

MUSSEY TOWNSHIP

ZONING ORDINANCE

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Mussey Township Planning Commission

April 22, 2004

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TITLE

An Ordinance to establish in unincorporated areas of Mussey Township, St. Clair County, Michigan, to include but not limited to zoning districts in which the location of trades and industries is regulated and restricted, and to regulate the use of land in the Township, the location of buildings designed for specified uses, restrict and determine the areas within which given forms of land utilization shall be prohibited; to designate in said districts the use of land for agriculture, recreation, residence, industries, trade, soil conservation, water supply conservation, natural resources, and the uses for which buildings and structures shall or shall not be erected, altered, or moved and designate the trades and industries that shall be permitted or excluded or subjected to special regulations and in each of said districts designating and limiting the location, height, floor area, number of stories and size of dwellings, buildings and structures hereafter erected, altered or moved; regulate and limit the use of tent and automobile trailers and trailer coaches for community dwelling purposes; regulate and determine the area of yards, courts and other open spaces; and restrict the number of persons and families which may be housed in dwellings, hereafter erected or altered, and the sanitary, safety, and protective measures required for such dwellings, buildings, and structures, including tents and trailer coaches; regulate and determine the areas to be used for agriculture and recreation; to designate the use of certain state licensed residential facilities; to provide for the acquisition by purchase, condemnation or otherwise of nonconforming property; to provide for petitions and public hearings; provide for amendments and supplements thereto; provide for the administration and enforcement of this Ordinance; provide penalties for the violation of its provisions and the collection of building permit fees in benefited districts and of taxes therefore, and for amendments to this Ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore:

ENACTING CLAUSE

The Township of Mussey Ordains:

ARTICLE 1 – SHORT TITLE

SECTION 100. SHORT TITLE

This Ordinance shall be known and may be cited as the Township of Mussey Zoning Ordinance.

ARTICLE 2 – DEFINITIONS

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure", and the word "dwelling" includes "residence", the word "person" includes "corporation", "copartnership", "association", as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel"; the words "used" or "occupied" includes the words "intended", "designed" or "arranged" to be used or occupied.

Terms not herein defined shall have the meaning customarily assigned to them.

1. **Accessory Building:** A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. An accessory building must conform to all setback requirement of the primary use in nonresidential districts.
2. **Agriculture:** Shall include horticulture, floriculture, dairying, and livestock raising; chicken hatcheries, poultry raising and apiaries; forestry, greenhouse, tree, shrub and similar plant nurseries and orchards; but not including establishments keeping or raising fur-bearing animals, commercial dog kennels, riding or boarding stables, and other similar enterprises; not establishments for the slaughtering of animals, except such animals as have been raised on the premises for at least one year immediately prior thereto.
3. **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
4. **Alterations:** Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstruction".
5. **Apartment:** A residential structure containing three (3) or more attached one (1) family dwellings.
6. **Automotive Service Center:** A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, only when the location of such Automotive Service Center is architecturally designed and located on the site so as to become an integral part of a larger planned shopping center complex.
7. **Auto Repair Garages:** Is a place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.
8. **Basement:** That portion of a building which is partly, or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average

grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

9. **Billboard:** A billboard shall mean any structure or portion thereof designed or intended to be used or posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.
10. **Boarding House:** A dwelling where meals, or lodging and meals, are provided for compensation for three (3) or more persons by prearrangement for definite periods. A boarding house shall be distinguished from a hotel.
11. **Building:** A structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include, tents, awnings, or vehicles situated on private property and used for such purposes).
12. **Buildable Lot Area:** The buildable lot area is the space remaining on the lot or parcel after yard, parking, floodplain, waterbodies, wetland areas, or other areas required by this ordinance which prevent or restrict development or specific areas(s) have been met. (Effective 10/18/96)
13. **Buildable Land Area:** The buildable land area of a lot or parcel for purposes of density calculation and allowable numbers of large animals shall be that area of a lot or parcel exclusive of land which is within a floodplain, waterbody, wetland, road easement or right-of-way (private or public). (Effective 10/18/96)
14. **Building Accessory:** A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.
15. **Building Main:** A building in which is conducted the principal uses of the lot on which it is situated.
16. **Building Height:** The vertical distance measured from the established grade of the center, of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
17. **Building Inspector:** The Building Inspector or Official designated by the Township Board.
18. **Building Line:** A line formed by the face of the building, and for the purpose of this Ordinance, a building line is the same as the front setback.
19. **Caretaker's Residence:** An accessory structure which serves as the primary residence of a person or persons who maintains the grounds.

20. Colocation: The location by two or more wireless communication providers or wireless communication facilities on a common structure, tower, or building. (Effective 4/15/97)
21. Commercial Use: "Commercial Use" relates to the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises.
22. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics of the like, but not for profit.
23. District: A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
24. Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
25. Drive-In Restaurant: A business establishment, for the serving of food and/or beverages, with driveways and approaches, so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated, as differentiated from a restaurant with indoor seating only.
26. Dwelling Unit: A building, or a portion thereof, designed for occupancy by one (1) family for residential purposed and having cooking facilities.
27. Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.
28. Dwelling, Two-Family: A building designed exclusively for and occupancy by two (2) families, living independently of each other.
29. Dwelling, Multiple Family: A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. (Refer to "Apartments" definition for dwelling unit types).
30. Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.
31. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or Municipal Departments for the general health, safety, or welfare.

32. Excavation: Excavation shall mean any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.
33. Family: One or two persons or parents, within their direct lineal descendants and adopted children (and including the domestic employees thereof). Together with not more than two persons not so related, living together in the whole or part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this ordinance.
34. Farm: All of the contiguous neighboring or associated land operated as a single unit on which agriculture is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of twenty (20) acres or more in area.
35. Animal Definitions:

Farm Animal – Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other similar animals.

Domestic Pets – Animals such as horses which are kept for pleasure riding purposes and ordinary household pets such as dogs and cats which are kept for pleasure.

Exotic or Wild Animal – Any animal not defined as a farm animal or domestic pet which is not native to southeast Michigan nor commonly found in the wild in southeast Michigan.
36. Farm Buildings (Agricultural Buildings): Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
37. Fence: A structure of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance.
38. Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
39. Filling: Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.
40. Firearm: An instrument which is capable of hurling a missile by means of exploding or burning powder.
41. Floor Area: The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

42. Floor Area, Usable: For the purposes of computing parking, usable floor area is all ground and nonground floor area used for, or intended to be used for, the sale of merchandise or service or for use to serve patrons, clients or customers. For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.
43. Garage, Private: A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles. The foregoing definition shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a rate capacity of three-fourths ($\frac{3}{4}$) ton. This shall not include the storage of large tractors, backhoes, bulldozers, other construction-type equipment or similar equipment.
44. Garbage: The word "garbage" shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetable, including spoiled food, dead animals, animal manure and fowl manure.
45. Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles.
46. Grade: The highest point of ground contacting any portion of the basement or foundation of a dwelling.
47. Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
48. Gun Club: Any club, organization, individual, group of individuals, or use, whether operated for profit or not, which caters to or allows the use of firearms.
49. Hobby Farm: A farm which is limited in scale, operated on a part time basis primarily for pleasure, in agricultural districts subject to the use restrictions in said district. (Effective 10/18/96)
50. Home Occupations: Any use customarily conducted entirely within the dwelling, (not including breezeway or garage, attached or detached), and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, is not offensive and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One (1) non-illuminated name plate, not more than (2) square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises.
51. Hospital: A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan.

52. Hotel (Motel): A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation.
53. Industrial Use: Any land or building occupied or used for manufacturing or processing purposes.
54. Junk Yard: An open area where waste, used or secondhand 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 yard" includes automobile wrecking yards, and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
55. Kennel, Commercial: Any lot or premises on which three (3) or more dogs, six (6) months old or over for sale, breeding, boarding, or training purposes, are either permanently or temporarily boarded for remuneration.
56. Laboratory: A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.
57. Large Animal: Farm animals and other similar animal which are customarily raised on a farm, such as, but not limited to, horses, cattle, pigs, sheep, goats, and ponies. (Effective 10/18/96)
58. Loading Space: An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
59. Lot: A parcel of land occupied, or which could be occupied, by a main building or group of such buildings and accessory buildings, or utilized for the principal use and used accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.
60. Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.
61. Lot Area: The total horizontal area within the lot lines of the lot.
62. Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposed of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
63. Lot, Interior: Any lot other than a corner lot.
64. Lot Lines: The lines bounding a lot as defined herein.

- (a) Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines.
 - (b) Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - (c) Side Lot Line: Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side.
- 65. Lot Depth: The horizontal distance between the front and rear lot lines measured along the median between side lot lines.
 - 66. Lot, Double Frontage: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.
 - 67. Lot Width: The horizontal distance between the side lot lines measured at the two points where the building lines, or setback intersects the side lot lines.
 - 68. Master Plan: A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
 - 69. Mobile Home (Trailer Coach): Any vehicle designed, used, or so constructed as to permit its ability to be transported upon the public street or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.
 - 70. Mobile Home Park (or Trailer Court): Any plot of ground upon which three or more mobile homes, occupied for dwelling or sleeping purposes, are or may be located.
 - 71. Nonconforming Buildings: A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the use provisions of the Ordinance, nor to the use regulations of the district in which it is located.
 - 72. Nonconforming Use: A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.
 - 73. Occupancy Load: The number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed.

74. Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of automobiles.
75. Parking Space: A parking space is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
76. Pond: An inland body of water, either natural or manmade, that in its natural state retains storm water or exposes the ground water table.
77. Public Service: Public Service Facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.
78. Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
79. Retention Basin: A wet or dry storm water holding area, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.
80. Roadside Stands or Markets: A roadside stand or market is the temporary use of property or facilities for the selling of produce.
81. Rubbish: Rubbish means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.
82. Sanitary Land Fill: Any operation which involves the piling, placing, storing, dumping or depositing, in a hole or trench, any material in the form of rubbish and/or waste materials.
83. Setback: The distance required to comply with front, side or rear yard open space provisions of this Ordinance.
84. Sign: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where the signs are located.
85. Story: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
86. Street: A public thoroughfare which affords the principal means of access to abutting property.

87. Structure: Anything constructed, or erected and designed for a permanent location on the ground.
88. Temporary Building or Use: Where permitted by this Ordinance, a temporary recreational vehicle or trailer, or other use, permitted to exist during periods of construction of the main building or use, or for special events.
89. Thoroughfares, Major: An arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designed as a major thoroughfare, parkway, freeway, expressway, or equivalent term.
90. Thoroughfares, Secondary: An arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares.
91. Travel Trailer and/or Motor Home: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.
92. Use, Accessory: A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.
93. Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.
94. Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities, monopoles and lattice towers. Not included within this definitions are: citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

ARTICLE 3 – ZONING DISTRICT AND MAP

SECTION 300. DISTRICTS

For the purpose of this Ordinance, the Township of Mussey is hereby divided into the following districts:

AG	AGRICULTURAL
SF	SINGLE FAMILY RURAL RESIDENTIAL
R-1	SINGLE FAMILY RESIDENTIAL
RM	MULTIPLE FAMILY RESIDENTIAL
B-1	LOCAL BUSINESS
B-2	HIGHWAY-ORIENTED COMMERCIAL
LI	LIGHT INDUSTRIAL
RC	RECREATION – CONSERVATION

SECTION 301. BOUNDARIES

The boundaries of these districts are hereby established as shown on the Official Zoning Map, Mussey Township Zoning Ordinance, which accompanies this Ordinance, and which, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein.

- (a) Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- (b) Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown therein, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

SECTION 302. ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the Township of Mussey shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way, shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

SECTION 303. DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of GENERAL PROVISIONS AND GENERAL EXCEPTIONS.

ARTICLE 4 - AG - AGRICULTURAL DISTRICT

SECTION 400. INTENT

These areas are intended to provide for continued agricultural uses. In addition, the purpose of this district is to permit very low density, rural home sites on large parcels or clusters of home sites within an open space housing development while preserving the agricultural uses and rural characteristics of the area.

SECTION 401. PRINCIPAL PERMITTED USES

In an Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. General agriculture activities, including the raising and keeping of livestock, fowl, bees, animals raised for food, crops, fresh fruits and vegetables, and grain storage.
- B. Hobby Farms.
 - 1.) The keeping of large animals on a hobby farm shall be in accordance with the following schedule:

# of Large Animals	Required Acres
1 or 2	5
Each Additional	Two Additional Acres per Large Animal

- 2.) All areas for the keeping or use of farm animals and large animals shall be fenced to keep the animals contained on the property. Said required fencing shall be adequate to contain all animals on the subject property.
- C. Single-family homes in accordance with Sections 1100 and, where applicable, 1101.
- D. State licensed Family Day Care Homes.
- E. Public buildings without outdoor storage yard.
- F. Home occupations.
- G. Uses similar to the principal permitted uses listed above may be permitted by the Planning Commission based upon findings of fact.

SECTION 402. SPECIAL LAND USES

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article 13 and the submission of a site plan conforming with the requirements of Section 1215:

- A. Agricultural implement sales and service facilities; (Section 1335).

- B. Cemeteries (Section 1302).
- C. Churches and public buildings (Section 1303).
- D. Airports (Section 1301).
- E. Single Family Cluster Density Bonus Option (Section 1334).
- F. Disposal Areas (Section 1305).
- G. Kennels; Raising of Fur-Bearing Animals (Section 1308).
- H. Group Day Care Homes (Section 1312).
- I. Utility and Public Service Facilities (Section 1316).
- J. Wireless Communication Facilities (Section 1325).
- K. Yard Waste Composting Facilities (Section 1317).
- L. Single-Family Accessory Apartment (Section 1318).
- M. High Volume Wells or Well Systems (Section 1329).
- N. Equestrian stables and riding academies (Section 1331).
- O. Mining and Extraction (Section 1310).
- P. Golf Courses (Section 1306).
- Q. Agricultural Produce Processing, Transferring and Storage Facilities (Section 1333).

SECTION 403. ACCESSORY STRUCTURES AND USES

Accessory buildings, structures and uses shall be permitted in accordance with Section 1203. In addition, the following accessory structures and uses may also be permitted subject to the provisions of this Section:

- A. Garage and yard sales provided that:
 - 1) The sale is limited to no more than five (5) consecutive days.
 - 2) There are no more than two sales per calendar year.
 - 3) Only the homeowner or occupant shall conduct such a sale (this item does not apply to estate sales for deceased homeowners).
- B. Home occupations.

- C. One (1) temporary roadside stand for the purpose of selling produce shall be permitted subject to the following:
 - 1) Only produce raised or produced by the owner or the owner's family on the parcel(s) upon which the stand is located shall be offered for sale.
 - 2) The stand shall be no more than two hundred (200) square feet and shall not exceed one (1) story or fourteen (14) feet in height.
 - 3) The stand shall be located a minimum thirty (30) feet from the front property line and shall be located so as to accommodate vehicle ingress, egress and parking on a defined driveway.
- D. Private residential ponds and agricultural farm ponds in accordance with Section 1220.

SECTION 404. DEVELOPMENT REGULATIONS

- A. Site plans as required in Section 1215 of this Ordinance shall be submitted to the Planning Commission for its review and approval prior to issuance of a Building Permit for all special land uses and for other uses or structures which require site plan review.
- B. Single-family homes shall meet the applicable requirements of Sections 1100 and, where applicable, 1101 of this Ordinance.
- C. See Section 1204 regulating the screening of off-street parking areas for nonresidential uses permitted in the AG Districts. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- D. See Article 12, General Provisions, regarding general requirements which may relate to uses permitted in the district.
- E. Except where otherwise regulated in this Article, refer to Section 1100, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted providing minimum yard setback requirements and development options.
- F. No required front yard space in any AG district shall be used for the storage or parking of vehicles or any other materials or equipment.
- G. The storing or parking of machinery, equipment, vehicles, or other materials is prohibited in any open areas except for agricultural equipment owned and operated by the property owner and used for agricultural purposes on premise (subject to the requirements of Section 404.F above).

ARTICLE 5 – SF – SINGLE FAMILY RURAL RESIDENTIAL DISTRICT

SECTION 500. INTENT

The purpose of this district is to permit the establishment of single-family residential neighborhoods with a rural character at a slightly higher density than that provided in the Agricultural Districts. These low density residential areas are intended to be located where soils have slight limitations for installation of septic systems.

SECTION 501. PRINCIPAL PERMITTED USES

In the Single Family Rural Residential District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Single Family Homes in accordance with Section 1100 and, where applicable, 1101.
- B. Hobby Farms
- 1.) The keeping of large animals on a hobby farm shall be in accordance with the following schedule:

# of Large Animals	Required Acres
1 or 2	5
Each Additional	Two Additional Acres per Large Animal

- 2.) All areas for the keeping or use of farm animals and large animals shall be fenced to keep the animals contained on the property. Said required fencing shall be adequate to contain all animals on the subject property.
- C. Public recreational uses such as parks and playgrounds.
- D. State licensed Family Day Care Homes.
- E. Public buildings without outdoor storage yards.
- F. Home occupations.
- G. Uses similar to the principal permitted uses listed above may be permitted by the Planning Commission based upon findings of fact.

SECTION 502. SPECIAL LAND USES

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article 13 and the submission of a site plan conforming with the requirements of Section 1215:

- A. Educational institutions (Section 1314).
- B. Cemeteries (Section 1302).
- C. Churches and public buildings (Sections 1303).
- D. Kennels, Raising of Fur-Bearing Animals (Section 1308).
- E. Single Family Cluster Density Bonus Option (Section 1334).
- F. Group Day Care Homes (Section 1312).
- G. Utility and Public Service Facilities (Section 1316); Wireless Communication Facilities (Section 1325).
- H. Single-Family Accessory Apartment (Section 1318).
- I. High Volume Wells or Well Systems (Section 1329).
- J. Mining and Extraction (Section 1310).

SECTION 503. ACCESSORY STRUCTURES AND USES

Accessory buildings, structures and uses shall be permitted in accordance with Section 1203. In addition, the following accessory structures and uses may also be permitted subject to the provisions of this Section:

- A. Garage and yard sales provided that:
 - 1) The sale is limited to no more than five (5) consecutive days.
 - 2) There are no more than two sales per calendar year.
 - 3) Only the homeowner or occupant shall conduct such a sale (this item does not apply to estate sales for deceased homeowners).
- B. One (1) temporary roadside stand for the purpose of selling produce shall be permitted subject to the following:
 - 1) Only produce raised or produced by the owner or the owner's family of the parcel(s) upon which the stand is located shall be offered for sales.
 - 2) The stand shall be no more than two hundred (200) square feet and shall not exceed one (1) story or fourteen (14) feet in height.
 - 3) The stand shall be located a minimum of thirty (30) feet from the front property line and shall be located so as to accommodate vehicle ingress, egress and parking on a defined driveway.
- C. Private residential ponds in accordance with Section 1220.

SECTION 504 DEVELOPMENT REGULATIONS

- A. Site plans as required in Section 1215 of this Ordinance shall be submitted to the Planning Commission for its review and approval prior to issuance of a Building Permit for all special land uses and for other uses or structures which require site plan review.
- B. Single-family homes shall meet the applicable requirements of Sections 1100 and, where applicable, 1101.
- C. See Section 1204 regulating the screening of off-street parking areas for nonresidential uses permitted in the SF Districts. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- D. See Article 12, General Provisions, regarding general requirements which may relate to uses permitted in the district.
- E. Except where otherwise regulated in this Article, refer to Article 1100, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted providing minimum yard setback requirements and development options.
- F. No required front yard space in any SF district shall be used for the storage or parking of vehicles or any other materials or equipment.
- G. The storing or parking of machinery, equipment, vehicles, or other materials is prohibited in any open areas.

ARTICLE 6 – R-1 SINGLE FAMILY RURAL RESIDENTIAL DISTRICT

SECTION 600. INTENT

The intent of the Single Family Rural Residential District is to provide for single family residential land uses at a transitional density between agricultural and highway oriented development. These areas are primarily located along the Capac Road corridor within close proximity to the Village.

SECTION 601. PRINCIPAL PERMITTED USES

In the Single Family Rural Residential District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Single family homes in accordance with Sections 1100 and, where applicable, 1101.
- B. Two-family dwellings in accordance with Section 1100.
- C. Public recreational uses such as parks and playgrounds.
- D. Mobile Home Parks developed in conformance with P.A. 96 of 1987 – The Mobile Home Commission Act, as amended, and the Michigan Mobile home Commission Rules, as promulgated.
- E. State licensed Family Day Care Homes.
- F. Public buildings and uses without outdoor storage yards.
- G. Uses similar to the principal permitted uses listed above may be permitted by the Planning Commission based upon findings of fact.

SECTION 602. SPECIAL LAND USES

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article 13 and the submission of a site plan conforming with the requirements of Section 1215.

- A. Educational Institutions (Section 1314).
- B. Cemeteries (Section 1302).
- C. Churches and public buildings (Section 1303).
- D. Group Day Care Homes and Group Day Care Facilities (Section 1312).
- E. Utility and Public Service Facilities (Section 1316).
- F. Single-Family Accessory Apartment (Section 1318).

SECTION 603. ACCESSORY STRUCTURES AND USES

Accessory buildings, structure and uses shall be permitted in accordance with Section 1203. In addition, the following accessory structures and uses may be permitted subject to the provisions of this Section:

- A. Garage and yard sales provided that:
 - 1) The sale is limited to no more than five (5) consecutive days.
 - 2) There are no more than two sales per calendar year.
 - 3) Only the homeowner or occupant shall conduct such a sale (this item does not apply to estate sales for deceased homeowners).

- B. Private residential ponds in accordance with Section 1220.

SECTION 604. DEVELOPMENT REGULATIONS

- A. Site plans as required in Section 1215 of this Ordinance shall be submitted to the Planning Commission for its review and approval prior to issuance of a Building Permit for all uses in the R-1 District.

- B. See Section 1204 regulating the screening of off-street parking areas for nonresidential uses permitted in the R-1 District. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.

- C. See Article 12, General Provisions, regarding general requirements which may relate to uses permitted in the district.

- D. Except where otherwise regulated in this Article, refer to Article 1100, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted providing minimum yard setback requirements and development options.

- E. No required front yard space in any R-1 district shall be used for the storage or parking of vehicles or any other materials or equipment.

ARTICLE 7 - RM - MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 700. INTENT

The Multiple Family Residential District is intended to provide areas for two-family and multiple family dwellings and related uses with a higher overall density. These districts are intended to be located in close proximity to the higher density uses, services and pedestrian oriented access of the Village of Capac.

SECTION 701. PRINCIPAL PERMITTED USES

In the Multiple Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Two-Family dwellings in accordance with Section 1100.
- B. Multiple-family dwellings in accordance with Section 1100.
- C. Independent elderly housing that includes higher density apartment and townhome housing similar to multiple family development that may have common community rooms and kitchen facilities. This use does not include convalescent, nursing home or assisted living facilities.
- D. Public buildings and uses without storage yards, excluding post offices, public museums, and public libraries.
- E. Public parks and playgrounds.
- F. State licensed family day care homes.
- G. Uses similar to the principal permitted uses listed above may be permitted by the Planning Commission based upon findings of fact.

SECTION 702. SPECIAL LAND USE

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article 13 and the submission of a site plan conforming with the requirements of Section 1215:

- A. Convalescent or rest homes, and assisted living (Section 1313).
- B. Educational Institutions (Section 1314).
- C. Group Day Care Homes (Section 1312).
- D. Churches and public buildings (Section 1303).
- E. Public buildings and uses with outdoor storage yards (Section 1322).

- F. Utility and public service facilities (Section 1316).
- G. Single-family dwellings in accordance with Section 1100 and provided:
 - 1.) The location of the proposed single-family dwelling shall be in an area conducive to single-family development and appropriately buffered from more intensive uses permitted in the district.
 - 2.) All single-family structures shall be setback at least 30 feet from any property line shared with a multiple-family or non-residential use.
 - 3.) Lot dimensions and development shall conform with the R-1 district standards.

SECTION 703. ACCESSORY STRUCTURE AND USES

Accessory buildings, structures and uses shall be permitted in accordance with Section 1203.

SECTION 704. DEVELOPMENT REGULATIONS

- A. Site plans as required in Section 1215 of this Ordinance shall be submitted to the Planning Commission for its review and approval prior to issuance of a Building Permit for all uses in the RM District.
- B. See Section 1204 regulating the screening of off-street parking areas for nonresidential uses permitted in the RM District. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- C. See Article 12, General Provisions, regarding general requirements, which may relate to uses permitted in the district.
- D. Except where otherwise regulated in this Article, refer to Article 1100, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted providing minimum yard setback requirements and development options.
- E. No required front yard space in any RM district shall be used for the storage or parking of vehicles or any other materials or equipment.

ARTICLE 8 - B-1 - LOCAL BUSINESS DISTRICT

SECTION 800. INTENT

The intent of the Local Commercial District is to provide for the day-to-day convenience commercial and service needs of Township residents. These areas are intended to compliment the Village's commercial center. The Local Commercial Districts are not intended to provide for the convenience needs of highway oriented traffic or general retail needs.

SECTION 801. PRINCIPAL PERMITTED USES

In the Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. General office buildings for such uses as: executive, administrative, governmental, clerical, sales offices, and similar uses.
- B. Service office buildings for such uses as: real estate sales office, insurance service center, public utility companies without service/storage yards, banks, savings and loan, credit union branch offices, and similar uses, excluding any such use which contains a drive-through window.
- C. Professional office buildings for such uses as: attorney, accountant, interior designer, and similar uses.
- D. Medical and dental offices, excluding 24 hour walk in clinics, ambulatory care centers and hospitals.
- E. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods, beverages, drugs, dry goods, clothing, books, hardware and similar uses.
- F. Personal service establishments which perform services on the premises such as, but not limited to: shoe repair, tailor, beauty parlor, barber shop, photographer, photo drop off with or without on-site processing, instant or quick printing shop, and similar uses.
- G. Restaurants, including sit down and carry-out, but excluding drive-ins and any restaurant with a drive-through or pick-up window.
- H. Churches and public buildings.
- I. Funeral Homes.

- J. Public buildings including community or recreation centers without outdoor storage yards.
- K. Self-service laundries, laundries and dry cleaning establishments dealing directly with the consumer, but excluding central dry cleaning plants serving more than one retail outlet.
- L. Uses similar to the principal permitted uses above may be permitted by the Planning Commission based upon findings of fact.

