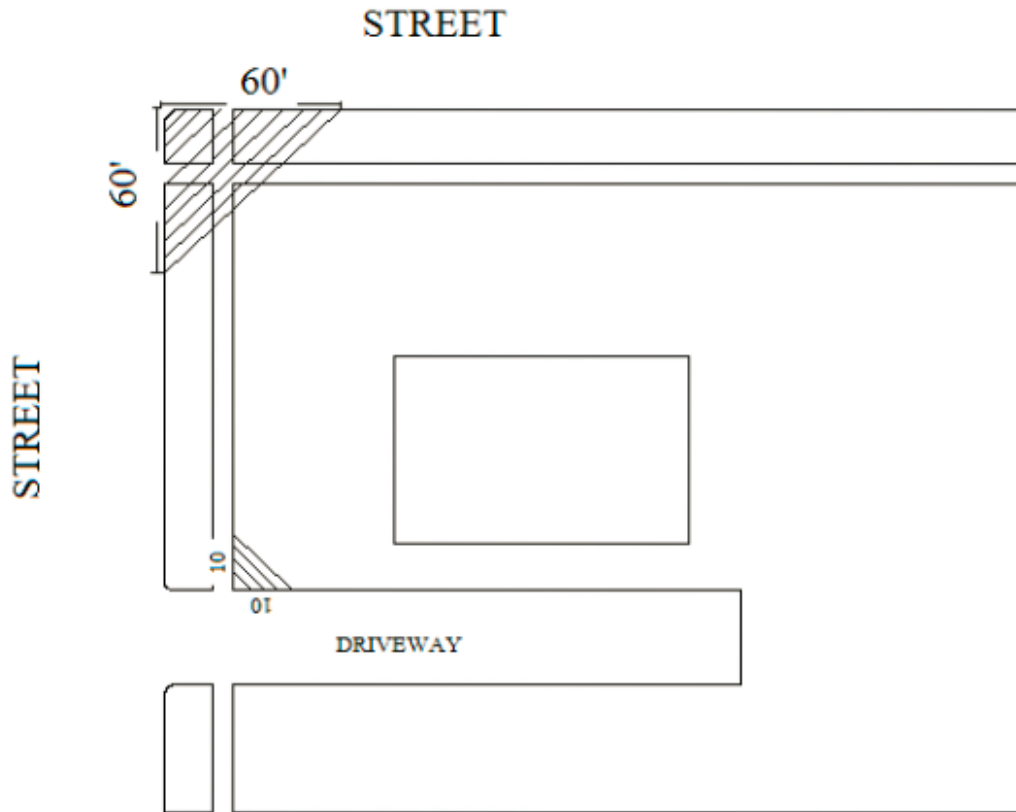
6. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed twelve (12) months. No permit shall be transferable to any other owner or occupant. The permit may be renewed in the case of trailer coaches if the conditions of (1 and 5) above can be met again.

h. Bond for Compliance.

BOND AUTHORIZED. In authorizing any variance, or in granting any conditional, or special approval permits, the Board of Zoning Appeals may require that a bond of ample sum, but not exceed five thousand dollars (\$5,000), be furnished to ensure compliance with requirements, specifications, and conditions imposed with the grant of variance.