SECTION 802. SPECIAL LAND USES

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article 13 and the submission of a site plan conforming with the requirements of Section 1215:

- A. Single-Family Accessory Apartments (Section 1318).
- B. Cemeteries (Section 1302).
- C. Convalescent or rest homes (Section 1313).
- D. Educational Institutions (Section 1314).
- E. Group Day Care Facilities (Section 1312).
- F. Medical and dental offices with 24 hour walk in clinics or ambulatory care centers, but excluding hospitals (Section 1307).
- G. Private clubs and lodge halls. (Section 1336).
- H. Utility and public service buildings (Section 1316).

SECTION 803. ACCESSORY STRUCTURES AND USES

Accessory buildings, structures and uses shall be permitted in accordance with Section 1203.

SECTION 804. DEVELOPMENT REGULATIONS

- A. All uses shall be office and service establishments dealing directly with customers.
- B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise permitted through special land use approval. All accessory buildings shall be similar in architectural design and materials to the principal building.

- C. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area as approved by the Planning Commission.
- D. Exterior site lighting shall be in accordance with Section 1210. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
- E. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of Section 1215 of this Ordinance and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- F. See Article 13, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the Article as they relate to uses permitted in the district.
- G. Except where otherwise regulated in this Article, refer to Article 11, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.
- H. No required front yard space in any B-1 - Local Commercial District shall be used for the storage or parking of vehicles or any other materials or equipment.

ARTICLE 9 - B-2 - HIGHWAY-ORIENTED COMMERCIAL DISTRICT

SECTION 900. INTENT

The purpose of this district is to provide convenient commercial services to the passing motorist while minimizing increased traffic or related congestion in the Township of Village. Design standards are intended to minimize the negative impacts of development within these districts. Uses within this district are of a general retail and highway oriented character which will provide commercial services to the Township and adjacent communities.

SECTION 901. PRINCIPAL PERMITTED USES

In the Highway Oriented Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods, beverages, drugs, dry goods, clothing, books, hardware and similar uses.
- B. Financial institutions, including but not limited to: banks, savings and loan, and credit unions, excluding drive-through facilities.
- C. Restaurants, excluding drive-in or drive-through window facilities.
- D. General, service, sales, and professional offices.
- E. Medical and dental offices, including 24 hour walk in clinics and ambulatory care centers, but excluding hospitals.
- F. Personal service shops such as: tailor, beauty parlor, barber shop, photographer, photo drop off with or without on-site processing, instant or quick printing shop, shoe repair, Laundromats and dry cleaning establishments, provided the actual dry cleaning takes place off-site, and similar uses.
- G. Private clubs, lodge halls and similar uses.
- H. Public buildings without storage yards, including community centers, libraries, museums, and post offices.
- I. Self-Storage facilities when fully enclosed within a building. Outdoor or open storage shall be prohibited.
- J. Veterinarian offices, excluding kennels.

- K. Businesses offering indoor recreational and public entertainment such as, but not limited to: bowling alleys, skating rinks and movie theatres.
- L. Uses similar to the principal permitted uses above may be permitted by the Planning Commission based upon findings of fact.

SECTION 902. SPECIAL LAND USES

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article 13 and the submission of a site plan conforming with the requirements of Section 1215:

- A. Drive-through facilities (Section 1320).
- B. General Hospitals (Section 1307).
- C. Hotels and motels (Section 1321).
- D. Agricultural implement sales and service facilities (Section 1335).
- E. New and used vehicles sales (see Section 1315) with outdoor sales lots.
- F. Vehicle Convenience Stations (Section 1311).
- G. Vehicle Wash Facilities (Section 1328).
- H. Vehicle Service Centers and repair garages (Section 1319).
- I. Utility and public service facilities (Section 1316).
- J. Wireless Communication Facilities (Section 1325).
- K. Commercial, Outdoor Recreation (Section 1304).

SECTION 903. ACCESSORY STRUCTURES AND USES

Accessory buildings, structures and uses shall be permitted in accordance with Section 1203. In addition, the following accessory structures and uses may also be permitted only when conducted within a completely enclosed building, subject to the following:

- A. Garages shall be used exclusively for the storage of passenger motor vehicles and/or commercial vehicles of less than one (1) ton capacity, which are to be used in connection with a business permitted and located in the B-2, Highway Oriented Commercial District.
- B. "Sidewalk Sales" shall be permitted only as provided hereunder:
 - 1. No person, firm, corporation or merchants shall vend, sell, dispose of or display any goods, wares, merchandise or produce on any public street or sidewalk or any where else outside a building without full compliance with this section for the period of said sidewalk sale.
 - 2. Sidewalk sales shall be permitted for no more than three (3) days. No more than two (2) such sidewalk sales shall be permitted on a site to any person, firm, corporation or merchant in a single calendar year.
 - 3. Sale of the merchandise under this sub-section shall be limited to merchandise usually sold on the premises. No new merchandise shall be brought in to vend, sell, dispose of or display at the sidewalk sale.
 - 4. All merchandise offered for sale hereunder must be displayed on private property. Merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extend into the public right-of-way. Such sales shall not be operated in any manner which would cause a nuisance, or create a fire hazard or obstruct ingress and egress to premises.

SECTION 904. DEVELOPMENT REGULATIONS

- A. All uses shall be retail or service establishments dealing directly with customers. All retail goods produced on the premises shall be sold on premises.
- B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise permitted through special land use approval. All accessory buildings shall be similar in architectural design and materials to the principal building.
- C. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area as approved by the Planning Commission.
- D. Exterior site lighting shall be in accordance with Section 1210. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.

- E. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of Section 1215 of this Ordinance and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- F. See Article 12, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the Article as they relate to uses permitted in the district.
- G. Except where otherwise regulated in this Article, refer to Section 1100, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.
- H. No required front yard space in any B-2, Highway Oriented Commercial District shall be used for the storage or parking of vehicles or any other materials or equipment.
- I. The storing or parking of machinery, equipment, vehicles, or other materials in any open areas is prohibited.

ARTICLE 10 - RC - RECREATION - CONSERVATION DISTRICT

SECTION 1000. INTENT

The Recreation Conservation District is intended to provide for recreational uses within the Township. It is further the intent of these districts that any use, improvement, or development of these lands should be designed to safeguard, preserve, and protect the natural features present on the site to include woodlands and wetlands, and ensure compatibility with adjacent uses.

SECTION 1001. PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the RC Recreation districts except for one or more of the following:

- A. Public and private parks, but excluding motorized off-road vehicles of all types.
- B. Public buildings, excluding any outdoor storage yard.
- C. Nature preserves.
- D. Farms; Petting Farms; Educational Farms.
- E. A single, residential dwelling only for the owner, operator or caretaker of one of the above permitted uses.
- F. Uses similar to the principal permitted uses listed above may be permitted by the Planning Commission based upon findings of fact.

SECTION 1002. SPECIAL LAND USES

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article 13 and the submission of a site plan conforming with the requirements of Section 1215:

- A. Campgrounds (Section 1309).
- B. Equestrian Stables and Riding Academies (Section 1331).
- C. Shooting Ranges, Gun Clubs and Large-Scale Gaming Preserves (Section 1309).
- D. Golf Courses (Section 1306).
- E. Public buildings or uses with outdoor storage yards (Section 1322).
- F. Utility and Public Service Facilities (Section 1316).
- G. Wireless Communication Facilities (Section 1325).

SECTION 1003. ACCESSORY STRUCTURES AND USES

Accessory buildings, structures and uses shall be permitted in accordance with Section 1203.

SECTION 1004. DEVELOPMENT REGULATIONS

- A. Buildings or outdoor use areas for any animals, storage, vehicular parking, or maintenance equipment shall be setback at least one hundred (100) feet from all property lines.
- B. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of Section 1215 of this Ordinance and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- C. See Section 1204 regulating the screening of off-street parking areas for nonresidential uses permitted in the RC Districts. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- D. See Article 12, General Provisions, regarding general requirements, which may relate to uses permitted in the district.
- E. Except where otherwise regulated in this Article, refer to Section 1100, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted providing minimum yard setback requirements and development options.
- F. No required front yard space in any RC district shall be used for the storage or parking of vehicles or any other materials or equipment.
- G. The storing or parking of machinery, equipment, vehicles, or other materials is prohibited in any open areas.

ARTICLE 11 - SCHEDULE OF DISTRICT REGULATIONS.

Section 1100. Height, Bulk, Density, Area, Setback and Lot Coverage by District:

USE DISTRICT	MINIMUM LOT AREA (A) (I) (J)	MINIMUM LOT WIDTH (IN FEET) (K)	MAXIMUM HEIGHT OF STRUCTURES (A)		MINIMUM YARD SETBACK PER LOT (IN FEET) (A) (G)			MINIMUM FLOOR AREA PER SINGLE FAMILY UNIT (SQ. FT.)	MAXIMUM PERCENTAGE OF LOT AREA COVERED BY ALL BUILDINGS	
					FRONT (H)	SIDES (C)				REAR (L) (N)
						IN STORIES	IN FEET			
AG	3 ACRES	250	2 ½	35	75	30	60	50	1,200	16%
AG W/ new road	2.5 ACRE (F)	250	2 ½	35	50	20	40	50	1,200	35%
SF	2.5 ACRES	250	2 ½	35	75	30	60	50	1,200	20%
SF W/ new road	2 ACRE (F)	250	2 ½	35	50	20	40	50	1,200	35%
R-1 W/out Sewer and Water (D)	2 ACRE	250	2 ½	35	50	20	40	50	1,000	10%
R-1 W/ Sewer and Water (D)	1/2 ACRE	80	2 ½	30	35	10	20	35	1,000	35%
RM (M)	1 ACRE	150	2 ½	35	35	20	40	50	1,000 (E)	10%
RC	SPR (B)	SPR (B)	2 ½	35	75 (B)	50 (B)	100 (B)	50 (B)	(B)	(B) (O)
B-1	1 ACRE	150	2	30	35	10	35	35 (M)	N/A	(O)
B-2	1 ACRE	150	2	30	35	10	35	35 (M)	N / A	(O)
LI	2 ACRES	250	2	35	75	50	100	100	N / A	30%

N/A - Not Applicable; SPR - Site Plan Review; () - See Footnote on following page

FOOTNOTES TO SECTION 1100. LIMITING HEIGHT, BULK, DENSITY, AND AREA BY LAND USE

- (A) See Section 1203 for height, bulk, density, area and setback requirements for accessory structures and uses.
- (B) A caretaker's residence shall conform to the Schedule of District Regulations for a single family home in the R-1 District.
- (C) In all districts, side yards, which abut a street or road, shall be considered a street-side side yard for purposes of this ordinance. All street-side side yards shall meet the minimum front yard setback requirements for permitted structures in the district.
- (D) Mobile home parks shall be developed in accordance with PA 96 of 1987, the Mobile Home Commission Act, as amended, and the Michigan Mobile Home Commission rules, as promulgated.
- (E) The minimum floor area per dwelling unit for multiple family dwellings in the RM District shall be as follows:

Type of Unit*	Minimum Floor Area Per Dwelling Unit
Efficiency Unit	450 s.f.
One Bedroom Unit	600 s.f.
Two Bedroom Unit	750 s.f.
Each Additional Room	150 s.f. per room

*Based on number of bedrooms in the dwelling unit.

- (F) If only one new curb cut off of an existing public road is proposed for the entire parent parcel then lot areas may be reduced to 2.5 acres (AG district) and 2 acres (SF district) for 20% of all proposed lots. All lots shall have frontage on the access to a new public or private road. The buildable area and lot area shall be as provided for in footnote I and J below. The density permitted on the net buildable land area within the AG and SF districts is as follows:
 - AG - .33 dwelling units per acre
 - SF - .4 dwelling units per acre
- (G) Where there are two or more permitted principal buildings on the same parcel, the required minimum distance between the buildings shall be twenty (20) feet.
- (H) The required front yard and exterior side yard setback shall be measured from the right of way line or easement line for public roads, private roads, and private access easements. The required front yard setback for residential districts abutting a major thoroughfare shall have a minimum of fifty (50) feet.

- (I) Calculations for determining the minimum lot area shall not include any right of way or easement area for a public road, private road, or access easement.
- (J) Calculations for determining maximum density and the number of lots permitted shall be based upon net buildable land area (areas such as wetlands, floodplains and sub-aqueous areas shall not be included in calculations for determining maximum density and number of lots permitted). Where a single-family cluster development is proposed, designed and approved in conformance with Section 1101 - Single Family Cluster Design Standards or Section 1334 - Single Family Cluster Density Bonus Option, the Planning Commission may approve up to fifty (50) percent of wetland, floodplain and sub-aqueous areas in calculations for determining maximum density and number of lots permitted, subject to the criteria in Section 1101 or Section 1334, whichever is applicable. The minimum lot size and lot width shall not be reduced in any fashion beyond what is permitted by Sections 1100, 1101, and 1334, whichever is applicable.
- (K) Lot width to depth ratio shall not exceed 1:4.
- (L) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (M) For the purpose of yard regulations, Multiple-Family dwellings shall be considered as one (1) building occupying one (1) lot. Front, side and rear yards relating to the spacing between buildings within RM Districts shall have the following minimum overall dimensions:

Building Relationship	Overall Distance Between Buildings (Exclusive of Parking Area)
Front to Side	45 feet
Front to Front	50 feet
Front to Rear	*60 feet
Rear to Rear	*60 feet
Rear to Side	45 feet
Side to Side	20 feet
Corner to Corner	15 feet

- (N) Parking may be permitted in 50% of the required rear yard provided that there shall be at least 15 feet of yard space between said parking area and the building.
- (O) The maximum percentage of lot coverage shall be determined on the basis of off-street parking, loading, screening, and yard setback requirements as set forth in this Ordinance.

SECTION 1101 SINGLE-FAMILY CLUSTER DESIGN STANDARDS

A. Requirement Established

All subdivisions, condominium subdivisions and lot splits, which are proposed under this Section, must conform to the following Single-Family Cluster Design Standards:

B. Intent

The intent of these Clusters Design Standards is to encourage the long-term preservation of open space, agricultural land, unique rural character, natural features and the provision of recreation and open space areas.

C. Required Cluster Design Standards

1. The following table details required design standards for all single-family cluster developments proposed under this Section 1101:

ZONE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM OPEN SPACE ^(a)	DENSITY Dwelling Units/Acre
AG	2.5 Acres	250'	10%	.4
SF	2 Acres	200'	10%	.5

(a) Minimum open space required as percentage of total site area excluding rights-of-way and easements

2. All lots shall be served by an internal public or private road network. No lots shall front upon the existing County road.
3. The applicant shall provide evidence of St. Clair County Health Department approval for proposed septic and well locations for all lots proposed under this Section 1101.
4. The permanent open space shall include the site's most significant natural, agricultural and/or cultural environmental features, such as:
 - a. steep slopes,
 - b. wetlands, floodplains, natural watercourses,
 - c. woodlands,
 - d. scenic views,
 - e. agricultural or equestrian components,
 - f. historical structures,
 - g. recreational pathways and facilities,

- h. similar features approved by the Planning Commission.
- 5. Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.
- 6. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.

D. Open Space Maintenance

- 1. All open space shall be permanent and set aside in perpetuity.
- 2. Open space shall be in single ownership and maintained by any of, but not necessarily limited to, the following:
 - a. Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
 - b. Dedication of open space to a public body or private land conservancy or trust.
 - c. Conservation easement granted to a public body or private land conservancy or trust.
- 3. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.
- 4. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development proposal by the Planning Commission.

E. Review Process

- 1. All proposed single-family cluster developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium, etc.) in accordance with the design criteria in this Section. The Township

Board shall approve the private road prior to final approval by the Planning Commission in accordance with the Mussey Township Private Road Ordinance.

2. The Planning Commission shall review the cluster site plan for conformance with this Section, Section 1215 - Site Plan Review, and Section 1334 where the Single-Family Cluster Density Bonus Option is sought. In addition, the Planning Commission shall determine that the site plan conforms with the following:
 - a. Preservation of streams, watercourses, wetlands, floodplains, areas of unique topography, prime agricultural or equestrian lands, woodlands or open fields.
 - b. Minimizes impact of road, utility and lot construction on the existing topography and land cover.
 - c. Minimizes necessary extensions of roads, utilities and other infrastructure.
 - d. Provides adequate access to the open space areas.

F. Private Roads

Where a proposed single-family cluster development includes private roads, the Planning Commission and Township Board shall approve the private road(s) in conformance with the Mussey Township Property Division Ordinance and the Mussey Township Private Road Ordinance.

G. Cluster Density Bonus Option

Subject to the provisions of Section 1334 - Single-Family Cluster Density Bonus Option - and after special land use approval by the Planning Commission, a density bonus may be applied for by the applicant and landowner.

ARTICLE 12 - GENERAL PROVISIONS

SECTION 1200. CONFLICTING REGULATIONS

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. 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 ordinance shall govern.

SECTION 1201 SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure of land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 1202 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

A. Intent

It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed.

It is recognized that there exist within the districts established by this Ordinance uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Nonconforming Lots

- 1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
- 2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

C. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- 2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 3) If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

- 2) Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- 3) Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- 3) In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
- 4) Any structure, or structures and land combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- 5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

F. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

G. Uses Allowed as Special Land Uses not Nonconforming Uses

Any use which is permitted as a special land use as provided in this Ordinance shall not be deemed a nonconforming use in such district.

H. Change of Tenancy or Ownership

There may be a change of tenancy, or ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

SECTION 1203. ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main building.
- B. Accessory buildings in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
- C. All accessory buildings must be located on the same lot as the principal structure to which it is necessary.
- D. Accessory buildings that are accessory to any residential building or use shall not be erected in any required setback.
- E. The walls of a building that is accessory to any residential building or use shall not exceed sixteen (16) feet in height.
- F. The combined floor area of all detached accessory buildings shall not occupy more than twenty-five (25) percent of a non-required rear yard.
- G. Detached accessory buildings shall be located a minimum of ten (10) feet from all other structures. In no instance shall an accessory building be located within a dedicated easement or right-of-way.

- H. The building walls of a detached accessory building in the B-1 and B-2 districts shall not exceed sixteen (16) feet in height.
- I. When a building accessory to a residential building is located on a corner lot, the side lot of which is substantially a continuation of a front line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.
- J. No accessory building shall be constructed prior to construction of the principal building on the same lot or parcel, except in accordance with one of the following:
 - 1. For principal permitted uses that do not require structures, an accessory building may be constructed following Township approval of the principal use and issuance of required building permits.
 - 2. A building permit for a pole barn may be issued following the issuance of any other applicable permits and submittal of a complete application with supporting materials for the proposed principal structure.
 - 3. A temporary recreational vehicle or trailer may be permitted on a parcel in order to temporarily house the owner and secure tools and materials for the principal single-family dwelling under construction, subject to the standards of Section 1223.

SECTION 1204. OFF-STREET PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

- A. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
- B. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- C. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 1203, Accessory Buildings, of this Ordinance.
- D. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

- E. Off-Street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- G. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- H. The storage of merchandise, motor vehicles for sale, trucks, or repair of vehicles is prohibited within or on any off-street parking area.
- I. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- J. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, the fraction shall require one parking space.
- K. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern.
- L. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1) RESIDENTIAL	
a. Residential, One-Family & Two Family	Two (2) for each dwelling unit.
b. Residential, Multiple-Family:	
Efficiency Unit	Two (2) for each dwelling unit
1 Bedroom Unit	Two (2) for each dwelling unit
2 Bedroom Unit	Two (2) for each dwelling unit
3 or more Bedroom Unit	Two and one-half (2½) for each dwelling unit

In addition to the above minimum parking requirements for 1, 2, and 3 or more bedroom units, one-half (½) space per unit shall be provided for visitor parking.

j. Stadium, sports arenas, or similar place of outdoor assembly One (1) for each three (3) seats or six (6) feet of benches.

k. Theatres and auditoriums One (1) for each three (3) seats plus one (1) for each two (2) employees.

3) BUSINESS AND COMMERCIAL

a. Planned Commercial or Shopping Center located in a B District One (1) for each hundred (100) square feet of usable floor area.

b. Auto Wash One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet in each wash line by twenty (20).

c. Beauty parlor or barber shop Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.

d. Bowling alleys Five (5) for each one (1) bowling lane.

e. Dance halls, pool or billiard parlors, pinball arcades and similar game rooms, roller or skating rinks, exhibition halls, and assembly halls without fixed seats. One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

f. Establishments for sale and consumption on the premises of beverages, food, or refreshments	One (1) for each one hundred (100) square feet of usable floor space.
g. Furniture and appliance, household equipment repair shops, showroom 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. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
h. Automobile service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
i. Laundromats and coin operated dry cleaners	One (1) for each two (2) machines.
j. Miniature "par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
k. Mortuary establishments	One (1) for each fifty (50) square feet of assembly room usable floor space, parlors, and slumber rooms.
l. Motel, hotel or other commercial lodging establishment	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
m. Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
n. Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space.
o. Drive-in restaurants	One (1) for each twenty-five (25) square feet of floor area plus one (1) for each employee

4) OFFICES

- a. Banks One (1) for each one hundred (100) square feet of usable floor space.
- b. Business offices or professional offices except as indicated in the following item (c) One (1) for each two hundred (200) square feet of usable floor space.
- c. Professional offices of doctors, dentists or similar professions One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area.

5) INDUSTRIAL

- a. Industrial or research establishments Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.
- b. Wholesale establishments Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

SECTION 1205. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirements in Section 1204. above require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector or Official. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector or Official, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- B. Plans for the layout of off-street parking facilities shall be in accord 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 Spaces Plus Maneuvering Lane
0° parallel parking	12'	8'	23'	20'	28'
30° to 53°	12'	8'6"	20'	32'	52'
54° to 74°	15'	8'6"	20'	36'6"	58'
75° to 90°	24'	9'	20'	44'	64'

C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

E. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.

F. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from any adjacent property located in any single-family residential district.

G. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height, measured from the surface of the parking area, on all sides where the next zoning district is designated as a residential district. Variations from the requirement of a masonry wall may be permitted by the Planning Commission in accordance with Section 1212.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

H. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one (1) year of the date the permit is issued.

Off-Street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Township Board.

- I. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- J. In all cases where a wall extends to any alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- K. The Board of Appeals, after recommendation of the Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

SECTION 1206. OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated right-of-way. Such space shall be provided as follows:

- A. All spaces shall be provided as required in Article 11, Schedule of Regulations, noted after minimum rear yards, except as hereinafter provided for "I" Districts.
- B. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in "I" District shall be provided in the following ratio of space to floor area:

<u>GROSS FLOOR AREA (IN SQUARE FEET)</u>	<u>LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF SQUARE FEET OF USABLE FLOOR AREA</u>
0 - 1,400	None
1,401 – 20,000	One (1) space
20,001 – 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five (5) spaces

SECTION 1207. PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

- A. Smoke, Dust, Dirt and Fly Ash.

It shall be unlawful for any person, firm or corporation to engage in any use or operation which causes the emission of smoke, fumes, airborne solids and the like in excess of the maximum allowable limit as regulated by all applicable State and Federal laws.

B. Open Storage.

The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, except new merchandise for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height.

C. Glare and Radioactive Materials.

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electro-magnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

D. Fire and Explosive Hazards.

The storage and handling of flammable liquids, liquefied petroleum, gasses, and explosives shall comply with all applicable State laws.

E. Noise.

Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

F. Odors.

Creation of offensive odors shall be prohibited.

G. Wastes.

No waste shall be discharged in the public sewer system or any public or private storm drainage facilities which is dangerous to the public health and safety.

SECTION 1208. PLANT MATERIALS

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of the issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. All required greenbelts shall be at least ten (10) feet in width and no plant materials shall be located closer than four (4) feet to the property line. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

A. Plant Material Spacing

- 1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- 2) Where plant materials are placed in two or more rows plantings shall be staggered in rows.
- 3) Evergreen trees shall be planted not more than thirty (30) feet on centers.
- 4) Narrow evergreens shall be planted not more than six (6) feet on centers.
- 5) Deciduous trees shall be planted not more than thirty (30) feet on centers.
- 6) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- 7) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

B. Suggested Plant Materials

- | | Minimum Size |
|----------------------------------|--------------------------|
| 1) Evergreen trees | Five (5) feet in height |
| a. Juniper | |
| b. Hemlock | |
| c. Fir | |
| d. Pine | |
| e. Spruce | |
| f. Douglas Fir | |
| 2) Narrow Evergreens | Three (3) feet in height |
| a. Column Hinoki Cypress | |
| b. Blue Columnar Chinese Juniper | |
| c. Pyramidal Red Cedar | |
| d. Swiss Stone Pine | |
| e. Pyramidal White Pine | |
| f. Irish Yew | |
| g. Douglas Arbor Vitae | |

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h. Columnar Giant Arbor Vitae

3) Tree-like Shrubs Four (4) feet in height

- a. Flowering Crabs
- b. Russian Olives
- c. Mountain Ash
- d. Dogwood
- e. Redbud
- f. Rose of Sharon
- g. Hornbeam
- h. Hawthorn
- i. Magnolia

4) Large Deciduous Shrubs Six (6) feet in height

- a. Honeysuckle
- b. Viburnum
- c. Mock Orange
- d. Forsythia
- e. Lilac
- f. Ninebark
- g. Cotoneaster
- h. Hazelnuts
- i. Evonymus
- j. Privet
- k. Buckthorn
- l. Sumac

5) Large Deciduous Trees Eight (8) feet in height

- a. Oaks
- b. Hard Maples
- c. Hackberry
- d. Planetree (Sycamore)
- e. Birch
- f. Beech
- g. Ginko
- h. Honeylocust
- i. Hop Hornbeam
- j. Sweet Gum
- k. Linden

C. Trees Not Permitted

- 1) Box Elder
- 2) Soft Maple (Red, Silver)

- 3) Elms
- 4) Poplars
- 5) Willows
- 6) Horse Chestnut (Nut Bearing)
- 7) Tree of Heaven
- 8) Catalpa

SECTION 1209. SIGNS

- A. The following conditions shall apply to all signs erected or located in any use district.
- 1) All signs shall conform to all codes and ordinances of the Township, and where required, shall be approved by the Building Inspector or Official and a permit issued.
 - 2) No sign, except those established and maintained by the Township, County, State or Federal governments, shall be located in, project into, or overhaul a public right-of-way or dedicated public easement.
 - 3) No signs otherwise permitted shall project above or beyond the maximum heights limitation of the use district in which located, except that for a planned commercial or shopping center development involving three (3) acres or more under one (1) ownership, the Board of Appeals may modify the height limitation.
 - 4) All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal government, shall be permitted in all use districts.
 - 5) Accessory signs shall be permitted in any use district.
 - 6) Non-accessory signs shall be permitted only in "I" Districts; except that non-accessory signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the Township and approved by the Building Inspector.
 - 7) Signs used for advertising land or building for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
 - 8) Accessory freestanding signs may be located in the required front yard except as otherwise provided herein.
 - 9) No flashing or intermittent illumination of any kind shall be used on any sign in order to eliminate possible hazard for drivers of motor vehicles.

B. In addition to the above, the following requirements shall apply to signs in the various use districts as follows:

USE DISTRICTS	REQUIREMENTS
R District	For each dwelling unit, one name plate not exceeding two (2) square feet in area, indicating name of occupant
R and RM Districts	For structures other than dwelling units, one (1) identification sign not exceeding ten (10) square feet, except a church bulletin board, not exceeding eighteen (18) square feet.
R and RM Districts	For rental and/or management offices, one (1) identification sign not exceeding six (6) square feet.
RM Districts	Signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent single-family district.
B Districts	No sign shall project beyond or overhang the wall, or any permanent architectural features, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
B Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent residential district.

B Districts	Freestanding, accessory signs or advertising pylons shall not be over one hundred (100) square feet in area.
B and I Districts	Freestanding, accessory signs may be located in the required front yard.
I Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than two hundred (200) feet to any adjacent residential district.
I Districts	Non-accessory signs shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way.
I Districts0	Freestanding, non-accessory signs, not to exceed three hundred (300) square feet in area, are allowed but shall comply with all requirements of Article 15, "Schedule of Regulations" of this Ordinance.

SECTION 1210. EXTERIOR LIGHTING

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

SECTION 1211. CORNER CLEARANCE

In all districts, no fence, wall shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 1212. WALLS

A. Those districts and uses listed below shall be required by the Township Board upon the recommendation of the Planning Commission to construct and maintain on those sides abutting or adjacent to a residential district as specified below one (1) or a combination of the following:

- a. An obscuring masonry wall
- b. An obscuring fence
- c. Fence together with a landscaped greenbelt
- d. An obscuring landscaped greenbelt
- e. Fencing

USES	MINIMUM DIMENSION REQUIREMENTS
1) Off-street Parking Areas	Walls: 4'6" high
2) B-1, B-2 and RM Districts	Fences: 4'6" high
3) I-1 and I-2 Districts	Obscuring Fences: 4'6" high
4) Utility buildings, stations and/or substations, except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential building in the surrounding area, the Board of Appeals may waive the wall requirements.	Fence and Greenbelt: 4'6" high and 10' wide Landscaped greenbelt: 4'6" high and 10' wide

B. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

C. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.

- D. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4'6") in height.

SECTION 1213. USE RESTRICTION

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple-family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

SECTION 1214. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In the AG, SF, and R-1 Districts, there shall not be more than one (1) principal residential dwelling on a recorded lot or parcel. In these districts, every principal residential dwelling shall be in conformance with this ordinance and the Mussey Township Property Division Ordinance. In all other districts the number, location and size of principal structures shall be in conformance with Article 11 (Schedule of District Regulations) and Section 1215 (Site Plan Review).

SECTION 1215. SITE PLAN REVIEW

- A. Developments, Uses Or Activities Requiring Submittal Of A Site Plan.
A site plan shall be submitted to the Township in accordance with the procedures in this section for any of the following activities, uses or developments except single-family and two-family dwellings constructed on a single lot or parcel.
1. All new construction, structural alteration, or substantial change in use, for all principal permitted uses in B-1, B-2, I-1 and I-2 Districts.
 2. All site condominium developments in any district.
 3. All special land uses in any district.
 4. Any use that requires a new, modified, or expanded parking lot.
 5. All multiple family residential developments and mobile home parks.
 6. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
 7. All public buildings, structures and parks.
 8. Private Roads, in accordance with the Mussey Township Private Road Ordinance.
- B. Site plan review process. Site plans shall be reviewed in conformance with the following process:
1. Applicant applies to Township Clerk for pre-application conference with Township planning consultant, to discuss the proposed site plan, review procedures, design elements, and ordinance requirements. (Optional, but strongly recommended).
 2. Applicant initiates site plan review process by submitting the following information to the Township Clerk:

- a. Twelve (12) copies of the completed site plan application form. Note: Incomplete applications, including insufficient plans, will not be processed until required information is submitted.
 - b. Twelve (12) copies of the site plan. A site plan submitted to the Township for preliminary site plan review must contain all of the information set forth in subsection C below.
 - c. Twelve (12) copies of the "Hazardous Substance Reporting Form" and "Environmental Permits Checklist" (provided by Township)
 - d. Payment of all applicable fees.
3. Township Clerk, or designee, distributes complete application and site plan to Planning Commission, engineering consultant and planning consultant for their review. The Planning Commission may require review by other agencies to insure compliance with applicable standards and requirements.
 4. When the completed application and site plan has been reviewed by the planning and engineering consultants, the application will be placed on the agenda of a meeting of the Planning Commission. The applicant will be notified of the date, time and place of the meeting at which the Planning Commission will consider the application.

NOTE: The applicant or a representative should attend all meetings at which their development is scheduled for discussion or action. Failure to appear at the meeting may cause the item to be tabled to the next meeting. The Planning Commission may take action on a scheduled agenda item regardless of the attendance of the applicant or a representative.

5. The Planning Commission conducts preliminary site plan review to determine compliance with applicable ordinance requirements. The Planning Commission will consider all review letters and reports from the planning and engineering consultants and, where necessary, other agencies, together with such information as the applicant may present concerning the application.
6. Upon determination by the Planning Commission that a preliminary site plan is in compliance with the Zoning Ordinance, as amended, and other applicable standards and requirements, the applicant may then proceed to the final site plan review process. Where a preliminary site plan is in compliance except for minor required revisions, or if extensive revisions to the preliminary site plan are necessary to meet applicable standards and requirements, the required changes shall be stated in writing and the applicant shall revise the site plan and resubmit the site plan for final site plan review.
7. The applicant initiates final site plan review by submitting the following information to the Township Clerk:
 - a. Twelve (12) copies of the site plan revised to address all preliminary plan review comments.
 - b. Submission of any additional required information to address preliminary site plan review comments.

8. After submission of the above plans and information, and completion of review and recommendation by the Township planning and engineering consultants (if required), and other agencies, the application will be placed on the agenda of a meeting of the Planning Commission to consider final site plan approval. The applicant shall be notified of the date, time, and place of the meeting.
9. The Planning Commission shall approve, approve with conditions, or deny the final site plan after the Planning Commission has received the review and recommendation of the Township's consultants and other reviewing agencies, together with information the applicant may present concerning the application.
10. Upon approval of the final site plan by the Planning Commission, such approval shall be indicated on the plan.
11. If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the final site plan shall be revised by the applicant and resubmitted to the Township Clerk for verification of compliance with necessary plan revisions. The Township Clerk may request assistance in verifying compliance with required plan revisions from the Planning Commission, Township consultants, or other applicable agencies.
12. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above beginning with submittal of final site plans for Planning Commission review shall be followed.
13. When all conditions of approval are met by the applicant the Township Planning Commission Chair shall stamp the final site plans "APPROVED" and shall transmit copies in accordance with the following:

Copy of Approved Plan Sent To:	Number of Copies of Approved Plan
Applicant	1
Township Clerk	2
Planning Commission Chair	1

14. Applicant applies for building permits.

C. Submission Requirements

1. Site Plan Application Form Contents
 - a. Applicant's name, address and phone number.
 - b. Name of proposed development.
 - c. Common description of property and complete legal description.
 - d. Gross and net acreage.
 - e. Existing zoning of subject property and adjacent properties.
 - f. Detailed description of the proposed use of the land.
 - g. Name, address, and phone number of:

1. Firm(s) or individual(s) who prepared site plan(s)
 2. Legal owner(s) of property
- h. Signature of applicant and legal owner of property.
2. Preliminary Site Plan Submission / Data Requirements. The following information shall be detailed on the preliminary site plan:
- a. Name of development and title block.
 - b. Location map showing site location, major roads, and railroads.
 - c. The site plan shall be drawn to scale not less than one (1) inch equals fifty (50) feet.
 - d. Date, north arrow, and scale
 - e. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - f. Location of all existing and proposed structures and uses on the subject property.
 - g. Required and proposed setback lines and distances between existing and proposed structures on the subject property.
 - h. All existing and proposed aisles, drives, roads, parking areas and number of parking spaces and location of loading areas on the subject property.
 - i. All existing and proposed roadways, structures, drives, parking areas, and pedestrian paths within two hundred (200) feet of the subject property.
 - j. Location and height of all walls, fences, and landscaping.
 - k. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.
 - l. Types of existing and proposed surfacing of all roads, such as asphalt or concrete paving.
 - m. Types of facing materials to be used on structures.
 - n. Elevations (front, sides, and rear views) of all sides of the building(s).
 - o. A floor plan drawing showing the specific use areas of all existing and proposed buildings.
 - p. Seal of registered architect, landscape architect, land surveyor, or civil engineer who prepared the plan.
 - q. Density calculations (for multiple family projects).
 - r. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.
 - s. Designation of units by type of buildings.
 - t. Interior walks and pedestrian or bicycle paths within rights-of-way.
 - u. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
 - v. Trash receptacle and transformer locations and method of screening.
 - w. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
 - x. All utilities located on or serving the site, including water lines / wells and septic / sanitary sewer lines.
 - y. Designation of fire lanes.

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- z. Location and boundaries of wetlands, 100-year flood plains, lakes, streams, rivers, detention basins, drainageways, or other bodies of water, with water elevation levels indicated.
 - aa. Soil types and characteristics using the US Soil Conservation Service "Soil Survey of St. Clair County, Michigan" or more detailed surveys if available.
 - bb. Location, size and types of all proposed signs.
 - cc. Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - dd. Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right of way.
 - ee. Existing and proposed ground contours at intervals of two (2) feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the Township's consulting engineer.
 - ff. Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
 - gg. Such other reasonable and relevant information as may be required by the Township to assist in the review of the proposed development.
3. Final Site Plan Submission / Data Requirements In addition to the preliminary site plan data specified above, the following minimum information must be submitted for final site plan review and approval:
- a. Site engineering plans prepared by a registered civil engineer. Such plans shall be submitted for the Township engineering consultant's review and recommendation prior to Planning Commission consideration of final site plan approval. Plans shall include the following:
 - 2. A proposed grading and drainage plan. The plan shall show proposed finished floor elevations, finished grades at structures, proposed storm water collection system, storm outlet(s), ultimate downstream outlet, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain stormwater so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way. Compliance with engineering standards shall be determined by the Township Engineering consultant. The Planning Commission shall require compliance with engineering standards, subject to the Township consulting engineer's final approval, as a condition of final site plan approval.
 - 3. All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed method of fire suppression where applicable. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.

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4. Proposed streets and drives showing types of surfacing, whether public or private, and grade elevations.
5. Modifications to the site plan demonstrating compliance with all preliminary site plan review conditions of approval.

D. Site plan review criteria. In reviewing site plans, the Planning Commission shall consider and require compliance with the following:

1. All application and site plan review submittal criteria have been met.
2. The final site plan is in full conformance with all applicable zoning ordinance requirements.
3. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
4. On-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.
5. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or proposed developments.
6. Utility service, including proposed water, sanitary sewer / septic and stormwater runoff systems are sufficient to fulfill the projected needs of the development and the recommendation of the Township consulting engineer. Approval by a state or county department having jurisdiction, such as the Department of Health, Drain Commission or Road Commission, may also be a prerequisite to approval.
7. Notwithstanding any other provisions of this ordinance, the Township may require as a condition of final site plan approval, landscaping, berming, fencing, construction of walls, marginal access drives or other appurtenances as necessary or desirable to promote the health, safety, and welfare of the community, to provide adequate protection to surrounding properties, to preserve and promote the character of the district and the intent of this chapter, and to achieve a lasting and desirable improvement to the community.
8. For developments which include a private road, demonstrated conformance with the Mussey Township Private Road Ordinance.

E. Site Plan Review Standards for Groundwater Protection. The following provisions shall apply to all uses and facilities which require site plan review under the provisions of this ordinance.

1. Hazardous Substances and Polluting Materials are defined as a chemical or other material which is or may be injurious to the public health, safety, or welfare or the environment.
2. Site Plan Review Information Requirements

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- a. The applicant for site plan review shall complete and submit the "Hazardous Substances Reporting Form for Site Plan Review" and the "Environmental Permits Checklist" at the time of application for site plan review (forms provided by Township).
- b. The Township may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.
- c. The site plan shall detail the location of the following:
 1. Public or private wells on-site and on adjacent sites.
 2. Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.
 3. Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
 4. Underground storage tanks. (Note material to be stored)
 5. Above-ground storage tanks. (Note material to be stored)
 6. Exterior and interior drains, dry wells, catch basins, retention / detention areas, sumps, and other facilities designed or intended to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 7. Areas on the site which are known or suspected to be contaminated, along with a report on the status of clean-up efforts, if applicable.

3. Groundwater Protection Standards

a. General

1. The project shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to insure the absence of an impairment, pollution, and/or destruction of the air, water, or other natural resources.
2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.
3. Floor drains shall be connected to a public sewer system, an on-site holding tank without an outlet, or a system authorized by through a state groundwater discharge permit.
4. Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater, or surface water.

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5. State and Federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, whether direct or indirect, shall be allowed without required permits and approvals.
 6. In determining compliance with the standards in this ordinance, the Township may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.
- b. Above-ground Storage and Use Areas for Hazardous Substances and Polluting Materials
2. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 3. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage and vandalism.
 4. Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.
 5. Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or run-off to floor drains, rivers, lakes, ponds, wetlands, groundwater or soils.
- c. Underground Storage Tanks for the Storage of Hazardous Substances and Polluting Materials
1. Existing and proposed underground storage tanks shall be registered with the authorized state agency in accordance with applicable state and federal law.
 2. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the authorized state agencies. Leak detection, corrosion protection, spill prevention, and secondary containment requirements shall be met. Records of monthly monitoring and inventory control shall be retained and available for review by government officials in the event of a product release or spill.

3. Out-of service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal agencies.
- d. Sites With Contaminated Soils and / or Groundwater
1. Site plans shall detail the location and extent of any contaminated soils or groundwater on the site.
 2. Written verification from the authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on-site and clean-up efforts underway or anticipated.
- F. Expiration of site plan approval. The approval of any preliminary site plan under the provisions of this ordinance shall expire and be void one (1) year after the date of such approval unless final site approval has been granted, or is in an active stage of review. Approval of any final site plan under the provisions of the ordinance shall expire and be void one (1) year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit. Upon expiration of a final site plan approval, all preliminary site plan approvals shall expire.
- G. Fees. Any application for site plan approval, preliminary or final, shall be accompanied by a fee as determined from time to time by resolution of the Township Board.
- H. Performance bond for utility connections. An application for final site plan approval that requires the installation of, modification of, or connection to public utilities, such as water, storm sewer, or sanitary sewer lines, shall be accompanied by appropriate performance bonds for utility connections. The amount of such bonds shall be established by resolution of the Township Board.
- I. Approval and Issuance of Building Permits. Building permits shall not be issued until site plan approval has been granted by the Planning Commission and, where applicable, the Township engineering consultant has approved the final engineering plans for the site.
- J. Amendments of Approved Site Plans
1. An approved site plan may be amended by written application to the Township Clerk in accordance with the submittal and review procedures for site plan review detailed in Section 1215B. Where the changes are minor, the Planning Commission may waive the Preliminary Site Plan Review process and review and act upon the proposed amendment during final site plan review.
 2. Any actual construction or plan changes made during construction which are not approved by the Planning Commission and which differ from an approved site plan shall be made at the applicant's own risk without any assurances that the Planning Commission will approve such changes. It shall be the responsibility of the developer and / or applicant to apply for and receive site plan approval for any modifications to approved site plans.

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- K. Inspection. Inspections of all construction shall be conducted by the building inspector and administrative official. Inspections for private roads shall conform with the Mussey Township Private Road Ordinance.
- L. Staging or Phasing of Development. Whenever a project is proposed to be developed in stages, each stage shall be clearly denoted on the preliminary and final site plan. Site plan review and approval shall be required for each subsequent stage which is proposed to begin later than one (1) year after the original approval.
- M. Violations and Enforcement. Violations and enforcement of the provisions of this Section shall be addressed in accordance with the provisions in Section 1512.

SECTION 1216. ACCESS REQUIREMENTS

- A. All uses in every use district shall abut and have direct access to a public street with a minimum right-of-way width of sixty-six (66) feet, except as modified by subsection 1216-B below.
- B. All uses in a business or industrial district which fronts upon Capac Road between the south Township Limits near Capac and the I-69 Freeway shall be designed to minimize the number of driveways with access onto Capac Road. In order to facilitate this goal, the site plan for all such uses shall include an easement dedicated to the Township Board for the purpose of establishing a service drive for the joint use of nearby businesses. Beginning at the proposed 120 foot right-of-way line which shall be measured 60 feet either side of the existing centerline, the front 25 feet of the required front yard, except necessary entrance drives, shall be landscaped as a greenbelt for the full width of the property. The next 25 feet, for the full width of the property, shall be the area dedicated as an easement to the Township. The easement shall permit the establishment of a service drive for the purpose of reducing direct access onto Capac Road. The Township Planning Commission shall have the right to require use of the service drive easement in lieu of an individual driveway entrance onto Capac Road.

SECTION 1217. SWIMMING POOLS, PRIVATE

Private swimming pools may be permitted provided a building permit is obtained. Plans and construction shall meet the requirements of the State Health Department. Swimming pools shall not be constructed or placed nearer to the street than the established front line. In-ground pools shall be securely fenced with a chain link or other non-climbable fence and have self-closing fence gates which shall be kept locked when the pool is not in use. Above-ground pools shall have swing-up steps or a similar method of controlling entry to the pool which shall be kept locked when the pool is not in use.

All electrical installation or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement of right-of-way which has been granted for public utility use.

SECTION 1218. PERFORMANCE GUARANTEE

Whenever improvements such as paving of parking areas, greenbelt, screen walls, or other improvements are required by this Ordinance they shall be shown on a site plan for the proposed use. In addition, the owner of the subject property shall deposit with the Township Clerk a performance guarantee in the amount of 10% of the estimated cost of the required improvements. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

SECITON 1219. BASEMENT AND/OR GARAGE DWELLING PROHIBITED

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, with the exception of a caretaker's residence, shall not be occupied for dwelling purposes. No basement or cellar shall be used or occupied for dwelling purposes at any time.

SECTION 1220. PONDS

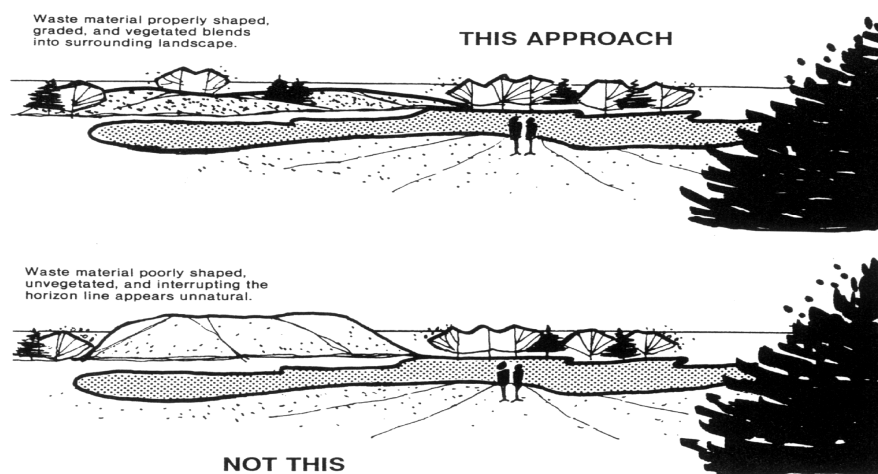
Private residential ponds, and agricultural or farm ponds may be permitted on a minimum of five (5) acres in certain districts specified in this Ordinance, subject to the following special standards:

- A. A zoning compliance permit shall be required for the construction, enlargement, or cleaning of all private residential, agricultural, or farm ponds. The property owner shall submit an application to the Township Clerk, for review by the Township Building Official. The application shall be accompanied by a site plan that demonstrates compliance with subsections B – V below.
- B. There shall be a side and rear yard setback of at least fifty (50) feet from the edge of the excavation to the property lines. There shall be no excavation within the required front yard setback.
- C. A minimum setback of fifty (50) feet shall be maintained from the edge of excavation to the nearest point of any single-family home, or accessory building and twenty-five (25) feet from any driveway.
- D. There shall be a minimum setback from any well, any septic tank and tile disposal field of at least one hundred (100) feet.
- E. The pond may occupy up to a maximum of twenty percent (20%) of the lot or property upon which it is placed.
- F. At least one side of all ponds shall be constructed with a maximum slope of 5:1 (five feet horizontal to one foot vertical). In no case shall any other slope exceed 3:1.
- G. Natural drainage courses encountered during the construction, enlargement, or cleaning of a pond shall not be altered in any way that would cause them to no longer function. If necessary, natural drainage courses shall be rerouted around the pond by the owner and the contractor constructing the pond.

- H. No pond shall be constructed, enlarged, cleaned or otherwise altered in a manner that causes pond overflow water to run off onto adjacent lots or parcels. Discharge of water from a natural or artificial pond shall be controlled through the engineering of an outlet to an appropriate natural waterway or County Drain.
- I. Use of any residential, agricultural or farm pond by the public for swimming, fishing or the like, is prohibited.
- J. No pond shall be located directly beneath an overhead electrical line, wire or conductor, nor within ten (10) feet horizontally of any overhead electrical line.
- K. Excavated materials, in excess of 1,000 cubic yards, may not be hauled off the site unless a mining permit is obtained pursuant to Section 1310 of this Ordinance.
- L. Ponds that will disturb over one (1) acre of land shall obtain a Soil Erosion Control Permit from the St. Clair County Drain Commissioner and all work shall be done in a manner that strives to protect the property and adjoining properties against soil erosion. Ponds of five (5) acres or more in size, or connected to an existing lake or stream, or located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream, shall obtain a permit from the Michigan Department of Natural Resources.
- M. The pond shall be located and the property graded so as to prevent sewage or run-off from barnyards from draining into the pond.
- N. All work shall be done in a manner that prevents soil erosion on the subject property and on adjoining properties.
- O. If requested by the building inspector or the zoning administrator, the applicant shall submit written verification from the Michigan Department of Environmental Quality that the proposed pond will not impact a wetland as regulated by the MDEQ under Act 203 of 1979, as amended.
- P. It is strongly recommended that Deep Water Signs (available from Natural Resources Conservation Service) be posted and a minimum of one (1) life ring be at the site on a length of rope at least ½ the width of the pond.
- Q. The Building Inspector may require a detailed drainage plan, prepared by a professional registered civil engineer, where the Building Inspector determines such a plan is necessary to insure that the proposed pond and associated placement of spoils on-site will not negatively impact drainage patterns both on and off the site.
- R. On-site dispersal of excavated material shall be in accordance with the following guidelines:
 - 1. Excavated materials shall be contoured or used to create berms with a maximum slope of 1:3. The berm shall not exceed thirty-six inches in height and shall be located a minimum of twelve (12) feet from the edge of the pond.

2. Where excavated materials are bermed or otherwise will result in an increase in grade, the materials shall be contoured to avoid interruption of the horizon by ~~with~~ the top layer of the redistributed materials. The following graphic illustrates the desired visual effect of this subsection.
3. All excavated material shall be suitably graded and seeded or otherwise covered with grass or other living groundcover so as to prevent erosion and to visually incorporate redistributed excavated materials into the surrounding landscape.

PROPER USE OF OVERBURDEN FOR PRIVATE RESIDENTIAL PONDS



- S. All applications for pond approval shall be accompanied by a permit fee, in an amount established by resolution of the Township Board.
- T. A performance bond, in an amount established by resolution of the Township Board, shall be posted by the applicant prior to issuance of a permit to insure completion of all required improvements.
- U. All approved ponds shall be completed within six (6) months of issuance of the permit. The Building Inspector may grant one six (6) month extension of the permit where the applicant shows that substantial progress is being made.
- V. To discourage ponds from becoming a breeding ground for mosquitoes, all ponds shall be designed to maintain a minimum depth of 10 feet, combined with the safe slope requirements of subsection F above.

SECTION 1221. TRAFFIC IMPACT STUDY REQUIREMENTS

A. Intent

Mussey Township recognizes the direct correlation between land use decisions and traffic operations. The intent is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making. This Section is further intended to help achieve the following objectives:

1. Provide a standard set of analytic tools and format for preparing traffic impact studies.
2. Allow the community to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
3. Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.
4. Reduce the negative traffic impacts created by individual developments, and which may negatively impact such developments, by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
5. For rezoning, the traffic impact study is intended to evaluate if the rezoning is timely and, if inconsistent with the master plan, if the rezoning would be a logical alternative to the master plan, from a traffic perspective.
6. Realize a comprehensive approach to the overall impacts of developments along a corridor or within part of a community rather than a piecemeal approach.
7. Provide direction to community decision makers, road agencies and developers of expected impacts of a project.
8. Alert the community, transportation agencies, and developers of improvements or modifications needed to the roadway, access or site design.
9. Protect the substantial public investment in the existing street system.

B. Definitions

The following terms used in this ordinance shall be defined as follows:

1. **Development:** A site plan, subdivision tentative preliminary plat, condominium project, mobile home park, redevelopment, reuse or expansion of a use or building.
2. **Average Day:** A Tuesday, Wednesday, or Thursday for most uses. The average day may be a Saturday for uses that have higher peak-hour traffic volumes on a Saturday rather than mid-week.

3. **Gap (Critical Gap):** The median time headway (in seconds) between vehicles in a major traffic stream which will permit side-street vehicles at STOP or YIELD controlled approach to cross through or merge with the major traffic stream under prevailing traffic and roadway conditions.
4. **Level of Service:** A qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.
5. **Master Plan:** The Master Plan for Land Use adopted by Mussey Township Planning Commission which illustrates the intended future land use pattern and may also describe road functional classifications and intended improvements to the transportation system (i.e., Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, etc.).
6. **Peak Hour:** A one hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour); or representing the hour of highest volume of traffic entering or exiting a site (peak hour or generator).
7. **Study Area:** The geographic area containing those critical arterial intersections (and connecting roadway segments) which are expected to be affected by the site-traffic generated by a development.
8. **Traffic Impact Study:** The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project - Abbreviated Traffic Impact Assessment, Rezoning Traffic Impact Study , and Traffic Impact Statement.
9. **Trip:** A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.