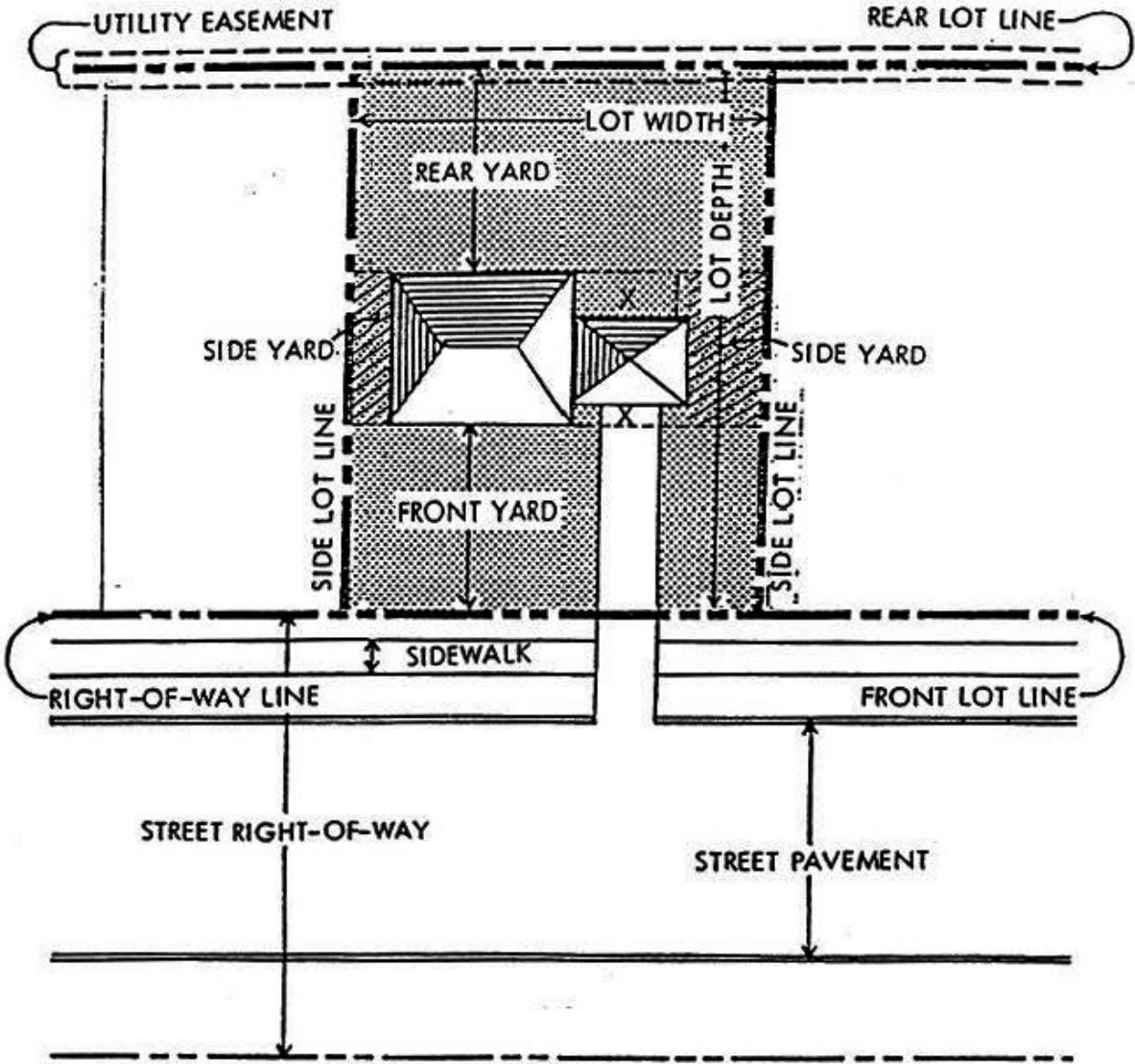
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Appendix A



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Appendix B



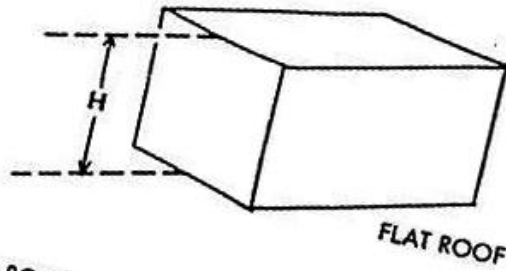
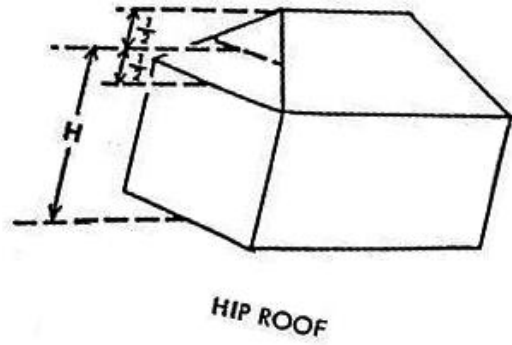
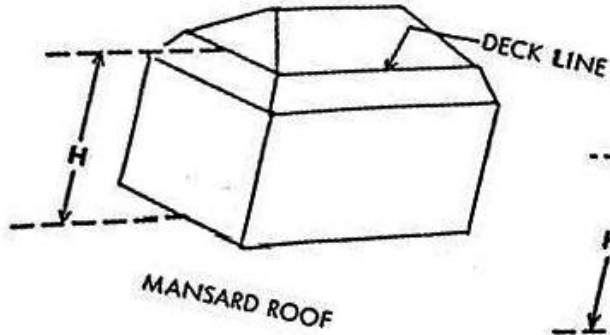
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Appendix C

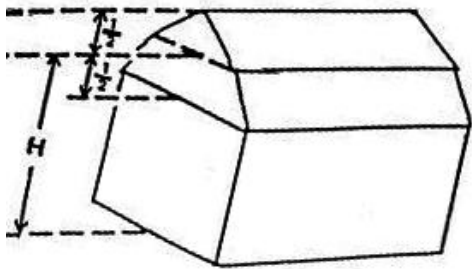
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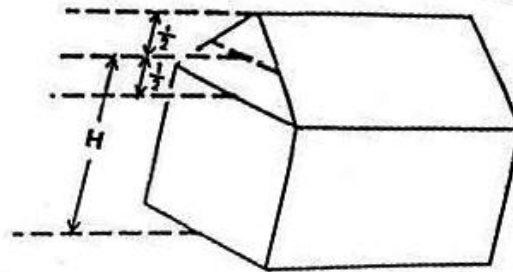
Appendix D



GAMBREL ROOF



GABLE ROOF



H = HEIGHT OF BUILDING

Ordinance Number: _____
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