C. Applicability

A traffic impact study shall be required and shall be submitted by a petitioner for a rezoning, preliminary site plan, concept plan or subdivision plan (tentative preliminary plat) under any of the situations listed below. The type of study required shall be dependent upon the type and scale of the proposed use and existing traffic conditions.

1. A "Rezoning Traffic Impact Study" for the following Rezoning amendment requests:
 - a. Any proposed change of zoning from residential to a non-residential category.
 - b. Any proposed change of zoning from single family residential to multiple family residential.
 - c. Any other proposed zoning that would likely increase trips generated per day to and from the subject site by 1,000 or more over one or more principal uses permitted in the existing zoning district, as determined by the Planning Commission following a traffic analysis and recommendation by the Township's Planning Consultant.

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2. Development Proposals: site plans, plats, mobile home park plans and condominium projects:

- a. A Traffic Impact Statement shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day. The following table shall be used by the Planning Consultant as a guideline in making a recommendation to the Planning Commission. The Township Planning Commission shall determine if a traffic impact statement is required.

Examples of Land Use Size Thresholds Based on Trip Generation Characteristics ⁽¹⁾⁽²⁾		
Land Use	100 Peak Hr - Peak Direction	750 Trips Daily
Single Family	150 units	70 units
Apartments	245 units	120 units
Condominiums/Townhouses	295 units	120 units
Mobile Home Park	305 units	150 units
Shopping Center/Retail (GLA) ⁽³⁾	15,500 sq. ft.	2,700 sq. ft.
Fast Food Rest. w/drive-in (GFA)	5,200 sq. ft.	1,200 sq. ft.
Convenience Store w/gas (GFA) ^{(3) (5)}	1,300 sq. ft. or 5 pumps	1,000 sq. ft.
Banks w/drive-in (GFA)	4,400 sq. ft.	2,800 sq. ft.
Hotel/Motel	250 rooms	90 rooms
General Office	55,000 sq. ft.	45,000 sq. ft.
Medical/Dental Office	37,000 sq. ft.	26,000 sq. ft.
Research & Development	85,000 sq. ft. / 4.5 acres	70,000 sq. ft. / of 4 acres
Light Industrial	115,000 sq. ft./ 8 acres	115,000 sq. ft./ or 11.5 acres
Manufacturing	250,000 sq. ft.	195,000 sq. ft.
Church ⁽⁷⁾	17,300 sq. ft.	20,500 sq. ft.
Day Care Centers	220 students	160 students

1. Rates/equations used to calculate the above thresholds are the Trip Generation, 5th Editions, 1991, by the Institute of Transportation Engineers
2. For example, a full traffic impact study should be completed (100 peak hour, peak direction trips generated) if 150 or more single family units are proposed for a site.
3. GLA = Gross Leaseable Area; GFA Gross Floor Area.
4. Using AM peak-hour/equations would produce a lower threshold. However, adjacent roadway volumes are usually higher during the PM peak hour.
5. Uses both "Service Station with Market" and "Convenience Market with Pumps" data.
6. Uses Convenience Market (24-hour) data (ITE 851).
7. Based on Sunday data

For further trip generation characteristics of the above land uses, or of other uses not illustrated above, refer to the latest version of Trip Generation.

- b. An Abbreviated Traffic Impact Assessment shall be required for the following projects: sit-down restaurants with more than 150 seats, fast-food restaurants, banks and savings institutions, and convenience/party stores; provided, however, that if one or more threshold in Table 1 is met, then a complete Traffic Impact Statement shall be prepared.

- c. A Traffic Impact Statement or Assessment, based on the threshold in C,1 and C,2 above, shall be required for new phases or substantial changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly.
- d. Special land uses, shall be required to provide a traffic impact statement based on the thresholds in items C,1 and C,2.

D. Traffic Impact Study Contents:

1. Description of the site, surroundings, and study area: Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a descriptions of any committed roadway improvements. The study should define and justify the study area selected for analysis.
2. Description of the requested zoning or use.
 - a. Traffic study for a rezoning shall include: a description of the potential uses which would be allowed, compared to those allowed under current zoning. If the use is not consistent with the community's master plan, an explanation of the difference should be provided.
 - b. Traffic study for a site plan review, mobile home park, condominium project or subdivision tentative preliminary plat, or Special Land Uses shall include a description of factors such as the number and types of dwelling units, the gross and useable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
3. Description of existing traffic conditions.
 - a. Traffic counts: Existing conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the Planning Consultant at a pre-application conference or discussion, should be provided for projects requiring a Traffic Impact Statement. Traffic count data shall not be over (2) years old, except the Township count data shall not be over two (2) years old, except the Township may permit counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two percent (2%) annually in the past three to five years.
 - b. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks. Additional counts (e.g., on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing average or higher than average volume conditions (i.e. regarding weather or seasonal variations and in consideration of any construction or special events) for the area under study.

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- c. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configuration, geometrics, signal timing, traffic control devices, posted speed limits, and any sight distance limitations. Except for Rezoning Traffic Studies, existing levels of service shall be calculated for intersections included within the study area.
- d. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described (not required for Rezoning Traffic Study).
- e. The existing and proposed right-of-way shall be identified (not required for Rezoning Traffic Study).

4. Background Traffic Growth.

For any project requiring a Traffic Impact Statement with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of completion along the adjacent street network using historic annual percentage increases and/or future development in the area which has been approved. This component is not part of an Abbreviated Traffic Impact Assessment or Rezoning Traffic Study.

5. Trip Generation.

- a. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
- b. For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Commission or Planning Consultant. For Traffic Impact Assessments or Statements, the rates for the specific use(s) proposed shall be used.
- c. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the Township. The community may elect to reduce the trip reduction rates used.
- d. For projects intended to be developed in phases, the trip generation by phase shall be described.

6. Trip Distribution (for Assessments and Statements only; not for Rezonings)

The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and, for Traffic Impact Statements, at nearby intersections. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the

distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.).

7. Impact Analysis (for Traffic Impact Statements only)

Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Before and after capacity analysis shall also be performed at the closest signalized intersection for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion, as determined by the Township.

8. Access design/Access management standards. (Not required for a Rezoning Traffic Study).

The report shall include a map and description of the location and design of proposed access (driveway or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within 200 feet on either side of the main roadway, data to demonstrate the number of driveways proposed in the fewest necessary, support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of Mussey Township and the applicable road agency.

9. Other study items.

The traffic impact study (Assessment or Statement) shall include:

- a. Need for, or provision of, any additional right-of-way where planned or desired by the Township or applicable road agency.
- b. Changes which should be considered to the plat or site plan layout.
- c. Description of any needed non-motorized facilities.
- d. If the use involves a drive-through facility, the adequacy of the (queuing or stacking) area should be evaluated.
- e. If a median crossover is desired, separate analysis should be provided.
- f. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordination timing, etc.
- g. Description of site circulation and available sight distances at site driveways.

10. Mitigation/Alternatives.

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers / lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Proposed mitigation measures shall be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

11. Qualifications.

Preparer. The preparation of a thorough traffic impact study requires extensive background and experience in traffic-related analysis. Therefore, the experience of the preparer best defines his or her ability to provide a technically sound analysis. Preparer requirements are outlined below.

a. The person responsible for the preparation of the study shall meet the following requirements:

- (1) Three or more years of recent experience in the preparation of traffic impact studies.
- (2) The development of impact studies (and similar intersections and/or corridor analysis) comprise a major component of the preparer's recent professional experience. This requires ongoing experience and familiarity with the Highway Capacity Manual techniques as well as the computer software (Highway Capacity software and others) that provide level of service results and other analysis findings needed to fully assess potential impacts.
- (3) Specific education, training, and/or professional coursework in traffic impact analysis from an accredited college or university or other professional transportation training organization (i.e. National Highway Institute, Northwestern University Traffic Institute, etc.).
- (4) The study preparer shall be an associate (or higher) member of one or more professional transportation-related organizations, i.e., the Institute of Transportation Engineers (ITE) or the Transportation Research Board (TRB). This helps ensure that the preparer is maintaining their knowledge as new research is published and analysis techniques are changed or refined.

b. In addition, the preparer should have one of the following professional qualifications:

- (1) A registered engineer (PE).
- (2) A community planner with AICP or PCP certification.
- (3) A trained professional transportation planner.

c. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.

- d. The study should include a resume of the preparer responsible for the report. The study may also include relevant experience of the preparer's firm. The study should also be signed by the preparer with full recognition of potential liability for the results and recommendations outlined in the report.

Reviewer. Review of the study is important to insure that the analysis and recommendations are based on accepted practices. The traffic impact study shall be reviewed by a trained traffic engineer or transportation planner. The qualifications of the reviewer should parallel those of the preparer's as outlined above.

E. Procedures

1. The applicant shall discuss or meet with the Township Planner to determine if a study is needed, what type of study is needed and specific items to be addressed.
2. The applicant submits traffic impact study to the community, with the request for rezoning or preliminary development proposal. A revised study may be required as the scope and details of the request change.
3. The Township distributes the traffic impact study to the appropriate reviewers. A copy may also be submitted to the metropolitan planning organization, transit agency, etc. as appropriate for projects or regional significance or along critical corridors.
4. Reviewers provide community with comments prior to any action on the project.

F. Waiver of Study Requirements

The requirement for a traffic impact study, or the study elements listed in Section D. "Traffic Impact Study Contents" may be waived/modified by the Planning Commission, after a traffic analysis and recommendation by the Township's Planning Consultant. Reasons for the waiver or modifications shall be documented. Factors to be considered include:

1. The existing level of service along the roadway is not expected to drop below LOS "C" due to the proposed project.
2. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
3. A similar traffic study was previously prepared for the site and is still considered applicable.

SECTION 1222. STANDARDS FOR CONDOMINIUM SUBDIVISION REVIEW

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Planning Commission. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Township Attorney, Township Engineer and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with requirements of

the Condominium Act and applicable Mussey Township ordinances, including the Zoning Ordinance, Subdivision Regulations Ordinance, and the Private Road Ordinance.

A. Definitions.

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Subdivision Regulations Ordinance with the Condominium Act.

1. "Condominium Act" means Act 59 of 1978, as amended.
2. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Subdivision Regulations Ordinance.
3. "Condominium subdivision plan" , per the Condominium Act, means the site, survey and utility plans; floor plan; floodplains plans; and building sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements, and provisions for the maintenance of common areas.
4. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
5. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
6. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
9. "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

10. "Front yard setback" shall be equal to the distance between the front yard area line and the condominium dwelling.
11. "Lot" shall mean the same as "Homesite" and "Condominium Unit".
12. "Mobile home condominium project" means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.
13. "Master deed" means the condominium document recording the condominium project as approved by the zoning administrator and Mussey Township Planning Commission to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
14. "Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.
15. "Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.

B. Condominium Subdivision Plan - Required Content.

All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act and the following:

1. A survey plan of the condominium subdivision.
2. A floodplain plan, if the condominium project lies within or abuts a floodplain area.
3. A site plan showing the location, size, shape, area and width of all condominium units.
4. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
5. A street construction, paving (if applicable), and maintenance plan for private streets within the proposed condominium subdivision.
6. A storm drainage and stormwater management plan, including all lines, swells, drains, basins, and other facilities.

C. Easements For Utilities

The condominium subdivision plan shall include all necessary easements granted to Mussey Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewer, water and storm water run-off across, through and under the property subject to said

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easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

D. Private Streets

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of the Mussey Township Private Road Ordinance. In addition, all private streets in a condominium subdivision which are proposed to have a paved driving surface of asphalt or concrete shall meet the minimum design and construction standards of the St. Claire County Road Commission.

E. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 48 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

F. Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this ordinance for the district in which the project is located, shall be approved by the Planning Commission, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

G. Subdivision of Condominium Units

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, shall be made part of the bylaws and recorded as part of the master deed.

H. Mobile Home Condominium Project

Mobile Home condominium projects shall conform all requirements of this ordinance and shall be located only in a MHP Mobile Home Park District.

I. Condominium Subdivision Layout, Design and Approval

All Condominium Subdivision Plans shall conform to the plan preparation requirements, review and approval procedures; design, layout and improvements standards of the Mussey Township Subdivision Regulations Ordinance as amended. The requirements for final plat approval in the Subdivision Regulations Ordinance shall not apply to condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium subdivision plan by the Planning Commission. Nothing in this section shall be construed as a requiring a condominium subdivision to obtain plat approval under the Subdivision Regulations Ordinance or the Subdivision Control Act.

SECTION 1223. TEMPORARY TRAILERS

A temporary recreational vehicle or trailer holding a valid road license may be permitted in the Agricultural (AG), Single-Family Rural Residential (SF), and Single-Family (R-1) Districts, in order to temporarily house the owner and secure tools and materials for the principal single-family dwelling under construction. Prior to issuance of a building permit to locate the temporary recreational vehicle or trailer on the parcel, the Building Inspector shall find that the following standards are met:

- A. A temporary recreational vehicle or trailer may be erected on a parcel after issuance of a building permit for the principal single-family dwelling and after installation, inspection and approval of the foundation for the principal single-family dwelling by the Building Inspection.
- B. The temporary recreational vehicle or trailer shall be permitted for a period not to exceed six months from the date of issuance of a building permit for the temporary recreational vehicle or trailer during the actual construction on the property of the owner's principal single-family dwelling. A single six (6) month extension may be granted by the Building Inspector, provided that substantial progress has been made toward completion of the principal single-family dwelling in accordance with the building permit.
- C. The temporary recreational vehicle or trailer shall contain only those tools and materials that will be used to construct the principal single-family dwelling on the site. It may not serve as a storage facility for materials being used off-site.
- D. The temporary recreational vehicle or trailer shall be properly connected to approved sanitary facilities prior to issuance of the building permit for the temporary recreational vehicle or trailer. Permits shall be secured from the County Health Department and any other applicable approving authorities prior to issuance of the building permit. This shall be construed to require the installation of an approved septic system and domestic water supply well prior to occupancy as a temporary dwelling. The temporary recreational vehicle or trailer may house only the owner and immediate family members.
- E. A maximum of one temporary recreational vehicle or trailer may be permitted per parcel.
- F. The temporary recreational vehicle or trailer shall hold a valid road license for the duration of time in which the temporary permit is valid.
- G. The temporary recreational vehicle or trailer shall meet the setback standards of Article 11 and shall not be permitted within a dedicated easement or right-of-way.
- H. The temporary recreational vehicle or trailer shall not be located closer than 10 feet to any other structures or lot line.
- I. The temporary recreational vehicle or trailer shall not exceed the ground-floor area of the principal single-family dwelling.
- J. The temporary recreational vehicle or trailer shall be removed within two (2) weeks of issuance of a certificate of occupancy for the principal single-family dwelling. Prior to the issuance of a permit for

the temporary recreational vehicle or trailer, the property owner shall deposit with the Township a performance guarantee as established by the Township Board to insure removal of the temporary recreational vehicle or trailer in the time period specified above.

SECTION 1224. SINGLE-FAMILY DWELLING UNIT STANDARDS

All single-family dwelling units in the Agriculture (AG) District and Single-Family Rural Residential (SF and R-1) Districts, and any additions or alterations thereto, whether site-built or factory-built, other than manufactured homes located in a licensed manufactured home park approved under the provisions of Section 601.D, shall comply with the following regulations:

- A. All such dwelling units must meet the current construction standards of the State of Michigan and Mussey Township prior to being brought into the Township and prior to issuance of a building permit. The minimum acceptable standard for factory-built homes shall be the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24 CFR 3280, and as from time to time such standards may be amended.
- B. All such dwelling units shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, lot size, setback, and yards in the district in which they are located, including Section 1100 of this ordinance.
- C. All additions shall be constructed with similar quality materials as the original structure and shall be permanently supported by the anchored to an approval foundation.
- D. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect in the Township. The foundation shall have a wall of the same perimeter dimensions as the dwelling, and constructed of such materials and type as required in the building code for single family dwellings. In the event that the dwelling is a manufactured home, 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.
- E. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the St. Clair County Health Department.
- F. All such dwellings shall be compatible in design and appearance to homes in the neighborhood in which they are located. The determination of compatibility shall be based upon compliance with the following standards:
 1. Hip, gable, shed, gambrel, or similar types of roofs shall have a minimum pitch of 3/12. Flat roof styles shall comply with the Building Code.
 2. The dwelling shall have steps and/or porches which provide access to exterior doors, and which are comparable to steps and/or porches to homes typically found in the neighborhood in which it is to be located.

3. There shall be at least two (2) exterior doors to the living portion, and these doors shall be located on two (2) different sides of the dwelling.

ARTICLE 13 - SPECIAL LAND USE APPROVAL REQUIREMENTS

SECTION 1300. GENERAL REQUIREMENTS AND PROCEDURES

- A. For all special land uses, a site plan shall be submitted to the Mussey Township Planning Commission and conform to the Requirements and Procedures for Site Plan Review set forth in Section 1215. If the plans meet the required standards of this ordinance, Article and applicable section and indicate no adverse effects, which in the opinion of the Planning Commission, cause injury to the residents, users or adjoining property, or the Township as a whole, the Planning Commission shall approve the use. The Planning Commission shall have sole power to approve or disapprove all special land uses. In consideration of all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.
1. The proposed special land use shall be of such locations, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
 2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
 3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
 4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
 6. The proposed use is necessary for the public convenience at the proposed location.
 7. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.

8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- B. Approval. If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit is pursuant thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.
- C. Denial. If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
- D. Record. If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
- E. Hearings. The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by State law and/or its rules or procedure.
- F. Conditions. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State law and this ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:
- 1) Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

- 3) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent to the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

SECTION 1301. AIRPORTS

Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations may be permitted in the AG District subject to the provisions of this ordinance and the following special standards:

- A. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the Township. All aircraft approach lanes, as established by appropriate aviation authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies, in considering an airport use.

- B. Yard and Placement Requirements

- 1) No building or structure or part thereof, shall be erected closer than sixty (60) feet from any property line.
- 2) Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.

- C. Performance Requirements

All lights, used for landing strips and other lighting facilities, shall be so arranged as not to reflect towards adjoining nonairport uses.

- D. Prohibited Uses

The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.

- E. Off-street Parking Requirements

- 1) One (1) parking space shall be required for every three (3) airplanes stored on the site.
- 2) All off-street parking shall be paved and constructed to the standards of this ordinance.

SECTION 1302. CEMETERIES

Cemeteries may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. The area to be occupied by the cemetery shall not have more than fifty one (51) percent of its land area in recorded plots.
- B. The continuity of all roads present or planned for adjacent areas shall be satisfactory resolved to provide safe and prompt access and egress to and from such areas.
- C. All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
- D. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall or fence, four feet six inches (4'6") in height, measured from the surface of the ground. The Planning Commission may permit a "chain-link" type fence adequately screened with deciduous and evergreen material.
- E. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer and the St. Clair Health Department.

SECTION 1303. CHURCHES AND PUBLIC BUILDINGS

Churches and public buildings may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. Site Requirements
 - 1) Minimum site shall be three (3) acres on a continuous parcel.
 - 2) The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
- B. Yard and Placement Requirements
 - 1) Front and rear yard - same as those listed for the district in which the special land use is requested.
 - 2) Side yard - same as those listed in the requested district for permitted nonresidential uses.
 - 3) Maximum lot coverage - same as for the district in which the special land use is requested.

C. Off-Street Parking

- 1) A facility without fixed seats or pews shall have one (1) parking space for every one hundred (100) square feet of usable floor area.
- 2) No off-street parking shall be permitted in the front yard space.
- 3) All off-street parking shall be paved and constructed to the standards of this ordinance.

SECTION 1304. COMMERCIAL, OUTDOOR RECREATION

Commercially used outdoor recreational space for adult or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges are permitted in the B-2 District subject to the following special standards.

- A. All lighting shall be shielded from adjacent residential districts.
- B. Parking areas shall be provided off the road right-of-way and shall be fenced with a four foot, six inch (4'6") wall or fence where adjacent to a residential district or existing residential use.
- C. Children's amusement parks must be fenced on all sides with a four foot, six inch (4'6") wall or fence.
- D. No loud speaker or public address system shall be used except by the written consent of the Township Board wherein it is deemed that no public nuisance or disturbance will be established.

SECTION 1305. DISPOSAL AREAS

Disposal areas and landfills are permitted in AG districts subject to the requirements of this ordinance and the following special standards:

- A. The location of all disposal areas within said districts shall be sufficiently distant from pre-existing development so as not to be injurious to public health, safety and welfare, and in no instance shall the operation of the landfill be setback less than five hundred (500) feet from the road right-of-way and from any residential home, and the side line setback shall be a minimum of one hundred (100) feet from the property line of said licensee for the operation of said landfill.
- B. Disposal area activity shall only be allowed as a special land use activity within zoning districts specified in this Ordinance and subject to the provisions of this article.

The purpose of these procedures is to provide for the use of lands and disposal areas and to regulate and control said use for the preservation of public health, safety and welfare. Disposal areas are considered to be a temporary use of land only, therefore, the further intent of those provisions is to assure that such operations are conducive to and result in the reclamation of the land for other purposes. The requirements of this section shall be in addition to the requirement of all applicable State Laws.

- 1) Licensing Procedures:

- a) An application for the approval of a disposal area license shall be made by an owner of an interest in the land on which the disposal area is to be located to the Township Clerk. The Mussey Township Board is the final authority to issue the license applied for hereunder after receiving the approval of the Mussey Township Planning Commission for the special land use. The application shall be accompanied by information and documents identical to that presented to the Michigan Department of Public Health as required by State Law, and the regulations promulgated pursuant thereto. Further, each application shall include a description of existing development within a one-half (½) mile radius of the proposed disposal area. All applications shall be accompanied by a fee to be established by the Township Board to defray the costs of processing the same and to cover engineering and legal expenses.
- b) All licenses issued hereunder shall expire December 31st of each year but may be renewed upon payment of an annual fee of Twelve Hundred (\$1,200.00) Dollars if the licensee has complied with all of the requirements of the license issued. The Mussey Township Board may revoke any license upon breach of any condition, safeguard or requirement provided for here in this ordinance or in the license issued and the licensee's bond would be forfeited. A license shall not be assignable.
- c) Each licensee shall submit a corporate surety bond for a sanitary landfill in an amount equal to Seven Hundred Fifty (\$750.00) Dollars per acre of disposal area, but not less than Five Thousand (\$5,000.00) Dollars. Each bond shall provide assurance for the maintenance of finished landfill site for a period of five (5) years after the landfill is completed. Surety bonds for other disposal areas shall be in amount equal to one quarter of one percent of the construction cost of the facility but shall not be less than Five Thousand (\$5,000.00) Dollars.
- d) This ordinance does not prohibit an individual from disposing of refuse from his own household upon his own land as long as such disposal does not create a nuisance or hazard to health. Rubbish accumulated as a part of the improvement or the planting of privately owned farmland may be disposed of on the property provided the method used is not injurious to human life or property or unreasonably interferes with the enjoyment of life and property.
- e) No license shall be issued until a certification of insurance is filed with the Township Clerk indemnifying the Township of Mussey in the amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars each person and Five Hundred Thousand (\$500,000.00) Dollars each occurrence, from any claim or loss incurred by the Township of Mussey as a result of the issuance of this license in the operation of the landfill pursuant to said license.

2) General Requirements for Licensing:

Where refuse is removed from premises, to a location other than its point of origin, for disposal or where refuse is not removed from the premises but disposed at the point of origin in such quantities as to become of public health concern:

- a) Plans and Specifications. Refuse disposal facilities shall be designed in accordance with this Article by a registered professional engineer. Detailed plans, specifications, and necessary

reports shall be submitted in triplicate to the Mussey Township Planning Commission and the Mussey Township Board for review, approval and file. Alterations or deviations from these plans shall also be submitted for approval and file.

- b) Inspections and Evaluation. The Building Inspector shall make routine inspections and evaluations of solid waste disposal operations. A written notice of deficiencies, together with recommendations for their correction, shall be provided to the operator or the appropriate individual, firm, or corporation thereof responsible for the solid waste disposal operation.

C. Sanitary Landfills shall be governed by the following requirements:

1) Sanitary Landfills; Design:

- a) Maps. The design of the sanitary landfill shall include one (1) or more topographic maps at a scale of not over one hundred (100) feet to the inch with contour intervals which clearly show the character of the land. These maps and accompanying data shall indicate the following: the proposed fill area; any borrow area; access roads; on-site roads; grades for proper drainage of each lift required and a typical cross-section of lift; special drainage devices if necessary; fencing; structures on the site; existing and proposed utilities; and all other pertinent information to indicate clearly the soil characteristics, water table, orderly development, operation and completion of the sanitary landfill. A sanitary survey and a land use plan of adjacent areas may be required.
- b) Geology. The geological characteristics of the site shall be determined by on-site testing or from earlier reliable survey data to indicate soil conditions, water tables and subsurface characteristics.
- c) Characteristics of Cover Materials. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
- d) Water Pollution and Nuisance Control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert materials not detrimental to legitimate water use and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner is required in writing from the Mussey Township Board. Such approval shall be filed with the Township Clerk. Inert material shall not include residue from refuse incinerators, unless evidence, satisfactory to the Mussey Township Board is submitted by the licensee substantiating that such residue will not create a nuisance or hazard to health. Sand and gravel shall not be removed below the level established by the Mussey Township Board upon the recommendation of its Township Engineers to insure that the water tables in the area are not affected.
- e) Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice. Emergency

equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

2) Sanitary Landfills; Preparation of the Site:

- a) On-Site Roads. On-site roads shall be designed and constructed so that traffic will flow smoothly and will not be interrupted by ordinary inclement weather. On-site roads shall be maintained and kept dust free at all times.
- b) Adjacent Public Roads. Public roads adjacent to said premises, used for haul routes, must also be maintained and kept dust free. Stop signs must be posted at the egress road for traffic safety. Street address for the parcel shall be posted on a sign which can be readily seen and read from the public right-of-way.
- c) Fire Protection. Suitable measures shall be available to extinguish accidental fires.

3) Sanitary Landfills; Operations:

- a) Supervision of Operations. A landfill operation shall be under the direction of a responsible individual at all times.
- b) Limited Access. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse, except as otherwise approved in writing by the Mussey Township Board. Access to the site shall be controlled by a suitable barrier.
- c) Unloading of Refuse. Unloading of refuse shall be continuously supervised.
- d) Site Maintenance. Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- e) Spreading and Compacting of Refuse. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items when not excluded from the site, shall be disposed of in a manner approved by the Building Inspector.
- f) Volumes of Cells. Volumes of individual cells shall not exceed the daily quantity of wastes.
- g) Daily Cover. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- h) Mulch and Seeding. The application of mulch and seeding shall be completed as shown on the engineering plans to be submitted with the license.

- i) Final Cover. A layer of suitable cover material compacted to a minimum thickness of three (3) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- j) Maintenance of Cover. All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of five (5) years.
- k) Hazardous Materials Including Liquids and Sewage. Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill. This provision in no way precludes the right of a landfill operator to exclude any materials.
- l) Burning Prohibited. No burning shall be permitted at any sanitary landfill.
- m) Salvage. Salvaging, if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. This provision in no way precludes the right of a landfill operator to exclude any materials.
- n) Insect and Rodent Control. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted wherever necessary. Inspections shall be made quarterly by appropriate State Agency.
- o) Drainage of Surface Water. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
- p) Completion of Landfill. An inspection of the entire site shall be made by the Building Inspector to determine compliance with the approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the first five (5) years following completion of the fill.
- q) Hours of Operation. Disposal areas shall not conduct operations between the hours of 5:00 p.m. and 7:00 a.m. nor on Sundays or legal holidays. Other reasonable restriction on hours of operation may be included in or added to the conditions of individual licenses.
- r) Fencing. The entire site shall be completely fenced with a fence of not less than six (6) feet in height nor squares larger than two (2) square inches in diameter, preferably a chain link type fence.

D. Control of Noise:

At no point on the boundary of any nonindustrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:

Octave Band in Cycles per second	Maximum Permitted Sound Level in Decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

E. Control of Odors:

There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

F. Open Dumps:

Open dumps shall not be permitted.

G. Other Reasonable Restrictions:

Provided the Mussey Township Board may impose such other reasonable restrictions as conditions to the issuance of the license hereunder.

SECTION 1306. GOLF COURSES

Golf courses may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential land and from any existing or proposed public right-of-way.
- B. All parking areas shall be paved and constructed in accordance with the standards of this ordinance.
- C. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
- D. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.

- E. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

SECTION 1307. GENERAL HOSPITALS

General hospitals may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional twenty-five (25) beds.
- B. The proposed site shall have at least one property line abutting a major thoroughfare and vehicular ingress and egress to the site shall be directly onto said thoroughfare.
- C. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- D. All the development features including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

SECTION 1308. KENNELS, RAISING OF FUR BEARING ANIMALS (Amended see Ordinance 24)

The raising of fur bearing animals, including commercial dog kennels, offices of a veterinarian and animal clinic, mink, rabbit, cat and canine establishment uses are permitted in the AG and SF districts subject to the requirements of this ordinance.

A. Site Requirements

- 1) Minimum site size: 20 acres.
- 2) The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or a proposed right-of-way of major thoroughfare on the Township's adopted Thoroughfare Plan.

- B. Yard and Placement Requirements: No building or runs shall be closer than one hundred (100) feet from any abutting property line and all runs or breeding areas shall be enclosed.

C. Off-Street Parking Requirements:

- 1) Kennels: one (1) parking space shall be provided for every five (5) kennel runs.
- 2) Other uses shall provide parking to accommodate the maximum number of visitors using the facility at any one time.
- 3) All off-street parking shall be paved and constructed to the standards of this ordinance.

SECTION 1309. SHOOTING RANGES, GUN CLUBS, AND LARGE SCALE GAMING PRESERVES

Shooting ranges, gun clubs, and similar uses, such as large scale game preserves, may be permitted subject to the following:

- A. The minimum site size shall be eighty (80) acres with a minimum width of one thousand three hundred twenty (1,320) feet.
- B. Off-street parking shall be provided in the ratio of one (1) space for each three (3) users at capacity. All parking areas shall be kept dust-free at all times so as not to become a nuisance to adjoining properties.
- C. All parking areas shall be screened from view of an adjoining residential district or use by either a greenbelt, obscuring fence, or a masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
- D. The hours when shooting is permitted shall be limited from 9 a.m. to 9 p.m. Monday through Saturday and 12 noon to 6 p.m. Sundays. The Planning Commission may apply more restrictive hours where protection for adjoining residents is necessary.
- E. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued. The design of all ranges shall incorporate the recommended safety features.
- F. The firing range shall be fenced on all sides except the firing line, by a fence no less than 8 feet in height. Such fence shall be either of a chain-link type or of board construction sufficient to prevent persons from passing over or through the fence.
- G. The firing line or other area from which firearms are discharged shall be located no closer than 150 feet from any property line or road right-of-way, nor closer than 500 feet from any existing residential structure other than those on the premise.
- H. Game and hunting preserves shall be completely fenced to prevent participants from trespassing on adjoining properties. Signs warning participants not to cross the fence shall be placed every two hundred (200) feet along its perimeter. Failure to follow this requirement shall be grounds for immediate revocation of the applicant's Special Land Use Permit.
- I. All development features including the principal building shall be designed and arranged to minimize the possibility of any adverse effect upon adjacent property.
- J. No activity shall take place within thirty (30) feet of the perimeter of the recreational area. All such activities shall be screened from abutting residentially-zoned property with a greenbelt, obscuring fence, or masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.

SECTION 1310. MINING AND EXTRACTION

Soil, sand, clay, gravel, topsoil or similar removal operations may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. Where sand, gravel, topsoil or other substances are proposed to be removed from the site where found to another site, an annual operating permit is required to be obtained from the Township Board, after approval of the special use by the Planning Commission.
- 1) **Application For Permit.** The following information must be submitted as a part of the special land use request, for use by the Township Board in determining whether an operating permit should be issued.
 - a) Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
 - b) Full legal description of the premises wherein operations are proposed.
 - c) Detailed statement as to method of operation, such as wet or dry method, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 - d) Detailed statement as to exactly what type of deposit is proposed to be extracted.
 - e) Proposed method of filling excavation where quarrying results in extensive under-surface excavation.
 - f) Map prepared by a registered civil engineer or surveyor, at a scale of not more than two hundred (200) feet to the inch of the excavation area, and real property within ½ mile of such area with the names of the owners of record of such property, all residences and commercial establishments with such area and contour lines at not more than five (5) foot intervals. Such owner shall also present a map showing the proposed contours to which the excavation area would be established upon completion of the excavation operations.
 - 2) **Permit fees.** The sum established by resolution of the Township Board shall accompany the application for a mining and extraction permit. Said sum is to be used to defray the cost of engineering services, investigation, publication charges, and other miscellaneous administrative expenses occasioned by processing such application. Permits issued by the Township Board shall be for a period of one year expiring December 31st each year, and such permits may be renewed by the payment of an annual inspection fee established by resolution of the Township Board. Such permits shall be renewed as herein provided for so long as the permittee complies with all of the provisions of this Ordinance or other conditions of this permit.

- 3) Permits. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township Board, said Board shall at a regular meeting determine whether or not a permit will be issued. The permit shall be issued in the event the Township Board shall determine that the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of citizens of Mussey Township.

B. Required Conditions. The following requirements shall be mandatory:

1) Pit Operations

- a) Where are excavation in excess of five (5) feet deep will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends, said fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
- b) All interior roads used in connection with said excavation site shall be kept dust free by hardtopping with cement or bituminous substance. All ingress and egress to the site shall be directly onto a public road designated as a major or secondary thoroughfare on the Township's adopted Thoroughfare Plan and having a paved surface suitable for carrying Class A loadings on a year round basis. Weights for Class A loadings shall be as defined by the St. Clair County Weighmaster.
- c) The slopes of the banks of the excavation shall in no event exceed a minimum of seven (7) feet to one (1) foot (seven feet horizontal to one foot vertical) and where ponded water results from the operation, this slope must be maintained and extended into the water to a depth of five (5) feet.
- d) Where quarrying operations result in a body of water, the owner or operator shall place appropriate "Keep Out" - "Danger" signs around said premises not more than two hundred (200) feet apart. In order to protect water wells and the water supply of the Township, the pumping or draining of water from such quarrying operations is absolutely prohibited. A drag line or other method of quarrying approved by the Township Board shall be followed.
- e) No cut or excavation shall be made closer than fifty (50) feet from the nearest street or highway right-of-way line nor nearer than fifty (50) feet to the nearest property line; provided however, that the Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant it.

2) Regulations for Stripping

- a) No soil, sand, gravel, clay or similar materials shall be removed below a point six inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the St. Clair County Road Commission, except as required for the installation of utilities and payments.

- b) No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage is not interfered with.
 - c) That sufficient topsoil shall be stockpiled on said site so that the entire site, when stripping operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping operations. In the event, however, that such stripping operations. In following the termination of the stripping operations. In the event, however, that such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. In order to stabilize the replaced topsoil, the areas shall be seeded with an appropriate grass cover as replacement of topsoil progresses.
- C. Surety Bond. The Township Board shall, to insure strict compliance with any regulations contained in this Section or required as a condition of the issuance of a permit either for mining or topsoil stripping, require the permittee to furnish a surety bond executed by reputable surety company authorized to do business in the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder. In fixing the amount of such surety bond the Township Board shall take into account the size and scope of the proposed quarry, probable cost of rehabilitating the premises upon default of the operator, estimated expense to compel operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

SECTION 1311. VEHICLE CONVENIENCE STATIONS

Vehicle convenience stations may be permitted in certain districts specified in this ordinance subject to the following:

- A. Retail gasoline sales and convenience commercial facilities (no vehicle repair).
 - 1. All structures, including canopies, shall conform to the setback provisions in Section 1100, Schedule of District Regulations.
 - 2. All retail sales activity, other than gasoline sales, shall be conducted entirely within a completely enclosed structure. No outside storage of any product or material is permitted.
 - 3. All lighting shall be noted on the site plan and shielded downward and away from adjacent properties and rights-of-way. All lighting shall be designed to prevent glare from negatively impacting adjacent properties or rights-of-way.
 - 4. There shall be no storage of vehicles on the site, including wreckers or other service vehicles.
 - 5. A masonry wall of face brick or poured concrete with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a greenbelt shall be installed adjacent to the required wall. The wall and greenbelt shall be constructed in accordance with the

criteria in Section 1212 and 1208. Where the parcel abuts any other district the screening and landscaping options in Section 1212 shall be applied by the Planning Commission.

6. There shall be no loudspeaker or public address system other than individual intercom systems for each pump.
 7. Primary ingress / egress shall be off of a major or secondary thoroughfare. Secondary ingress / egress on any residential street shall be designed to reduce negative impact on adjacent residential areas. On corner sites, ingress and egress drives shall be located as distant as possible from the intersection, taking into consideration the location of adjacent drives and uses. Drives shall be limited to one (1) per adjacent road unless it is clearly demonstrated by the applicant, after submittal of a traffic impact study, that additional access is necessary for safety reasons.
 8. All trash storage areas shall be screened from view as approved by the Planning Commission.
 9. The location, size and type of all above-ground and underground storage tanks and piping shall be noted on the site plan. All tanks shall have appropriate secondary containment and leak detection which shall be noted on the site plan. All tanks shall be registered and otherwise comply with all state and local codes.
- B. Retail gasoline sales with limited repair facilities.
1. Compliance with the provisions outlined in Section 1402A and 1403.
 2. No outdoor storage or parking of wreckers or other service vehicles is permitted.

SECTION 1312. GROUP DAY CARE HOMES AND GROUP DAY CARE FACILITIES

Group day care homes and group day care facilities may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. All such uses shall provide adequate drop-off and waiting spaces so that vehicles are not standing or queuing in a public right-of-way or block ingress to the site.
- B. All outdoor recreation or play areas shall be enclosed by a minimum four (4) foot high chain link fence.
- C. The site shall contain a minimum of 150 SF of outdoor play area for each child and shall not be less than 2,500 SF in total.
- D. The site layout shall be designed to ensure pedestrian safety by separating play areas and drop-off / pick-up points from parking and driveways.
- E. Outdoor play areas shall be located to minimize the impact of noise on adjacent residential property. The Planning Commission may require screening, buffering and locational modifications to the proposed site plan to minimize impacts on adjacent residential property.

SECTION 1313. CONVALESCENT OR REST HOME, HOME FOR THE AGED

A convalescent or rest home, or home for the aged, or physically handicapped is permitted in certain districts as specified in this ordinance subject to requirements of this Ordinance and the following special standards:

A. Site Requirements

- 1) All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the township's adopted Thoroughfare Plan.
- 2) The maximum extent of development shall not exceed thirty (30) beds per acre.

B. Yard and Placement Requirements: No building other than a structure for strictly residential purposes shall be closer than sixty (60) feet to any property line.

C. Off-Street Parking Requirements

- 1) There shall be one (1) parking space provided for each two beds and every two staff members.
- 2) All off-street parking shall be paved and constructed to the standards shown in Article 12.

SECTION 1314. EDUCATIONAL INSTITUTIONS

Educational institutions including pre-schools, elementary, middle, and high schools, colleges, universities and other such institutions of higher learning for profit and non-profit, offering courses in general, technical, or religious education may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
- B. No building shall be closer than 100 feet to any property line and/or existing or proposed public right-of-way.
- C. All service and storage areas shall be screened from view by a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- D. All areas for student and staff parking shall be setback at least seventy five (75) feet from an abutting residential district or residential use and shall be screened from view by a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- E. Minimum parcel site shall be five (5) acres.

SECTION 1315. OUTDOOR SALES LOTS

Outdoor sales lots for automobiles, trucks, trailers, boats, mobile homes, and similar uses may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. The site plan shall detail this information.
- B. There shall be no festoon signs or bare light bulbs permitted.
- C. No vehicles or merchandise for sale shall be displayed within any required greenbelts, landform buffers, buffer strips, or other landscape or open space area.
- D. Loudspeakers or public address systems are prohibited.

SECTION 1316. UTILITY AND PUBLIC SERVICE FACILITIES

Public utilities buildings including telephone exchange buildings and repeater stations, electric transformer substations and stations and gas regulator stations (all without storage yards) when operations requirements necessitate the locating within the district in order to serve the immediate area are permitted in certain districts as permitted within this ordinance subject to the requirements of this ordinance and the following special conditions:

- A. All such uses shall be completely enclosed and the site fenced with a suitable chain link fence not less than four (4) feet in height.
- B. The entire site shall be landscaped according to the standards of Article 12 and the plant materials properly maintained in a healthy and growing conditions.
- C. All buildings constructed shall be so designed that they are architecturally compatible with surrounding buildings and dwellings.
- D. All parking and driveway areas shall be paved and constructed according to the standards of Article 12.

SECTION 1317. YARD WASTE COMPOSTING FACILITIES

Yard waste composting facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions, may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

A. Site Location and Design

- 1) Because of the level of truck traffic associated with this use, all such uses shall be located on a paved public road capable of carrying Class A loadings, as defined by the St. Clair County Weighmaster, on a year-round basis.
- 2) Dust shall be controlled on all internal roads and operation areas at all times.
- 3) The site shall be level and well-drained.
- 4) If the site abuts property shown as residential on the Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants from stormwater runoff.
- 5) All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved.
- 6) The portion of the compost site visible from a public street shall be screened from public view by a combination berm/landscaped buffer or other method approved by the Planning Commission.
- 7) Adequate parking shall be provided for all employees and visitors. A minimum of four (4) paved, off-street parking spaces shall be provided on-site.
- 8) In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process in which bags or portions of bags are present. The Planning Commission shall determine the appropriate location and height of required fencing during site plan review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

B. Operation

- 1) Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
- 2) Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. All yard waste must be brought to the site loose or in biodegradable bags with a cornstarch or similar base designed to degrade rapidly under aerobic

conditions. All bags brought to the site shall be broken up and turned into compost windrows within 5 days of delivery to the site. In no instance shall non-degradable plastic bags be placed into the windrows.

- 3) The decomposition process shall be properly managed and maintained in the aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly, and all compost piles shall be turned when the internal temperature drops below 120° F.
- 4) Poned water shall not be permitted to collect on a yard waste composting site. An engineering plan for collection, retention and drainage of storm water shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide (minimum) perimeter strip/swale of grass, or similar measure. Any direct discharge to a water body may require a Michigan Department of Natural Resources permit.
- 5) The operator shall provide sufficient equipment to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading and unloading; a window machine for turning and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks for dust control & proper moisture content in windrows; and a screen to improve the quality and marketability of the final product.
- 6) The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
- 7) The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to Mussey Township.
- 8) Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than 3 years before being finished and removed from the site.
- 9) The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment of all hazardous materials, including product-tight containers for primary containment. Secondary containment facilities shall be adequate to accept the full volume of the hazardous materials stored in the primary container, in the event of a leak or spill.
- 10) The applicant shall provide a plan for the removal of unmarketable compost.
- 11) An annual inspection / permit fee for all yard waste composting facilities established by resolution of the Mussey Township Board, shall be paid by the owner of the facility.
- 12) Copies of all Michigan Department of Natural Resources applications / permits, if required, shall be provided to the Planning Commission as part of the application package.

- 13) The use must conform with the Performance Standards in Section 1207.
- 14) The operator shall provide surety in the form of cash, irrevocable letter of credit or other surety acceptable to the Township Board to guarantee performance as required by the Zoning Ordinance and provide for restoration of the site upon default of the operator. The amount of the bond shall be set from time to time by resolution of the Township Board on a per acre basis.
- 15) The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Township Board.

SECTION 1318. SINGLE FAMILY ACCESSORY APARTMENTS

One (1) accessory apartment may be permitted in a single family dwelling unit, subject to the following:

- A. The dwelling unit must be situated on a lot or parcel which is in conformance with the minimum requirements of Section 1100.
- B. Either the principal unit or the accessory apartment must be owner-occupied.
- C. The Health Department shall certify that the on-site septic system is properly designed to handle the anticipated additional load.
- D. Exterior modifications to the dwelling shall not change the overall single family character of the dwelling unit or the surrounding neighborhood.
- E. Only one (1) accessory apartment shall be permitted per lot and per single family dwelling.
- F. One (1) additional parking space shall be provided, exclusive of the driveway, in the side or rear yard only.
- G. Only one (1) entrance to the building shall face the street upon which the dwelling is located.
- H. An accessory apartment shall be a minimum 420 square feet and shall not exceed 35% of the total floor area of the principal unit and the accessory apartment combined. This shall be construed as prohibiting an accessory apartment in a single family dwelling unit with a total floor area of less than 1,200 square feet.
- I. No accessory apartment shall include more than 2 bedrooms or exceed 650 square feet.

SECTION 1319. VEHICLE SERVICE CENTERS AND REPAIR GARAGES

Vehicle service centers may be permitted in certain districts specified in this Ordinance subject to the following:

- A. The use shall be completely enclosed within a building.

- B. No vehicles awaiting repair shall remain on-site for more than 36 hours.
- C. A masonry wall of face brick or poured concrete with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a greenbelt shall be installed adjacent to the required wall. The wall and greenbelt shall be constructed in accordance with the criteria in Section 1212. Where the parcel abuts any other district the screening and landscaping options in Section 1212 shall be applied by the Planning Commission.
- D. All trash storage areas shall be screened from view as approved by the Planning Commission.
- E. Management plans shall be maintained for the collection, storage, and recycling or proper disposal of all new, used, or waste automotive fluids resulting from repair or service operations.
- F. The location, size and type of all above-ground and underground storage tanks and piping shall be noted on the site plan. All tanks shall have appropriate secondary containment and leak detection which shall be noted on the site plan. All tanks shall be registered and otherwise comply with all state and local codes.

SECTION 1320. DRIVE THROUGH FACILITIES

Because of the auto-oriented character of drive-through facilities and similar establishments, they shall be permitted in certain districts specified in this Ordinance, provided the following conditions are met:

- A. A building setback of at least fifty (50) feet from the existing or proposed future street right-of-way (whichever is greater) shall be maintained.
- B. Driveways shall be located at least seventy five (75) feet from the intersection of any two (2) street right-of-way lines or any abutting residential district.
- C. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or any public or private street or public right-of-way. The site plan shall detail this information.
- D. All drive-through lanes and vehicles queuing areas shall be screened from adjacent properties by a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- E. All parking areas shall be screened from adjoining properties by either a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- F. The Planning Commission may require additional screening in conformance with Section 1212 and 1208 where the Planning Commission determines such screening is necessary to reduce the impact of the proposed drive-through use on adjacent properties or rights-of-way.

- G. All vehicles maneuvering and queuing areas shall be designed to accommodate all vehicles on-site. No right-of-way may be utilized for the stacking or maneuvering of vehicles in conjunction with the drive-through facility.
- H. All speakers and communication systems shall be of an intercom nature and shall be described in writing as a part of the application for special land use approval. The site plan shall detail the location of all speakers and communication system components. All such systems shall be designed to restrict volume levels to the minimum necessary to service the immediate area of intended communication and shall not permit communications to be audible at the property line. The Planning Commission may require limitations on hours of operation, additional buffering or redesign of any communication system to eliminate impact on adjacent property. No public address systems are permitted.

SECTION 1321. HOTELS AND MOTELS

Hotels and motels may be permitted in certain districts specified in this ordinance, subject to the following:

- A. All vehicular driveways shall be located onto a major or secondary thoroughfare. All drives shall be a minimum fifty (50) feet from any district which permits residential use.
- B. The minimum site size shall be two (2) acres.
- C. All buildings shall be set back at least fifty (50) feet from all property lines.
- D. All parking areas shall be setback a minimum fifty (50) feet from all property lines. All parking areas shall be screened from adjoining properties by either a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- E. Any outdoor recreation areas for the use of overnight guests shall be detailed on the site plan and shall be designed to minimize the visual and noise impacts of the outdoor activity on adjacent property. All such areas shall be accessible to only overnight guests.
- F. All service and storage areas for maintenance equipment shall be screened from view by a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 or 1208.
- G. The Planning Commission may require additional screening, buffering or landscaping along any property line where the Planning Commission determines such additional improvements would be necessary to reduce the impact on adjoining properties. Said screening, buffering or landscaping shall be in accordance with Section 1212 and 1208.

SECTION 1322. PUBLIC BUILDINGS AND USES WITH OUTDOOR STORAGE YARDS

Public buildings and uses with outdoor storage yards, may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. Outdoor storage yards shall be accessory to the principal public building or use on the same site.

- B. The site shall have all access from a major or secondary thoroughfare.
- C. Compliance with all provisions of Section 1326 - Outdoor Storage Yards shall be required.

SECTION 1323. SALVAGE / RECYCLING YARDS

Salvage / recycling yards (junkyards) may be permitted in certain districts as specified in this Ordinance, subject to the following:

- A. The site shall be designed in conformance with the Performance Standards in Section 1207 to minimize negative impact on the site and adjacent properties.
- B. Outdoor trash storage areas shall be screened. All trash and refuse shall be stored within said enclosure. Compactors which are solely accessed directly from the interior of a building and which have no exterior access points do not require screening.
- C. All loading / truck service areas shall be located entirely within the boundaries of the proposed site and shall be designed to minimize negative impact on adjoining properties and rights-of-way. No stacking, queuing, or maneuvering of delivery or service vehicles shall occur within a right-of-way or road. All service, loading, and vehicular use areas shall be paved with asphalt or concrete.
- D. The site plan shall detail the location of all outdoor storage areas, storage rack locations, type of material or vehicle stored, and height of materials or vehicles stored.
- E. A minimum twenty (20) foot wide land form buffer or buffer strip shall be provided along all property lines in accordance with Section 1212 and 1208. In addition, a minimum six (6) foot high screen wall or fence wall shall be provided behind the require land form buffer or buffer strip wherever the site abuts a district which permits single family residential uses or any public or private right-of-way. The Planning Commission may require said screening wall / fence to be increased in height to a maximum of eight (8) feet where necessary to adequately screen stored materials. The Planning Commission may require additional landscaping and screening where the Planning Commission finds that it is necessary to minimize the impact on adjacent properties.
- F. Materials of vehicles shall not be located within fifty (50) feet of any property line.
- G. Where the activity involves any hazardous substances or polluting materials all use areas shall be designed to prevent any release of the materials into the environment. At a minimum, this shall include full conformance with the groundwater protection standards detailed in Section 1215.
- H. All lighting shall be shielded downward and away from adjacent properties.
- I. The Planning Commission shall review the Special Approval one (1) year from the date of Planning Commission approval to review the facility operation. In reviewing the Special Approval, the Planning Commission shall consult the zoning administrator, along with any public comment at the review hearing, which shall form the basis for any subsequent decision(s) by the Planning Commission. The Planning Commission may require that additional measures to be taken by the owner to address any

operational problems which do not comply with the standards of this Ordinance or conditions of the Planning Commission's special land use approval and permit.

SECTION 1324. MOTOR FREIGHT AND TRUCK TERMINALS

Motor freight and truck terminals may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The site shall be designed to minimize negative impact on adjacent properties with regard to noise, glare, dust or fumes.
- B. All loading / truck service areas shall be located in compliance with the following:
 - 1) Truck bays shall be located only on the side or rear of buildings.
 - 2) All truck loading areas shall be screened from adjacent properties and rights-of-way by a land from buffer, buffer strip, or screen wall / fence and adjacent greenbelt in accordance with Section 1212 and 1208. The Planning Commission may require additional screening or landscaping where the Planning Commission finds it necessary to minimize the impact of the facility on adjacent properties and rights-of-way.
 - 3) A minimum fifty (50) foot setback shall be maintained between any loading area and any property line.
- C. Site lighting shall be designed and regulated in accordance with Section 1210. All lighting shall be detailed in the site plan and designed to prevent glare in adjacent properties.
- D. Proposed maintenance facilities, including fueling stations, shall be noted on the site plan.
- E. Loudspeakers or public address systems are prohibited.

SECTION 1325. WIRELESS COMMUNICATION FACILITIES

Wireless communication facilities may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. Standards and Conditions Applicable to All Commercial Broadcast and Wireless Communication Facilities.
 - 1) Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.
 - 2) Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.

- 3) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- 4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height.
- 5) The following additional standards shall be met:
 - a) The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to colocate on the structure). Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.
 - b) The setback of the support structure from any property line and existing or proposed road right-of-way line shall be at least the height of the higher point of the support structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower.
 - c) There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (may be provided by an easement).
 - d) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 - e) Rooftop wireless communication facilities shall be architecturally compatible with the principal building.
 - f) The Planning Commission may regulate the color of the support structure and all accessory buildings to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration.
 - g) Support structures shall be constructed in accordance with applicable building codes. A soils report from a geotechnical engineer, licensed in the State of Michigan shall be submitted. This report shall include soil borings and confirmation of the suitability of soils for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted.
 - h) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
 - i) A landform buffer, buffer strip, or screen wall and adjacent greenbelt shall be provided in accordance with Section 1212 and 1208. The Planning Commission, after considering the type, size and height of all equipment being proposed, may require additional landscaping or screening where the Planning Commission determines it is necessary to minimize the impact on adjacent properties.

- j) Where employees will be stationed at the facility on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface in conformance with Section 1204.
 - k) There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations, except those which are necessary for safety or emergency repairs at that particular site.
- 6) The application shall include a certification by a State of Michigan licensed Professional Engineer regarding the manner in which the proposed structure will fall.
- 7) The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township attorney and recordable at the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance. The applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal.
- 8) The application shall include a map showing existing and known proposed wireless communication facilities within the Township and areas surrounding the Township. If the information is on file with the Township, the applicant shall update as needed. Any such information which is trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.
- 9) The applicant shall provide the name, address, and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.

B. Standards and Conditions Applicable to Special Land Uses

In addition to the provisions in Section A above, all wireless communication facilities which require special land use approval shall conform with the following:

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors.
 - a) Proximity to major thoroughfares
 - b) Population concentrations
 - c) Business centers
 - d) Signal interference
 - e) Topography
 - f) Other specifically identified reason(s) creating facility need
2. The proposal shall be reviewed in conformity with the colocation requirements of Section D below.

C. Requirements for Colocation:

1. A permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.
2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation. At a minimum, all new wireless communication facilities shall be designed to accommodate three (3) users.
3. The policy of the Township is for colocation. 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 colocation, such facility shall be deemed to be a nonconforming structure and use.
4. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation 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 a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.
5. Incentive

Application for colocation of a new wireless communication.

D. Removal

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - b) Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.

2. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition / removal.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

SECTION 1326. OUTDOOR STORAGE YARDS

Outdoor storage yards may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The site plan shall detail the location and type of equipment or materials proposed to be stored in the outdoor storage yards. Anticipated duration of storage of specified materials, height, and extent of area covered by materials shall also be indicated on the site plan.
- B. All vehicular use areas shall be paved with asphalt or concrete. Areas used exclusively for storage may be gravel or crushed stone surface, as approved by the Planning Commission. All proposed surface areas shall be detailed on the site plan.
- C. All lighting shall be shielded downward and away from adjacent properties and right-of-way. All lighting locations shall be noted on the site plan.
- D. The storage yard shall be screened on all sides by a land form buffer strip, buffer strip, or screen wall / fence and adjacent greenbelt in conformance with Section 1212 and 1208. The Planning Commission may require additional screening or landscaping where the Planning Commission determines that it is necessary to prevent negative impacts on adjacent land uses.
- E. No storage area shall be located within twenty (20) feet of any property line. Stored material shall not exceed eight (8) feet in height within fifty (50) feet of any property line.
- F. The Planning Commission and Township Board may request review and comment on the proposed outdoor storage yard from the Fire Marshall and MDEQ where the materials proposed to be stored may pose an environmental or safety hazard.
- G. The Planning Commission shall review the site one (1) year from approval to ensure compliance with this section and the special land use permit.
- H. Public Address System are prohibited.

SECTION 1327. CENTRAL DRAY CLEANING PLANTS

Central dry cleaning plants may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The site plan submittal shall include a floor plan which details the location of all storage areas for hazardous / toxic materials and the method of secondary containment proposed as approved by the Planning Commission.
- B. All truck loading / unloading areas shall be located within a side or rear yard and shall be a minimum fifty (50) feet from any property line.

SECTION 1328. VEHICLE WASH FACILITIES

Self-service and automatic vehicle wash facilities may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The site plan shall detail all required parking and vehicular standing areas as required in Section 1204, Off-Street Parking.
- B. The site shall be designed to minimize the potential for excess water from clean vehicles dripping onto adjacent roads. In complying with this subsection, a combination of alternatives may be used including, but not limited to, blowers, hand-drying, length of exit drive and general site design.
- C. The site plan shall detail the location of all proposed vacuum stations. These areas shall be located so as not to conflict with any required parking, drive or automobile standing areas. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse.
- D. The site shall be screened from abutting property in conformance with Section 1212 and 1208. The Planning Commission may require additional landscaping or screening where the Planning Commission determines that it is necessary to prevent negative impacts on adjoining properties.
- E. All lighting shall be noted on the site plan and shall be shielded downward and away from adjacent properties and rights-of-way.

SECTION 1329. HIGH VOLUME WELLS OR WELL SYSTEMS

A high volume water well or well systems, defined as a well or series of wells capable of producing over 100 gallons per minute peak capacity and intended to serve a use other than one single family home, may be permitted by the Planning Commission in certain districts as provided in this Ordinance, subject to the following:

- A. There must be a demonstrated need for the proposed high volume water well or system.
- B. All such uses shall be completely enclosed and without storage yards.

- C. No structure shall exceed the height limit of the district and all storage tanks shall be set back from all property lines a distance equal to at least the height of the tank.
- D. All buildings shall be designed to be compatible in style and materials with other uses and structures permitted in the district.
- E. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use. No high volume well or well system shall be located closer than one hundred (100) feet to any property line.
- F. Adequate off-street parking, screened from public view, shall be provided for any service personnel and all drives and parking areas shall be built in accordance with Section 1204.
- G. The applicant shall submit a site plan and hydrogeologic study prepared by a registered engineer, qualified to prepare hydrogeological studies, showing the extent of the well cone of influence, the number and location of wells, the anticipated average and peak water flow on a daily and peak basis. In addition, the study shall document the location and depth of existing wells within the maximum proposed cone of influence area or 2,000 feet, whichever is greater, and describe the anticipated impact on these wells. The study shall include a mitigation plan in the event that the existing wells within the cone of influence of the proposed well or system fail after the proposed well(s) is constructed due to installation of said well. The plan shall also provide, at a minimum, for the future connection to the well or system (or drilling of new individual wells) to those properties within the cone of influence that are currently undeveloped or underdeveloped. In no way shall the construction and operation of a water well structure restrict or eliminate the availability of potable water to those residents, businesses, and property owners within the cone of influence of the well(s).
- H. The applicant shall submit an application to the Township Clerk for approval to drill a test water well for the purpose of collecting data needed to complete a full application and to determine the feasibility of establishing a permanent well or well system. The drilling of a test well may be permitted as a temporary use not requiring special land use approval. The application shall include the following information.
 - 1. Name, address, city, zip code and phone number of applicant.
 - 2. Location of proposed test well.
 - 3. Purpose of proposed test well.
 - 4. Anticipated depth and peak volume of well.
 - 5. A scale drawing showing the location of potential contaminants, industrial uses and industrial zoning districts within 2,000 feet of the proposed well.
 - 6. Proposed end users of the well or well system and location of end users.
 - 7. Number of days anticipated to complete drilling and number of days anticipated to complete testing.

8. Signature of applicant.
- I. An application for a permanent high volume water well or well system shall include all information required in Section 1329 and all information required by this Section.
 - J. No high volume water well or well system shall be constructed within 2,000 feet of any known source of soil or groundwater contamination. The applicant shall provide a map, prepared by a registered engineer, land surveyor, architect, landscape architect or planner showing the existing uses and zoning within a minimum 2,000 foot radius of the site which shall include an inventory of all hazardous materials users, underground fuel tanks, and similar potential sources of groundwater contamination. This radius may be increased by the Planning Commission depending on the results of the hydrogeologic study.
 - K. In addition to the above, the applicant shall address other potential negative impacts that may be caused by the construction and operation of a high volume water well system, and provide and establish a plan for mitigation of these negative impacts.
 - L. The Planning Commission shall review the permit annually for all high volume water wells or well systems. The applicant shall provide well log data including peak and average flow data on a monthly basis and water quality testing results for review.
 - M. A performance bond in an amount to be set by the Township Board shall be provided by the Applicant to ensure protection of adjacent property owners' water supply.
 - N. Well location, construction and operation shall be in conformance with the State of Michigan and St. Clair County public health standards and the standards in this ordinance. In the event of a conflict between the two, the more restrictive shall apply.

SECTION 1330. LUMBER AND PLANING MILLS

Lumber and planing mills may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The use shall be completely enclosed with no activities occurring outdoors except ancillary storage, loading and unloading of raw materials and finished products.
- B. Outdoor storage yards associated with the use(s) shall be located in conformance with Section 1326.

SECTION 1331. EQUESTRIAN STABLES AND RIDING ACADEMIES

Private or commercial stables and riding academies may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. Private Equestrian Stables

Where the stable is utilized solely for horses and ponies belonging to the property owner, and where no boarding or other equestrian activity of any kind is offered to persons or organizations not in the immediate family of the property owner, no special approval is required. The private stable is subject to the provisions of raising and keeping of animals provision within each district except where herein provided.

B. Commercial Equestrian Stables and Riding Academies

Commercial equestrian stables and riding academies, where permitted by this Ordinance, shall conform with the following:

1. The minimum site size shall be twenty (20) acres.
2. All buildings, corrals, and other enclosures for animals shall be a minimum two hundred fifty (250) feet from any property zoned residential district and one hundred fifty (150) feet from any other property line or right-of-way.
3. All manure or other wastes produced or generated by raising or keeping of farm animals shall be stored in a fashion which reduces the nuisance impact of said stockpiled for a period to exceed one hundred twenty (120) days and no wastes shall be stockpiled closer than one hundred twenty five (125) feet from any property line. This subsection shall not be construed as preventing the spreading of manure as fertilizer in conjunction with an agricultural operation.
4. All farm animals shall be adequately fenced or corralled to prevent them from roaming off-site.
5. There shall be no outdoor storage of customer's trailers or other vehicles for transporting horses.
6. The application for special land use approval shall include a written statement of the number of horses and ponies which will be accommodated, the nature and duration of any equestrian events which will be held, the planned or agreed use of any other properties for riding or pasturing, and any agreements or arrangements with any equestrian clubs, groups or organizations for use of the facilities.
7. Off-street parking shall be provided in accordance with a ratio of one (1) space for each boarding stall. In addition, the site plan shall demonstrate adequate off-street parking to accommodate parking resulting from any approved equestrian events or activities which will generate customer or spectator parking in excess of the customary and incidental parking demand.

SECTION 1332. TOOL, DIE, GAUGE, METAL PLATING AND MACHINE SHOPS

Tool, die, gauge, metal plating and machine shops may be permitted in certain districts, as specified in this Ordinance, in conformance with the following:

- A. The application shall include a written report which documents conformance with the Performance Standards in Section 1207 and the Standards in Section 1215 - Site Plan Review.
- B. Outdoor storage yards shall conform to the provisions of Section 1326.

- C. Screening and landscaping shall be provided in conformance with Section 1212 and 1208. The Planning Commission may require additional landscaping or screening where the Planning Commission determines it is necessary to protect adjacent properties or rights-of-way from negative impacts of the proposed uses(s).
- D. The site shall be designed to minimize the impact of the proposed facility on adjacent land uses and rights-of-way. This shall include building and outdoor use area design and location, screening, landscaping, bulk and height of proposed structures, and drive / parking location.

SECTION 1333. AGRICULTURAL PRODUCE PROCESSING, TRANSFERRING AND STORAGE FACILITIES

Agricultural processing facilities may be permitted in certain districts, as specified in this Ordinance, in conformance with the following:

- A. The facility shall be primarily engaged in the processing of produce, storage of produce, or the transferring of produce from processing or storage to trucks.
- B. All buildings, equipment, materials, truck loading or produce storage areas shall be a minimum fifty (50) feet from any property line.
- C. Off-street parking shall be provided for all uses proposed, in accordance with Section 1204.
- D. Wherever the proposed use is adjacent to a property which is zoned residential screening of active outdoor use areas such as loading zones shall be provided in the form of a land form buffer, buffer strip, or screening wall / fence and adjacent greenbelt along the property line.
- E. Waste materials and spoiled produce shall be disposed of promptly and shall be temporarily stored in conformance with Section 1212 and 1208.
- F. Access to the site shall be provided from a county primary or secondary thoroughfare. Access drives and internal vehicle use areas shall be designed to accommodate anticipated truck turning movements on site. All trucks maneuvering and waiting areas shall be located on site.

SECTION 1334. SINGLE-FAMILY CLUSTER DENSITY BONUS OPTION

The Single-Family Cluster Density Bonus Option may be permitted in the AG and SF districts. The purpose of this development technique is to encourage further preservation of natural features such as mature tree stands, unusual topography, water and wetland areas, floodplains, and equestrian or agricultural areas by providing for a density bonus and variation in minimum lot widths. On sites without important natural features, this option may be used to protect rural vistas and equestrian or agricultural areas, create permanent open spaces, and/or recreation facilities. All proposals under this option must comply with the following:

- A. The land must be platted and subdivided under the State Subdivision Control Act and the Mussey Township Subdivision Regulation Ordinance, or the State Condominium Act and the Mussey Township

Standards for Condominium Subdivision, the Mussey Township Property Division Ordinance, and the Mussey Township Private Road Ordinance.

- B. The parcel of land possess one or more of the following physical or locational characteristics:
1. Topography of the site exceeds fifteen (15) percent slope.
 2. Street slopes would exceed six (6) percent without mass grading of the site.
 3. The parcel contains a readily identifiable physical or cultural resource, which is to be conserved by the developer. These may include:
 - a) Streams, lakes, ponds or other watercourses, and associated upland areas;
 - b) Designated wetlands which are regulated by the Michigan Department of Environmental Quality (MDEQ);
 - c) Designated floodplains associated with a lake, stream, or river;
 - d) Agricultural lands which are actively being farmed or are considered prime agricultural lands based on parcel site, configuration and soils;
 - e) Land areas which are actively utilized for equestrian purposes and which, by their site, configuration and proximity to agricultural or other equestrian uses, result in an area ideally suited for such uses;
 - f) Tree stands, woodlands, and other natural vegetation areas which are of a size, configuration and general character as to provide open space, environmental habitat, and passive or active recreational opportunities;
 - g) Other areas as determined appropriate for open space preservation by the Planning Commission.
- C. The development plan shall encourage a more efficient, aesthetic, and desirable use of the land by a demonstrated preservation of physical and/or cultural resources of unique characteristics of the site, through a consolidation of the developed areas.
- D. The following guidelines shall be used in designing a single-family cluster development proposal with the Density Bonus Option:
1. Density Bonus Cluster Standard Modifications

The following table outlines the design standard modifications, which may be permitted by the Planning Commission under this Section:

ZONE	MAXIMUM DENSITY BONUS (1) (2) (3)	MINIMUM REQUIRED OPEN SPACE
AG	10%	15%
SF	10%	15%

- (1) Density bonus is calculated based upon the maximum density permitted under Section 1101 for the parent (original) parcel. where density increase results in a fraction, the units permitted may be rounded up. (example: where 4.2 units are calculated for a sale, then 5 units would be permitted subject to all other conditions)
- (2) See Section 1203 for height, bulk, density, area and setback requirements for accessory structures and uses.
- (3) Lot size may be reduced to 2 acre upon written finding of fact by the St. Clair County Health Department that such a decrease can accommodate adequate on-site septic and water service facilities.

2. Design and Plan Requirements

All applications shall comply with the following requirements for information, plan content and design:

- a) A community impact statement shall be submitted which describes the project's anticipated impact on:
 1. Public services and facilities such as, police and fire protection, emergency medical service, public schools, and the like.
 2. The local public road system.
 3. Neighboring uses.
 4. Visual character of the site.

The Community Impact Statement may be incorporated onto the site plan or included with the application as a separate written submittal.

- b) A resource inventory shall be submitted which clearly identifies the following:
 1. All floodplains, wetlands and waterbodies.
 2. A woodlands analysis describing all significant tree stands and methods of preserving identified areas.
 3. A survey and analysis of on-site soils and slopes, based on Soil Conservation and USGS maps and data.
 4. An analysis of the cultural features of the site, such as views, historic structures, patterns of original farm fields, active agricultural or equestrian uses, fences or stone walls, recreational uses and the like.

5. The resource inventory components may be incorporated onto the site plan or submitted as a separate written document.
 - c) All lots shall be served by an internal road network. No lots shall front upon the existing major road.
 - d) The permanent open space shall include the site's most significant natural and/or cultural environmental features, such as:
 1. steep slopes.
 2. wetlands, floodplains, natural watercourses,
 3. woodlands,
 4. scenic views,
 5. agricultural or equestrian components,
 6. historical structures,
 7. recreational pathways and facilities,
 8. similar features approved by the Planning Commission.
 - e) Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.
 - f) Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to unite and opens space areas.
3. Open Space Maintenance
- a) All open space shall be permanent and set aside in perpetuity.
 - b) Open space shall be in single ownership and maintained by any of, but not necessarily limited to, the following:
 1. Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
 2. Dedication of open space to a public body or private land conservancy or trust.
 3. Conservation easement granted to a public body or private land conservancy or trust.
 - c) All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.

- d) All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to approval of the development proposal by the Planning Commission.

4. Compliance With Other Criteria

All proposals for Special Land Use Approval under this Section shall comply with all provisions of Sections 1100 and 1101 - which are not specifically modified under this Section.

5. Review process for Density Bonus Option

All proposals for the Cluster Housing Density Bonus Option shall be reviewed in accordance with the provisions of Article 13 - Special Land Uses and Section 1101. The flow-chart in Section 1101 outlines the general review process.

SECTION 1335. AGRICULTURAL IMPLEMENT SALES AND SERVICE FACILITIES

Agricultural implement sales and service facilities and similar uses may be permitted in certain district specified in this Ordinance, subject to the following:

- A. The site shall have direct access to an existing paved public road with a planned right-of-way of 120 feet or more, or currently designated by St. Clair County as a County Primary road.
- B. Any storage yard for equipment or machinery shall be separated from an adjoining residential district by a greenbelt in accordance with the requirements and standards of Section 1212.
- C. The Planning Commission may require additional screening, buffering or landscaping along any property line where the Planning Commission determines such additional improvements would be necessary to reduce the impact of the proposed outdoor sales lot on adjoining properties.
- D. Management plans shall be maintained for the collection, storage, and recycling or proper disposal of all new, used, or waste implement fluids resulting from repair or service operations.
- E. No vehicles or merchandise for sale shall be displayed within any required greenbelts, landform buffers, buffer strips, or other landscape or open space area.

SECTION 1336. PRIVATE CLUBS AND LODGE HALLS

Private clubs and lodge halls may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. All such uses shall have ingress and egress directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred and twenty (120) feet, as indicated on the Master Plan.

- B. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the Township.
- C. No building shall be closer than fifty (50) feet to any property line. The building setback shall be increased to one hundred (100) feet when abutting a residential zoning district.
- D. Maximum lot coverage shall not exceed thirty (30%) percent.
- E. No such uses shall abut and existing single-family residential district on more than one side.
- F. Off-street parking and loading and unloading shall meet the standards of Sections 1204, 1205, and 1206.
- G. A 10 foot wide landscaped buffer containing one tree and three shrubs shall be provided adjacent to the road right-of-way or easement and any residential district. The buffer shall meet the standards of Section 1208.
- H. No business activity other than those directly related to the club or to its operation shall be permitted.

ARTICLE 14 - GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE

The regulation in this Ordinance shall be subject to the following interpretations and exceptions.

SECTION 1400. ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township.

SECTION 1401. VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SECTION 1402. HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special land use.

SECTION 1403. LOT AREA

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in Section 1202, B "Nonconforming Lots" of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

SECTION 1404. YARD REGULATIONS

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

SECTION 1405. RESIDENTIAL YARD FENCES

Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than thirty (30) inches in height within a required front yard, e.g., along the property line.

ARTICLE 15 - ADMINISTRATION AND ENFORCEMENT

SECTION 1500. ENFORCEMENT

The provision of this Ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance.

SECTION 1501. DUTIES OF BUILDING INSPECTOR

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Building Inspector permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 1502. PLOT PLAN

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- A. The actual shape, location, and dimensions of the lot.
- B. The shape, size, and location of all buildings or other structures, to be erected, altered, or moved and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SECTION 1503. PERMITS

The following shall apply in the issuance of any permit:

- A. Permits Not to be Issued:

No building permit shall be issued for the erection, alteration of use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this and other Ordinances.

- B. Permits Required:

No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The term "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress, and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Construction plans for water mains, sanitary sewers, paving, storm drainage facilities and site grading, approved by the Township Engineer, shall also accompany an application for a building permit, where necessary.

SECTION 1504. CERTIFICATES

No land, building, or part thereof, shall hereafter be occupied by, or for, any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any certificates:

A. Certificate for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

B. Certificate for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

C. Certificate Not to be Issued

No Certificate of Occupancy shall be issued for any buildings, structure, or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.

D. Certificates Required

No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.

E. Certificates including Zoning

Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.

F. Certificates for Existing Buildings

Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

G. Records of Certificates

A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

H. Certificates of Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling which shown on the plot plan and when completed at the same time as such dwelling.

I. Application for Certificates

Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

J. Permits for Temporary Placement of a travel trailer as a Residence or as a Contractor's On-Site Construction Office.

1. The Building Inspector may issue a permit for the temporary placement of a travel trailer for use as temporary living quarters during the actual construction of a single family dwelling or as a contractor's on-site construction office, subject to the following:

- a) The initial permit period shall not exceed twelve (12) months. One (1) extension not to exceed twelve (12) months may be granted provided a valid building permit has been obtained and significant progress is being made toward completion of the permanent building, as determined by the Building Inspector.
- b) The travel trailer shall be properly connected to an approved septic tank/tile field disposal system and an adequate water supply well prior to occupancy.
- c) A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to insure removal of the travel trailer unit upon expiration of the temporary permit.

2. In the event of total loss of a dwelling or its being rendered uninhabitable due to fire, tornado, flood, or similar natural disaster, the Building Inspector may approve the temporary placement of a travel trailer on the owner's property for use as a residence while the dwelling is being rebuilt or replaced, subject to the following:

- a) A building permit for repair or replacement of the permanent residence must be obtained prior to placement of the temporary unit.
- b) The initial permit period for the temporary residence shall not exceed six (6) months and not more than two (2) extensions of three (3) months each may be granted by the Building Inspector.
- c) A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to ensure removal of the temporary dwelling unit upon expiration of the temporary permit.

SECTION 1505. FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for the final inspection.

SECTION 1506. FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

SECTION 1507. INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or Ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits; the provisions of this Ordinance shall control.

SECTION 1508. ZONING COMMISSION

The Township Planning Commission is hereby designated as the Commission specified in Public Act 184 of 1943, as amended, and shall perform the duties of said commission as provided in the statute in connection with the amendment of this Ordinance.

SECTION 1509. PLANNING COMMISSION APPROVAL

- A. The Planning Commission shall have those powers and duties as provided in Public Act 168 of 1959, as amended, Public Act 184 of 1943, as amended, and such other duties as are established in this Ordinance including:
 - 1. Prepare and maintain a General Development Plan;

2. Review and make recommendations to the Township Board regarding adoption of a zoning ordinance and subsequent amendments thereto;
3. Review and decide Special Land Uses in accordance with this ordinance;
4. Review and approve site plans in accordance with this ordinance;
5. Review and make recommendation to the Township Board regarding tentative preliminary plat review of subdivisions under P.A. 288 of 1967 as amended.
6. Review and approval of proposed public works projects;
7. Conduct necessary public hearings as required by law regarding matters before the Commission for review, recommendation or approval.
8. Review and take appropriate action on all other matters which are subject to Planning Commission review authority as required by law.

B. MEETINGS AND RECORDS

1. The Planning Commission shall hold regular meetings as scheduled each year. The Planning Commission shall also conduct such special meetings as shall be called by the Chair.
2. All meetings of the Planning Commission shall be conducted in compliance with Act 267 of 1976 as amended, The Open Meetings Act.
3. Applicants shall appear at hearing(s) regarding their case, either personally or by designated representatives who are authorized by the applicant to act on their behalf for purposes of the application. The Planning Commission may conduct required hearings and reach a decision on all applications without the applicant being present if the applicant does not request a continuance or postponement in writing prior to the hearing.
4. The Planning Commission shall make no decision except in a specific case and after required hearing, if applicable.
5. A simple majority of the members of the Planning Commission shall constitute a quorum, without which the Planning Commission shall not conduct business. The concurring vote of a simple majority of the members of the Planning Commission shall be required to pass a motion regarding any matter brought before the Commission, unless otherwise required by State law, this ordinance or Township ordinance.
6. The secretary shall prepare and maintain minutes of all Planning Commission proceedings. The minutes shall be the final authority on proceedings of the Planning Commission. The Commission shall approve all minutes prior to their designation and use as the official record of proceedings. Where a written record is required or requested, the approved minutes, along with any plans or other information submitted with the application shall constitute the written decision.

7. The official records of the Planning Commission shall be maintained by the Township Clerk or the Administrative Official so designated.
8. The Planning Commission may adopt by-laws for the conduct of its meetings and hearings.

C. **APPEALS FROM DECISIONS OF THE PLANNING COMMISSION**

1. Appeals from decisions of the Planning Commission shall be taken in the manner provided by law.

SECTION 1510. CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission, on its own motion, or on petition, amend, supplement or change this Ordinance in accordance with the procedure established by State Law.

SECTION 1511. FEES - PETITION FOR AMENDMENT

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be paid to the Township Clerk to partly defray the expense of said public hearing.

SECTION 1512. VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100) dollars and cost of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

SECTION 1513. PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered or converted, or any use of premises of land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 1514. FINES, IMPRISONMENT

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

SECTION 1515. EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 1516. RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by the law.

SECTION 1517. VARIANCE

A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship, and unique circumstances applied to property. A variance is not justified unless all of these elements are present in the case.

ARTICLE 16 - BOARD OF APPEALS

SECTION 1600 CREATION AND MEMBERSHIP.

- A. A Zoning Board of Appeals (ZBA) is hereby created to carry out the responsibilities and exercise the authority provided in this Ordinance and in Act 184 of the Public Acts of 1943, as amended. The ZBA shall carry out its duties so that the objectives and spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- B. The ZBA shall consist of three (3) members. The first member shall also be a member of the Township Planning Commission. The remaining members of the ZBA shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An employee or contractor of the Township Board may not serve as a member of the ZBA.
- C. The compensation, if any, paid to ZBA members for discharge of their duties shall be established by resolution of the Township Board. A failure of action on the part of the Township Board in any year shall be effective action to re-establish the same compensation from the prior year.
- D. Members of the ZBA shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- E. The term of each member shall be three years, except for members serving by reason of membership on the Planning Commission or Township Board, in which case the terms of such members shall be concurrent with and limited to their respective terms as members of the Planning Commission or Township Board and consistent with the periods stated in the resolutions appointing such members. When members are first appointed to the ZBA, the appointments may be for less than three years in order to provide for staggered terms.
- F. Following the expiration of the term of a ZBA member, a successor shall be appointed not more than one month after the term of the proceeding member has expired.
- G. All vacancies for unexpired terms shall be filled for the remainder of the term.
- H. The Township Board may appoint not more than two (2) alternate members of the Zoning Board of Appeals who shall serve as a member of the Board upon the call of the Chairman where a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Board or for a period of thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in cases he hears as a regular member of the Board of Appeals. Appointments of alternate members for the first year shall be for a period of one (1) and two (2) years respectively, thereafter each alternate member shall hold office for the full three (3) year term.

- I. A member shall disqualify himself from all discussion and voting in which the member has a conflict of interest.

SECTION 1601 OFFICERS

- A. The ZBA shall annually elect a chairperson, a vice chairperson, and a secretary, each to serve for one year. An elected officer of the Township shall not serve as chairperson of the ZBA. Such election shall be held at the first regular meeting of the ZBA following January 1 in each calendar year, or at the first regular meeting of the ZBA following departure of an existing officer from the ZBA.
- B. The chairperson shall preside at all meetings of the ZBA. In the absence of the chairperson, the vice chairperson shall preside. The presiding officer, subject to these rules, shall decide all points of order or procedure. The chairperson, or in his or her absence, the acting chairperson, may administer oaths.

SECTION 1602 AUTHORITY OF ZONING BOARD OF APPEALS

- A. In General

The ZBA shall have authority to act on those matters where this Ordinance provides for administrative review, appeal, interpretation, or special approval appeal, and shall have authority to authorize a variance as defined in this Ordinance and law of the State of Michigan. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance.

- B. Administrative Review

The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance. In hearing and deciding appeals under this sub-section, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which has not been presented to the administrative official, board or commission from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official, board or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, board or commission breached a duty or discretion in this Ordinance.

- C. Interpretation

The ZBA shall have authority to hear and decided requests for interpretation of the zoning ordinance, including the zoning map. The ZBA shall make such decision so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been

consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

D. Special Land Use Approval Appeals

The ZBA shall have authority to hear and decide appeals from the decision of the Planning Commission regarding special land use approvals. In deciding such appeals, the ZBA shall review the Planning Commission's application of the specific special land use approval standards applicable. The method and scope of appellate review under this sub-section shall be governed by the same standards applicable to review under sub-section 1602B. The ZBA shall be authorized to impose conditions determined appropriate by the ZBA, and as authorized by law, in connection with a decision on a special land use approval appeal.

E. Variances

The ZBA shall have authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. Such authority shall be exercised in accordance with the following standards:

1. The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
 - a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - b. The variance will do substantial justice to the applicant, as well as to other property owners.
 - c. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
 - d. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - e. The problem and resulting need for the variance has not been self-created by the applicant.
2. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and evidence from which the ZBA may make the required

findings. Administrative officials and other persons may, but shall not be required to provide information, testimony and evidence on a variance request. The fact that a Township representative does not appear and/or present information, testimony and/or evidence on a particular variance request, shall not be considered or construed as being a waiver of the right to make such a presentation at a later date or an acknowledgment that the information, testimony and/or evidence does not exist, and shall not be evidence, in and of itself, that a variance should be granted.

3. The following are specified as appropriate considerations by the ZBA in hearing and deciding variance requests, provided, this list shall in no respect constitute a limitation upon the considerations which may be made by the ZBA:
 - a. Other lands, structures, buildings, lots and uses in the same district and in the general vicinity of the property in question.
 - b. Whether granting the variance will confer special privileges on the applicant that have been denied by the Ordinance and/or ZBA in other cases.
 - c. Whether the requested variance is the minimum necessary to authorize reasonable use of the property in relation to the surrounding area.
 - d. Reasonable and available alternatives, which, although not requested by the applicant, would minimize or eliminate the need for variance relief.
 - e. The provisions of this Ordinance from which a variance is requested, including the purpose and intent of such provisions within the context of the Ordinance as a whole.
 - f. The imposition of appropriate and authorized conditions.
 - g. The existence of nonconforming structures, uses of land, or the combination of structures and uses, shall not be used as a basis or rational for granting a variance.

F. Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure adequacy of public services and facilities affected by a proposed use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements.

1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required for a new case or application. Moreover, to insure adequate notice of a decision and any conditions, the ZBA may require as a condition to the effectiveness of relief granted that the property owner record with County Register of Deeds, in a form acceptable to the ZBA, an affidavit detailing the relief granted and conditions imposed.

SECTION 1603 APPLICATIONS AND NOTICES; EFFECT OF APPEAL

- A. All applications to the ZBA shall be filed with the Township Clerk, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board. Applications shall include all plans, studies and other information and data to be relied upon by the applicant.
- B. The plan which shall accompany all variance requests shall be based on a mortgage survey, or land survey prepared by a registered land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. The Zoning Board of Appeals has the authority to require a land survey prepared by a registered land surveyor when the ZBA determines it to be necessary to insure accuracy of the plan.
- C. At least one (1) week prior to the date of a scheduled hearing before the ZBA, all property, parcels and/or lots which are the subject of a ZBA hearing shall be marked and staked in the following manner:
 1. Each corner of the lot or parcel shall be staked.
 2. Each corner of the proposed building(s) shall be staked.
 3. Vacant parcels shall be posted with a clearly visible sign noting the address or lot number.
- D. The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.
- E. As a condition to invoking the jurisdiction of the ZBA, an appeal under Sections 1602B or D shall be taken by the applicant within 30 days of the date of the order, refusal, requirement or determination from which the appeal is being taken.

- F. In a case involving an appeal from an action of an administrative official, the administrative official, upon notice from the ZBA, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken.
- G. Applications to the ZBA shall be made with full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.
- H. The Township Clerk, or designate, shall provide public notice of a ZBA public hearing in accordance with the public hearing publication and notification procedures required for a rezoning or special land use approval request. Other persons may be notified at the discretion of the ZBA. Where the case does not relate to a specific site, notification shall be made in the newspaper only.
- I. An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

SECTION 1604 MEETING AND RECORDS

- A. The ZBA shall conduct regular meetings as scheduled each year, or at the call of the chairperson. The chairperson shall set the time and date for meetings. The ZBA shall also conduct such special meetings as shall be called by the chairperson and/or by a majority of the ZBA members. All meetings of the ZBA shall be conducted in accordance with Act 267 of the Public Acts of 1976, as amended, the Open Meetings Act.
- B. Applicants shall appear at the hearing, either personally or by designated representative whose identity and authority shall be conformed by the applicant in writing. Nothing in this sub-section shall relieve the applicant from providing competent testimony or evidence in support of the relief requested, including responses to questions or requests by the ZBA regarding the applicant's position on a relevant issue and/or possible conditions on a favorable decision. The ZBA may conduct the required hearing and reach a decision on all applications without the applicant being present if applicant does not request a continuance in writing prior to the hearing.
- C. The ZBA shall make no decision except in a specific case and after required hearing.
- D. Two members of the ZBA shall constitute a quorum, without which the ZBA shall not conduct business. The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the administration of this Ordinance, or to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this Ordinance, or to grant a variance from the terms of this Ordinance.
- E. The Secretary of the ZBA shall prepare minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the

responsibility of, the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.

- F. The official records of the ZBA proceedings shall be filed in the Township Clerk's office and shall be public records.

SECTION 1605 DISPOSITION; DURATION OF APPROVAL; APPEAL

- A. The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.
- B. A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as prepared by the secretary, shall constitute the written decision.
- C. Any decision of the ZBA shall remain valid only as long as the information and data relating to such decisions are found to be correct, and the conditions upon which the decision was based are maintained.
- D. The relief granted by the ZBA shall be valid for a period not longer than one (1) year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual, on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void. Relief granted by the ZBA shall not constitute approval of the use or activity where any other zoning compliance, building permit, or other review or permit is required.
- E. Appeals of a ZBA decision shall be taken in the manner provided by law.

ARTICLE 17 - VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modifications as may be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE 18 - SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 19 - CONFLICTING PROVISIONS REPEALED

All other ordinances and parts of ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance for the Township of Mussey, St. Clair County, Michigan, effective and as amended, is specifically repealed in its entirety.

ARTICLE 20 - LI - LIGHT INDUSTRIAL DISTRICTS

SECTION 2000. INTENT

The Light Industrial District is intended to provide for the limited industrial and manufacturing uses. These districts are intended to be located so as to reduce a negative impact on the Township's agricultural and residential character. Also, design standards are intended to minimize the negative impacts of development within these districts. This district is intended to be within close proximity to I-69, M-21, the Village, existing or proposed utilities, and access to adequate paved roads for these more intense uses.

SECTION 2001. PRINCIPAL PERMITTED USES

In the Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following uses when carried out entirely within an enclosed building:

- A. The manufacturing, compounding, processing, packaging, treatment, or fabrication of such products as: bakery goods, candy, ceramics, cosmetics, clothing, electrical and electrical equipment, jewelry, instruments, optical goods, pharmaceutical, toiletries, hardware, cutlery and pottery.
- B. Research, experimental, film or testing laboratories.
- C. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities including but not limited to lumberyards, home centers, or building materials outlets.
- D. Educational facilities, trade and vocational schools.
- E. Assembly of electrical appliances, electronic instruments or precision devices, radios, musical instruments, toys, novelties, sporting goods, and photographic equipment.
- F. Warehousing, storage, or wholesale facilities.
- G. Cold storage, warehousing and distribution uses, and similar businesses involved in the receipt, storage, sales, and delivery of remanufactured products.
- H. Meeting halls for union, trade or similar organizations.
- I. Offices of an engineering, electrical, or industrial design firm or other similar use.
- J. Self-storage facilities (Mini warehouses).
- K. Wireless Communication Facilities subject to the standards of Section 1325.
- L. Uses similar to the principal permitted uses above may be permitted by the Planning Commission based upon findings of fact.

SECTION 2002. SPECIAL LAND USES

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article 13 and the submission of a site plan conforming with the requirements of Section 1515:

- A. Motor freight and truck terminals (Section 1324).
- B. Central dry cleaning plants (Section 1327).
- C. Utility and Public Service Facilities (Section 1327).
- D. Tool, die, gauge, metal plating, and machine shops (Section 1332).
- E. Outdoor Storage Yards for contractors equipment, vehicles, and materials including but not limited to salvage, junk, recycling, reclamation, or scrap yards (Section 1317).
- F. Yard Waste Composting Facilities (Section 1317).
- G. Lumber and Planing Mills (Section 1330).
- H. Mining and Extraction (Section 1310).

SECTION 2003. ACCESSORY STRUCTURES AND USES

Accessory buildings, structures and uses shall be permitted in accordance with Section 1203, including accessory outdoor storage which conforms with the provisions of Section 1326 (special approval not required).

SECTION 2004. DEVELOPMENT REGULATIONS

All uses within the LI District shall comply with the following required conditions:

- A. Except as otherwise provided in this Article, all uses shall be conducted wholly within a completely enclosed building.
- B. Outdoor storage is permitted which is clearly accessory to the permitted principal use, limited in scale, incidental to the primary indoor use(s) on the site, and completely screened in accordance with site requirements of Section 1212.
- C. No truck well, loading dock or door, shall be permitted on or in the wall of the building which faces an abutting residential district and only pedestrian exits or emergency doors shall be allowed on such wall. All loading / unloading docks and truck wells shall be place on or in the wall of the building that is opposite the boundary of the residential district or on the wall that lies approximately at a ninety (90) degree angle to the residential district boundary. If such dock, truck well or door shall be recessed by not less than sixty (60) feet from the front wall of the building in order to provide that a truck tractor and trailer shall not, when in place for loading or unloading at the dock or well, project past the front wall of

the building. Also, the site plan and driveways shall be designed in such a manner to discourage truck access to that portion of the lot or site that is adjacent to the residential district.

- D. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined dumpster / trash receptacle area as approved by the Planning Commission.
- E. Exterior site lighting shall be in accordance with Section 1210. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
- F. For all uses permitted in the LI District there shall be a finding by the Planning Commission that:
 - 1. The scale, size, building design, facade materials, landscaping and activity of the use is such that current and future adjacent residential uses will be protected from any adverse impacts.
 - 2. The intended truck delivery service can be effectively handled without long term truck parking on site.
 - 3. The lighting, noise, vibration, odor, and other possible impacts are in compliance with standards and intent of this article and performance standards of Section 1207.
 - 4. The storage and/or use of any volatile, flammable or other materials shall be fully identified in the application and shall comply with any Township ordinance regarding toxic or hazardous materials.
- G. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of Section 1215 of this Ordinance and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- H. See Article 12, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the Article as they relate to uses permitted in the district.
- I. Except where otherwise regulated in this Article, refer to Section 1100, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.
- J. No required front yard space in any LI - Light Industrial district shall be used for the storage or parking of vehicles or any other materials or equipment.
- K. The storing or parking of machinery, equipment, vehicles, or other materials is prohibited in any open areas.

ORDINANCE NO. 31

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR THE SALE OR DISPENSATION OF MEDICAL MARIHUANA AND THE ESTABLISHMENT OF ANY BUSINESS, COMMERCIAL OR RETAIL OPERATION, COMPASSION CENTER, DISPENSARY, COLLECTIVE, COOPERATIVE, CLINIC OR ANY SIMILAR USE, WHERE THE PURPOSE IS THE DISPENSATION OF MEDICAL MARIHUANA, WITHIN THE TOWNSHIP OF MUSSEY.

THE TOWNSHIP OF MUSSEY ORDAINS:

SECTION 1. FINDINGS:

In accordance with Act No. 33 of the Public Acts of 2008 and Act No. 110 of the Public Acts of 2006, as amended, the Township of Mussey has determined that:

1. On November 8, 2008, Michigan Proposal 08-1 "A Legislative Initiative to Permit the Use and Cultivation of Marihuana for Specified Medical Conditions" passed in the State of Michigan. On December 4, 2008 the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26423(d) (the "Act") became effective.
2. It is within the rights of the Township of Mussey to establish reasonable regulations to control the sale and dispensation of medical marihuana. The Township desires to ascertain the best and safest path to compliance with the Act.
3. The provisions within the Code of Ordinances and Zoning Ordinance have not been amended to include business licensing requirements and/or land use regulations for the Act.
4. The Act is silent on any form of a commercial or retail use for the purpose of dispensing medical marihuana and on where a registered patient or registered caregiver can obtain medical marihuana. Allowing these types of uses prior to amending the Zoning Ordinance is contrary to the Township of Mussey Master Plan, adopted May 27, 1997, and as amended.
5. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for the review and adoption of the necessary amendment(s) to the Code of Ordinances and/or Zoning Ordinance.

SECTION 2. MORATORIUM:

1. A moratorium shall be imposed upon the issuance of permits, licenses or approvals for the sale or dispensation of medical marihuana and on the establishment of any business, commercial or retail operation, compassion center, dispensary, collective, cooperative, clinic or any similar use, where the purpose is for the dispensation of medical marihuana, within the Township of Mussey for twelve (12) months from the effective date of this ordinance, or until an adoption of an amendment(s) of the Code of Ordinances, Zoning Ordinance and any other applicable codes, whichever occurs first.
2. The Township Board and Planning Commission of the Township of Mussey during the moratorium period shall investigate potential modifications to the Code of Ordinances and/or Zoning Ordinance that may establish reasonable regulations to control the sale and dispensation of medical marihuana in order to protect the public health, safety, and welfare, and comply with the Act.
3. The Township of Mussey may, prior to the expiration of the twelve (12) month moratorium, extend the moratorium for an additional six (6) months to allow sufficient time to complete an amendment(s) to the ordinance(s).

SECTION 3. SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION 4. REPEAL:

All Ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE:

This Ordinance has been deemed an emergency ordinance and shall become effective upon adoption.

SECTION 6. INSPECTION OF ORDINANCE:

A copy of this Ordinance may be inspected or purchased at the Township Hall, 135 N. Main St., Capac, Michigan 48014, during regular posted office hours.

SHEILA MCDONALD, CLERK
Township of Mussey

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Number 31, duly adopted by the Township Board of the Township of Mussey, St. Clair County, Michigan, at a regular meeting held on the 9th day of February 2011, at which all members were present except Bruce Downey, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Member Linda Kniseley moved for adoption of said Ordinance and that Member Connie Kain supported said Motion.

I further certify that the following Members voted for adoption of said Ordinance: Mike Lauwers, Sheila McDonald, Connie Kain, AND Linda Kniseley, and that the following Members voted against adoption of said Ordinance: none.

I further certify that the following events and dates occurred in the adoption of this Ordinance.

DATE ADOPTED: February 9, 2011

DATE PUBLISHED AFTER ADOPTION: February 16, 2011

EFFECTIVE DATE: February 9, 2011

MUSSEY TOWNSHIP
135 N. MAIN ST., CAPAC, MI 48014
Phone: 810-395-4915
Fax: 810-395-7182

ORDINANCE NO. 44

PRELIMINARY RECITALS

Mussey Township Board of Trustees makes the following findings:

1. The Mussey Township Board of Trustees finds the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 (“MMMA”) does not create a right for commercial enterprises acting as caregivers to cultivate marihuana in Michigan.
2. The MMMA’s protections are limited to those caregivers assisting those suffering from serious or debilitating medical conditions or symptoms, to the extent that marihuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers who cultivate and possess smaller amounts of marihuana.
3. According to the MMMA, in Michigan a licensed patient may grow 12 plants for personal use. A licensed medical marihuana caregiver may grow up to 12 plants for 5 patients. If the caregiver is also a patient, then a single individual may lawfully grow a total of 72 plants total. To the extent number of plants is reduced under the MMMA, it is the intent to apply the lesser number of plants as provided in the MMMA as amended.
4. The MMMA also provides affirmative defenses from criminal prosecution for cultivation of marihuana commonly known as section 8 defenses. The MMMA also provides a system of registry identification cards for qualifying patients and primary caregivers.
5. Medical use of marihuana means the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition. The definition of “medical use” of marihuana includes the “transfer” of marihuana “to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition,” but only if such “transfer” is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory

Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.

6. The MMMA limits the cultivation any one registered primary caregiver may assist to no more than five qualifying patients with their medical use of marihuana.

7. The MMMA does not create a new vocation for entrepreneurs or others who wish to engage in the sale of marihuana such as in a commercial setting; rather is it is clear the MMMA is directed at improving the health and welfare of qualifying patients by a caregiver's limited cultivation of marijuana rather than creating a commercial enterprise which preempts the field of zoning or limitation to operation of commercial grow facilities within local zoning districts.

8. The State of Michigan also enacted the "Medical Marihuana Facilities Licensing Act," Act 281 of 2016, to establish a licensing and regulation framework for medical marihuana growers, processors, secure transporters, provisioning centers, and safety compliance facilities to better regulate where and how marihuana can be processed for medical needs patients taking into account the health, safety and welfare of medical patients. The Facilities Licensing Act allows these facilities to be placed into zones or prohibited in a community entirely. Under these statutes and rules, the State of Michigan will not issue a state operating license unless the municipality in which the applicant's proposed marihuana facility will operate has adopted an ordinance that authorizes that type of facility.

9. In the November 2018 election, Michigan voters approved Initiated Law 1 of 2018, known as the Michigan Regulation and Taxation of Marihuana Act, which makes the use of marijuana legal under state and local law for adults 21 years of age or older. The Act also allows for the commercial production and distribution of marijuana under a state licensing system. This Act allows a municipality to completely prohibit or limit the number of marihuana establishments within its boundaries.

10. Local units of government have statutory and judicial authority to provide by zoning ordinances to regulate land development withing their own communities and establish districts for the use of land and structures so situated to appropriate locations and relationships, to promote public health, safety, and welfare of those within its municipal boundaries to the fullest extent allowed by the Michigan Zoning Enabling Act, 110 of 2006.

11. Registered primary caregivers are not permitted to become an unlicensed commercial grow facility, and local municipalities are specifically allowed to prohibit commercial grower facilities under the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of Marihuana Act, governing such commercial grow facilities and is further authorized to balancing the public health, safety and welfare

needs of residents by regulating marihuana growth and operations to appropriate zones and review and approve structures and facilities for health and safety of its residents.

12. By permitting and regulating the operations of registered primary caregivers to certain designated zoning districts promotes the MMMA's purpose of ensuring that: (i) a registered primary caregiver is not assisting more than five qualifying patients or the amount allowed under the Acts, with their medical use of marihuana, and (ii) a registered primary caregiver does not unlawfully expand its operations beyond five qualifying patients, so as to become an illegal commercial operation acting without State of Michigan approved licensing, in the nature of a marihuana collective, cooperative or dispensary.

13. It is also local units of government responsibility to provide zoning of land use under the Michigan Zoning Enabling Act, 110 of 2006, regulation of uses for compatibility of adjacent properties to ensure appropriate locations and relationships, to limit nuisances in particular in residential zones in order to promote public health, safety, and welfare of all residents and promote safe, clean, neighborhoods within the community.

14. The Township Board finds there are complaints of land use, noise, smell, dangerous structures, electrical, propane and other fires related to growing and marihuana cultivation within the State of Michigan, and this land use regulation and home caregiver ordinance is consistent with the MMMA's purposes to allow caregivers to grow in approved buildings, structures and enclosed locked facilities in a safe and secure setting.

NOWTHEREFORE MUSSEY TOWNSHIP ORDAINS AND AMENDS ARTICLE XV LAND USAGE CHAPTER 153 SPECIAL LAND USE APPROVAL REQUIREMENTS BY ADDING A NEW § 153.245 TO REGULATE HOME OCCUPATION FOR MEDICAL MARIHUANA PRIMARY CAREGIVERS AND FACILITIES THROUGH SPECIAL LAND USE AS FOLLOWS:

§ 153.245 HOME OCCUPATION MEDICAL MARIHUANA PRIMARY CAREGIVERS AND FACILITIES ORDINANCE-SPECIAL APPROVAL

I. HOME OCCUPATION-CAREGIVERS

(A) Medical Marihuana Caregivers are those persons defined under the Michigan Medical Marihuana Act ("MMMA") of 2008 (MMMA) who are issued a registry identification card who cultivate marihuana for patients.

(B) Registered Primary Caregivers, operating in compliance with the MMMA General Rules, the MMMA, and the requirements of the zoning ordinance, are regulated as a home occupation subject to facilities cultivation approvals required under this section.

(C) The cultivation, delivery or distribution of marihuana to treat or alleviate a debilitating medical condition is otherwise prohibited, except in compliance with the Michigan Medical Marihuana Act (“MMMA”) of 2008, this zoning ordinance, or other State of Michigan law.

(D) The use of marijuana solely for personal use, or recreational use does not require a permit under this subsection; however, all applicable State of Michigan requirements must be met.

II. HOME OCCUPATION-MEDICAL MARIHUANA PRIMARY CAREGIVERS FACILITIES APPROVAL

(A) Home occupations are allowed for caregivers under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 (“MMMA”) as a special land use in the (AG) Agricultural District zoning classification.

(B) The home occupation shall be by application and zoning permit applying the standards in this section as a Special Land Use and listed now listed as §153.032(X) and §153.205 Special Land Use Approval Requirements or as later amended.

(C) The home occupation shall be carried on entirely within a dwelling or approved accessory facility or structure and exclusively by the inhabitants thereof.

(D) No article shall be offered for sale on the premises unless incidental and compliant to the service conducted within the requirements under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 (“MMMA”).

(E) Caregivers must comply with the applicable provisions of this section and the Mussey Township Zoning Ordinance as applicable.

III. STANDARDS

(A) The following standards and requirements shall apply in reviewing the Special Land Use application to the location at which the medical cultivation of marihuana is conducted by a primary caregiver. Growth, storage, manufacturing and cultivation of medical marihuana must comply with the following standards:

1. The medical use of marihuana shall comply at all times with the MMMA and the MMMA General Rules, as amended.
2. Except as otherwise required by law, not more than one registered primary caregiver, who is the registered caregiver where the cultivation occurs, shall be permitted to operate and cultivate as a primary caregiver at any single property parcel. The principal owner of the dwelling must be included in the application.

3. The medical growth of marihuana shall be conducted entirely within a dwelling occupied by the caregiver, or within an attached garage, outbuilding, accessory building, or structure, or in an “enclosed, locked facility” (as that phrase is defined by the MMMA), for up to 12 marihuana plants for each registered qualifying patient (up to 5 patients) with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.

4. Except as provided herein, a home occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in the Agricultural District as provided in the Zoning Ordinance.

5. If the cultivation of marijuana as a home occupation occurs in a dwelling, the cultivation area shall not utilize more than twenty-five (25%) percent of the total floor area of the dwelling, but in no event more than five hundred (500) square feet of floor area.

6. The home occupation shall not generate traffic volumes greater than normally expected in a residential or agricultural area. All parking shall be off-street and may not be located in a front yard.

7. No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses beyond the property line of the home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences, or causes fluctuations in line voltages off the premises.

(B) Approved Facility. The Home Occupation for medical growth of marihuana shall be conducted entirely within an approved dwelling occupied by the caregiver, or attached garage, or outbuilding, or accessory building, other structure, or in an “enclosed, locked facility” (as that phrase is defined by the MMMA) approved under this section. The Home Occupation whether in a dwelling, garage, outbuilding, or accessory building, or other approved structure, or in an “enclosed, locked facility” shall be clearly incidental and secondary to the use of premises as a residence.

(C) Application. First time applicants shall be required to pay the applicable plan review and inspection fees as set by the Township Board by resolution, which may be amended from time to time. The Planning Commission may require an applicant to amend and provide further documentation to complete an application to carry out the spirit of this section.

(D) **Nuisance.** No noise, odor, fire hazard, or traffic congestion shall be created beyond which is normal in a residential area. No equipment or process shall be used in the growth of marihuana which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses which interferes with neighboring parcels use and quiet enjoyment of land. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises or interferes with neighboring parcels use and quiet enjoyment of land.

(E) **Outside Storage.** No outdoor storage or visible display of marihuana or materials shall be allowed, except in compliance with this Ordinance and approved facility.

(F) **One Caregiver per property parcel.** There shall be no other caregiver allowed to cultivate on a single property parcel, except one State of Michigan licensed caregiver who resides on the property parcel in a single-family home on the premises and the growing and cultivation facilities are approved under this section. No cultivation of marijuana shall be allowed for caregivers, except on a parcel occupied by the licensed caregiver.

(G) **Signage.** In order to maintain the residential character, a commercial sign identifying as a Primary Caregiver or Home Occupation by word, image or otherwise, or indicating that the medical use or cultivation of marihuana is taking place on the premises, shall not be permitted, nor shall any vehicle having such a sign be parked anywhere on the premises.

(H) **Materials.** Approved lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical cultivation of marihuana are allowed on the property, however, no other materials or equipment not generally associated with home ownership, use, and maintenance of a dwelling shall be permitted.

(I) **Distribution.** Distribution of marihuana or use of items in the administration of marihuana other than allowed under the MMMA shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana except as allowed by other State of Michigan law. There shall be no sales of marijuana, except recoupment of costs for registered primary caregiver who may receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana to the extent allowed by the MMMA.

(J) **Delivery.** Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.

(K) **Underage Access.** No one under the age of 21 years shall have access to medical marihuana, except as otherwise allowed by law.

(L) **On-site Consumption.** No on-site consumption or smoking of medical marihuana shall be permitted within the dwelling or on the property of a primary caregiver, except for lawful medical marihuana consumption by the primary caregiver if registered as also qualifying patient under the MMMA or as otherwise allowed by law.

(M) **Building Code Permits.** In addition to the permit granted hereunder, all building, electrical, plumbing and mechanical, soil or other permits required under the State of Michigan Building, Plumbing, Mechanical, Electric, or Fire Codes or Ordinances, shall be obtained for any portion of a building, structure, or facility in which equipment and devices that constructed in support the cultivation, growing or harvesting of marihuana are located or used.

(N) **Product Sales.** Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver.

(O) **Registration, Initial, Complaint Based, and Annual Inspection.** The property shall be registered with the Township with contact information. The property structures shall be required to pass an initial, as built, and annual basis inspection by the Township officials including, but not limited to, the fire department and code officials' inspection based upon the standards in this Ordinance and conditions imposed under the Special Land Use permit. The property may also require an inspection on a complaint basis. Such inspections shall include, but not be limited to, inspections of the heating equipment, filtration system, electrical wiring, lighting, watering and disposal methods that are used for the cultivation, growth and/or harvesting of medical marihuana, and the storage of any chemicals associated with the cultivation, growth, manufacturing and/or processing of medical marihuana. A certificate of approval will be issued to the registrant following passage of the required inspections. The registrant will be required to pay an additional fee for each inspection and annually as set by resolution of the Township Board.

(P) **Open Burn.** There shall be no open burning of marihuana or chemicals used in cultivation of marihuana.

(Q) **Discarded Materials.** All discarded marihuana and all by-products associated with the growth, processing and cultivations of medical marihuana must be disposed of in a way that prevents persons or animals from accessing the discarded materials.

(R) **Cost Recovery.** In the event of any explosion, release, or other hazardous condition or situation that results from the growth, cultivation or processing of medical marihuana, the responsible party shall be responsible for reimbursement of any and all emergency response costs.

(S) MMMA Controls, Confidential Information, Show Cause Hearing and Permit Revocation. Medical marihuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by the MMMA and this section.

1. The use shall be maintained in compliance with the requirements of this section, the MMMA and the MMMA General Rules. Any departure shall be grounds to revoke the permit and take other lawful action. If there is a compliance issue, the enforcement official may request a show cause hearing before the Township Planning Commission why a permit should not be revoked for a violation of this section. The applicant shall be provided notice and opportunity to be heard before revocation. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted. The permittee may appeal any denial, conditions, or revocation or other adverse action to the zoning board of appeals as allowed by the Michigan Zoning Enabling Act, before seeking judicial relief.

2. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act, unless required to be disclosed by judicial order, lawful subpoena, or other law.

IV. PERMIT AND SITE PLAN REQUIREMENTS

(A) Permit Application: A complete and accurate permit application shall be submitted on the application form provided by the Township along with a uniform application fee in an amount determined by the Township Board by resolution.

(B) Special Land Use Permit. The facility and cultivation shall be permitted only with the prior issuance of a special use permit.

1. The application shall include site plan(s) describing the processing, storage and cultivation of medical marihuana. The plan shall describe, in detail, the process and methods used for the growth, processing and/or cultivation of medical marihuana, including a description of the heating equipment and processes, chemical storage, filtration equipment, electrical wiring and lighting, and plant material and water disposal methods to be utilized.

2. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence;

a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; the number of patients served, and a description of the location at which the use will take place, the parcel number and lot size.

3. The zoning administrator may require additional information or permits necessary to demonstrate compliance with all requirements. The zoning administrator shall review the application to determine compliance with this section, the MMMA and the MMMA General Rules and the other applicable provisions of the zoning ordinance.

4. **Special Approval Use.** Upon completion of the application with the zoning official, the application shall be sent to the Planning Commission for review as applicable as a Special Land Use under §153.205.

5. The Township Planning Commission shall make the final determination for approval of the permit, which may be approved, denied, or approved with conditions. The decision shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed.

6. Land spilt approvals and other municipal permits may be coordinated or suspended during the application process.

(C) **Site Plan:** The applicant for Special Land Use Permit approval shall provide the following site plan information:

1. **Zoning Site Plan:** Prior to construction of any cultivation facility, the property owner, agent or designee shall provide the zoning official a site plan which will include the location of the dwelling, structure, building or enclosed locked facility, the size of the structure, and the type of materials to be used in construction, the size of the lot, the parcel number, the setbacks and other information the zoning official may require to process the application.

2. **Chemicals and Fertilizers Plan:** The plan shall include the Material Safety Data Sheets (MSDS) containing information on the potential hazards (health, fire reactivity and environmental impact) related to chemical products. The site plans shall also include the type, amount and location of stored chemicals and fertilizers.

3. **Odor Control Plan:** The site plan shall include a plan for odor control. The plan shall include the location and type of control for odor-emitting activity(ies). The applicant must provide information related to the location of doors, windows, ventilation systems, and odor sources. The plan should describe the odor-emitting activities or processes (e.g., cultivation) that take place with odor mitigation practices based on specific best control technologies and best practices.

4. Plumbing, Mechanical, and Energy Plans: The property owner shall provide the zoning official, a plumbing, mechanical, and energy plan with details of any building, facility, structure or enclosed locked facility used for the growth and cultivation of marihuana.

5. Electrical Plans and Specifications. The property owner shall submit a detailed set of electrical plans and specifications with the application for an electrical permit for any wiring or alteration to an electrical system. The electrical drawings shall include all of the following details:

- (i). Lighting layout.
- (ii). Circuiting.
- (iii). Switching.
- (iv). Conductor and raceway sizes.
- (v). Wattage schedule.
- (vi). Service location and riser diagram.
- (vii). Load calculations and available fault current calculations.
- (viii). A proposed method of construction with construction symbols.
- (ix). The plans shall include the selection of suitable disconnect and overcurrent devices to provide proper coordination and interrupting capacity for a wiring system is the responsibility of the designer.
- (x). Approval from the local electrical energy supplier that the request shall not place undue burden on the transfer or its electrical system.

6. Disposal, Pollution, Water Quality Control. The applicant shall provide a disposal and pollution control plan. An approved permit holder shall be prohibited from degrading water quality, or disposing of marijuana or chemicals or fertilizer into wells, drains or township sewers.

7. Michigan Department of Environment, Great Lakes and Energy (EGLE). The applicant may be required to present permits or approvals from EGLE as applicable.

8. Soil Erosion and Stormwater Runoff and Drainage Control. The applicant shall provide a soil erosion control plan and must apply for a soil erosion permit as applicable to engage in specified earth movement or changes. The applicant may not alter the drainage of their land that unreasonably interfere with others' land, which creates a nuisance.

9. Setbacks. Any portion of a dwelling, building or other structure proposed for marihuana growth, such as a cultivation room, or facility including an "enclosed, locked facility" as defined by the MMMA, shall meet the setback requirements from adjacent property lines as defined and stated for in each allowed zoning

district. No structure shall attach to any other structure on an adjacent property or cause a nuisance onto a neighboring property.

10. **Lighting.** If medical marihuana is grown or located in a room, building, structure or facility with windows or with exterior lighting, all lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.

11. **Duty to Maintain.** When approving site plans, the Township does not assume responsibility for the design or for any deviations from any plan drawings. The permit holder shall ensure that the plans and specifications approved by the Township are maintained in good working order and any use not expanded from the approved plans. A copy of the plans and specifications, shall be available on the site.

12. **Inspection.** In addition, all other applicable application requirements in this section and the zoning ordinance, codes and laws, any portion of a dwelling, building or other structure, such as a cultivation room, or facility including a "enclosed, locked facility" as defined by the MMMA, used for the growth or storage of marihuana, are subject to inspection and approval. Prior to approval, the property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official, Fire Chief, or designee, other Code or law enforcement, Planning Commission or Township official. Failure to allow inspection is a violation of this Ordinance and the zoning official may seek an administrative warrant to inspect the property and structures for purposes of enforcement and failure to allow inspection shall also be considered an incomplete application.

V. OTHER COMMERCIAL CULTIVATION ESTABLISHMENTS PROHIBITED

(A) **Provisioning and other Commercial Facilities Prohibited.** It shall continue to be unlawful to establish or operate a for-profit or nonprofit marihuana dispensary, collective, commercial use, cooperative, provisioning center or medical marihuana facilities within the Township, even if such use is intended for the medical use of marihuana. It is the intent of this ordinance to prohibit the pooling of caregiver cards to establish more allowable plant growth or a larger growth operation beyond five qualified registered patients per caregiver as permitted by the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. It is the intent of this ordinance to affirm the Township has opted out of the Medical Marihuana Facilities Licensing Act, Act 281 of 2016 or other State of Michigan law, and only one caregiver per parcel may be approved, except as otherwise allowed by this section.

(B) **Commercial Marihuana Facility establishments prohibited.** Any and all types of a "marihuana establishment," as that term is defined and used in Michigan Initiated Law

1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in Mussey Township and may not be established or operated in any zoning district, by any means, including by way of a variance. Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are completely prohibited and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.

VI. ENFORCEMENT

(A) **Municipal Civil Infraction.** Violation of this section shall be a Municipal Civil Infraction as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, Section 600.8701 et. seq. as amended.

(B) **Municipal Violation Notice.** The penalty for a notice of violation under the authority of MCL 600.8707, Section 8707(6) is as described under Title III Administration, Chapter 31, Civil Infractions payable at the Township Violation Bureau.

(C) **Municipal Civil Infraction.** The sanction and penalty for a municipal civil infraction shall be payable at the Court. The sanction for a municipal civil infraction shall be up to \$500.00, plus additional costs, damages, expenses and other sanctions and injunctive relief, as authorized under the Municipal Civil Infraction Statute Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. This Ordinance shall be enforceable to the fullest extent allowed under the Municipal Civil Infraction enabling statute as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, Section 600.8701 et. seq. as amended.

(D) **Authorized Local Official.** This section shall be enforced by the Supervisor or designee, Chief Code Enforcement Officer of the Township, the Township Ordinance Enforcement Officer, and/or by such other persons and/or officials who shall be so designated by the Mussey Township Board.

(E) **Additional Remedies.** A violator of this Ordinance shall also be subject to such additional sanction’s remedies, and/or judicial orders and/or judgments as are authorized and provided under the statutes and laws of the State of Michigan. Each day a violation of this Ordinance occurs and/or continues to exist, constitutes a separate violation. Any violation of this Ordinance is declared to be a public nuisance per se.

(F) **Court Actions.** By its adoption of this Ordinance, Mussey Township does not waive and/or relinquish any of its authority and/or power afforded to it under the statutes, laws and Court Rules of the State of Michigan for the enforcement of its Township Ordinances. The Township specifically reserves and retains the right to commence appropriate legal proceedings for equitable, injunction on and/or other relief and/or remedies available to the Township by actions and suits filed in the Circuit Court for the

County of St. Clair, in addition to the commencement of actions and/or filing of complaints in the District Court for the County of St. Clair.

(G) **Nuisance.** Violation of this section may also be enforced as a nuisance pursuant to the Michigan Zoning Enabling Act, MCL 125.3407 or applicable law. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, facility, tent, recreational vehicle, or land is liable for all costs and fees to abate for maintaining a nuisance per se.

(B) Nothing in this section shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq other State of Michigan law.

VII. NONUSE VARIANCE

Nonuse Variance. The zoning board of appeals may grant a non-use variance for structures, buildings, enclosed locked facilities under this section as long as the spirit of this ordinance is observed, public safety secured, and substantial justice done pursuant to the Michigan Zoning Enabling Act 110 of 2006 as amended and the Mussey Township Zoning Ordinance for variance standards now or later enacted. The zoning board of appeals may not grant a use variance for a Home Occupation Medical Marihuana primary caregivers or facilities.

VIII. POST RECITALS

(A) **Summary of the Regulatory Effect.** This new section regulates medical marihuana caregivers as a home occupation as a land use in all geographic areas.

(B) **Effective Date.** This zoning ordinance amendment shall take effect upon the expiration of 7 days after publication. Following adoption of this zoning ordinance the clerk shall publish a notice of ordinance adoption in a newspaper of general circulation in the local unit of government within 15 days after adoption.

(C) **Availability** A copy of this ordinance shall be available at the Office of the Clerk and may be purchased or inspected during regular business hours.

(D) **Conflict with other Ordinances.** All Ordinances or parts of Ordinances in conflict herewith are hereby to be read consistent with this section and are repealed only to the extent necessary to give this ordinance full force and effect.

(E) **Severability.** Should any portion of this Ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

(F) **Compatibility.** To the extent this Ordinance is in conflict with the procedures under the MICHIGAN ZONING ENABLING ACT, Public Act 110 of 2006, the MZEA shall be apply.

MOTION AND VOTE

MOVED BY Michael Lauwers, SECOND BY Bruce Downey, TO AMEND ARTICLE XV LAND USAGE CHAPTER 153 SPECIAL LAND USE APPROVAL REQUIREMENTS BY ADDING A NEW § 153.245 HOME OCCUPATION MEDICAL MARIHUANA PRIMARY CAREGIVERS AND FACILITIES ORDINANCE-SPECIAL APPROVAL

ROLL CALL VOTE ON THIS ORDINANCE WAS AS FOLLOWS:

	<u>YES</u>	<u>NO</u>	Abstaining
Michael Lauwers, Supervisor	<u>X</u>		
Sheila McDonald, Clerk	<u>X</u>		
Deborah Lewis, Treasurer		<u>X</u>	
Bruce Downey, Trustee	<u>X</u>		
Monica Standel, Trustee		<u>X</u>	

AUTHENTICATION AND CERTIFICATION

We hereby certify that the foregoing constitutes a true and complete copy of the Ordinance adopted by majority vote at a Regular Meeting of the Mussey Township Board of Trustees held on the 9th day of February, 2022.

Witness my official signature this 9th day of February, 2022.

Michael Lauwers, Supervisor

Sheila McDonald, Clerk

PUBLICATION CERTIFICATION:

I do hereby further certify that the Ordinance/Notice of Ordinance Adoption was published as required by State Law in the Tri City Times, a newspaper published and circulated in Mussey Township, Michigan, on the 16th day of February, 2022.

Effective date of Ordinance: February 23, 2020

Sheila McDonald, Clerk

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 32**

AN ORDINANCE TO AMEND THE TEXT OF THE MUSSEY TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR MUD BOGS AS A NEW SPECIAL LAND USE IN THE AGRICULTURAL DISTRICT.

MUSSEY TOWNSHIP ORDAINS:

ARTICLE 1:

ARTICLE 4 – AG – AGRICULTURAL DISTRICT

SECTION 402. SPECIAL LAND USES *Add a new special land use R. as follows.*

- R. Mud bogs, including use of motorized off-road vehicles of all types on any terrain (Section 1337).

ARTICLE 2:

ARTICLE 13 – SPECIAL LAND USE APPROVAL REQUIREMENTS *Add a new special land use 1337 as follows.*

SECTION. 1337. MUD BOGS. *The text of this section is to read as follows:*

Mud bogs, including use of motorized off-road vehicles of all types on any terrain, may be permitted as a special land use in the AG, Agricultural District subject to the following requirements.

- A. The minimum site size shall be forty (40) acres with a minimum width of six-hundred sixty (660') feet. The site shall be located on, or shall take principal access from a major or secondary thoroughfare (See township thoroughfare plan map). The site may only abut land that is zoned AG, Agricultural or LI, Light Industrial.
- B. No existing dwelling unit shall be located within five-hundred (500') feet of any property line, except that dwellings located on the same parcel as the proposed mud bog and dwellings that have clearly been abandoned shall be excluded from this requirement. Measurements shall be determined by the straight line distance taken from the nearest point on the property line of the parcel upon which the proposed mud bog use is to be

located to the nearest point on the exterior wall of nearest dwelling (including attached garage).

- C. A site plan is required (Section 1215.,A.,3.). The applicant must submit evidence that they have consulted with the St. Clair County Road Commission regarding a driveway permit and cleaning of muddy vehicles before entering upon a public street.
- D. All points of entrance (ingress) or exit (egress) shall be no closer than two-hundred (200') feet from the intersection of any two (2) streets.
- E. Any point of entrance or exit shall be no closer than seventy-five (75') feet from any other such point. There shall be a maximum of two (2) entrance or exit points (2 in total).
- F. All parking shall be off-street.
- G. No more than two (2) events shall be held in any one calendar month. Events shall be held only during the period beginning April 1st and ending October 31st. The hours of operation shall be limited from 12 noon to 9 p.m. or dusk if it occurs earlier.
- H. The design of the facility shall clearly show that safety and security of persons on and off the site has been taken in consideration to the greatest extent reasonably possible. The safety and security of persons on-site shall be the responsibility of the operator and owner of the site (insurances, emergency transport, fire safety, pedestrian and vehicular traffic, etc.). A safety and security plan shall be submitted for review and approval of the Planning Commission at the time of site plan review.
- I. The Planning Commission may require adequate means of noise control, including but not limited to any of (or combination of) the following; buffering, use of berms, fences or walls (e.g. 8 ft.), large setbacks (e.g. 100 ft. or more), changes of terrain elevations, and any other reasonable means to insure adequate protection and enjoyment of neighboring properties (e.g. residences, livestock, parks). Central loudspeakers/paging systems are prohibited within 660 feet of residentially planned, zoned, or used property. Any such loudspeakers shall be directed only toward the interior of the site. Failure by the developer of a mud bog or motorized off-road vehicle facility to demonstrate in his/her proposal the adequate provision of means to control noise shall be grounds to deny special land use approval. Noise control shall also be subject to Section 1207.,E.
- J. Other environmental requirements.
 - 1) All parking areas, drives, tracks, and display areas shall be kept dust-free at all times so as not to become a safety hazard or a nuisance to any adjoining property(ies). See Section 1207., A.
 - 2) Odor control shall be subject to Section 1207.,F.

- 3) Waste disposal (including, but not limited to: trash generated by the proprietor, organizers, sponsors, participants or spectators, human waste, disabled vehicles, vehicle parts or components, any and all other debris, etc.) shall be removed from the property and properly disposed of after each event. Waste disposal shall also be subject to Section 1207.,G.
 - 4) The site plan shall show all existing and proposed drainage. Any drainage from the bog, track, or display area(s) shall be contained on site.
- K. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the mud bog or motorized off-road vehicle facility. No alcoholic beverages may be sold on the site or provided to participants or spectators with or without charge.
- L. Vehicles with muddy wheels and/or bodies must be washed adequately before exiting the site to prevent tracking of mud or other debris onto a public street(s).
- M. In the case where the use is proposed to be located on land abutting an unpaved road, the Planning Commission shall review the proposed use with regard to dust control. If dust control measures are found by the Planning Commission to be necessary for the protection of the public welfare, either at the time of special land use and site plan approval or after a review of actual operating history of the use, the Planning Commission may require the operator to establish an escrow account with the Township sufficient to cover the expense of chloride applications to all unpaved roads leading to the use from the nearest paved roads in each direction. Said escrow account shall be required to be replenished annually prior to each season of use.
- N. The zoning administrator or zoning enforcement officer may make periodic inspections to ensure that the originally approved special land use and site plan review requirements are being complied with. Failure to comply with originally approved requirements may provide grounds for citation of violation under Section 1512. If a violation(s) is discovered, the zoning administrator or zoning enforcement officer shall provide a written notice of the violation(s) and offer a reasonable time period for remedy by the owner, not to exceed ninety (90) days. If, in the judgment of the zoning administrator or zoning enforcement officer, there have been repeated or serious violations, he may proceed with enforcement under Section 1512 without the remedy period.

ARTICLE 3 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not

affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 4 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance are hereby repealed.

ARTICLE 5 EFFECTIVE DATE:

Pursuant to Section 401 of Public Act 110 of 2006, as amended, the provisions of this Ordinance shall become effective upon expiration of seven (7) days after publication.

ARTICLE 6 ADOPTION:

Made and passed by the Township Board of Mussey Township, St. Clair County, Michigan, on this 13th day of **February**, 2013, A.D.

1. Date of Public Hearing: October 23, 2012
2. Date of Adoption by Township Board: **February 13, 2013**
3. Date of Publication: **February 20, 2013**
4. Date and Time Ordinance Shall Take Effect: **February 27, 2013; at 12 noon.**

Published 02/20/2013

Sheila McDonald, Township Clerk

**ORDINANCE NO. 33
TOWNSHIP OF MUSSEY
ST. CLAIR COUNTY, MICHIGAN**

An ordinance enacted pursuant to the authority of Act 256 of 2011, as amended, and Act 246 of 1945, as amended, to promote the health, safety and welfare of the people by regulating the ignition, discharge, and use of consumer fireworks; to fix penalties for the violation of this ordinance; and for other purposes.

THE TOWNSHIP OF MUSSEY ORDAINS:

Section 1.0: Title

This ordinance shall be known and cited as the Mussey Township Fireworks Ordinance, and it shall be sufficient to any action for enforcement of the provisions hereof, to define the same by such title and reference to the number hereof.

Section 2.0: Definitions

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Act means Public Act 256 of 2011, MCL 28.451 et seq. and the Fireworks Safety Act Emergency Rules drafted by the Michigan Department of Licensing and Regulatory Affairs and filed with the Secretary of State on March 9, 2012.

APA refers to American Pyrotechnics Association of Bethesda, Maryland.

Consumer fireworks means 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 CFR 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. Examples of consumer fireworks include bottle rockets and roman candles.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Firework or fireworks means any composition or device, except for a starting 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 means 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.

National Holiday means: New Year's Day (January 1), Birthday of Martin Luther King, Jr. (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Columbus Day (the second Monday in October), Veterans Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).

Person means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

Section 3.0: Use, ignition, or discharge of consumer fireworks.

1. A person shall not ignite, discharge, or use consumer or display fireworks, except as permitted in this subsection.
2. Except as prohibited in this subsection, a person is permitted to use consumer fireworks on the day preceding, the day of, or the day after a national holiday.
3. No person shall ignite, discharge, or use fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.
4. A person shall not willfully cause, by way of ignition, discharge, use, or any other means, fireworks to enter upon the lands or premises of another without the express permission of the owner or occupant, or agent or servant of the owner or occupant of the lands or premises.
 - a. A person who pleads or is found responsible for this civil infraction shall be presumed responsible for any resulting property damage and shall be required to pay full restitution to the property owner.
5. An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
6. No minor shall ignite, discharge, or use consumer fireworks, at any time.
7. A person shall not ignite, discharge, or use consumer fireworks on the day preceding, the day of, or the day after a national holiday between the hours of 1:00 a.m. and 7:00 a.m.... (amended 12/12/18).
8. A person shall not ignite, discharge or use consumer fireworks when a burn ban is in effect for the Township. (amended 12/12/18).

Section 4.0: Articles pyrotechnic or display fireworks ignition; permit; competency and qualifications of operators; retention of fee.

The township board, upon application in writing, in accordance with the provisions of MCL 28.451 et seq., may grant a permit for the use of fireworks otherwise prohibited by this section for public display by organizations or groups of individuals approved by the township board. Prior to the issuance of a permit under this section, the township board shall rule on the competency and qualifications of operators seeking such permit. The township board may charge a fee to issue a permit under this section and shall retain the fee paid.

Section 5.0: Severability.

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

Section 6.0: Repeal.

All Ordinances or portions, thereof, which are in conflict with this Ordinance, are hereby repealed.

Section 7.0: Publication.

This Ordinance shall be published in full in a newspaper of general circulation in the Township of Mussey, within 30 days after its adoption.

Section 8.0: Effective Date.

This Ordinance shall take effect thirty (30) days after publication following its adoption.

Section 9.0: Adoption.

Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan, on this 8th day of May, 2013, A.D.

1. Date of Adoption by Township Board: **May 8th, 2013**
2. Date of Publication: **May 15, 2013.**
3. Date and Time Ordinance Shall Take Effect: **June 15, 2013;** at 12 noon.

Publish 05/15/13

Sheila McDonald, Township Clerk

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 29B**

**AN ORDINANCE TO AMEND THE TEXT OF THE MUSSEY TOWNSHIP
ZONING ORDINANCE TO PROVIDE REVISED REGULATIONS FOR
ACCESSORY BUILDINGS**

MUSSEY TOWNSHIP ORDAINS:

ARTICLE 1:

ARTICLE 12 – GENERAL PROVISIONS, Section 1203, Accessory Buildings, is hereby amended to read as follows:

Section 1203 Accessory Buildings

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Zoning Compliance Permit Required in All Cases. A zoning compliance permit shall be obtained from the Zoning Administrator prior to the erection or placement of any accessory building regardless of whether or not a building permit is required under the building code. This requirement shall apply to all accessory buildings without regard to size or intended use.
- B. Attached Accessory Buildings. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to the main building.
- C. Use of Accessory Buildings. Accessory buildings in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
- D. Location on Same Lot As Principal Structure. All accessory buildings must be located on the same lot as the principal structure to which it is necessary.
- E. Prohibition on Front Yard Location, Exception. Accessory buildings that are accessory to any residential building or use shall not be located in any required or non-required front yard, except where the main building is set back at least 300 feet from the edge of the planned right-of-way. In such case, the Planning Commission may approve the location of an accessory building within a non-required front yard, provided the Planning

Commission finds that the proposed exterior building materials are of the same quality and type as the main building, or are of equal quality and of an aesthetically complementary type.

- F. Permitted Side Yard Location in AG District. Accessory buildings that are accessory to any residential building or use may be located in a side yard when located on a lot or parcel within an AG-Agricultural District, provided that no accessory buildings shall be located less than fifteen (15) feet from a side lot line, nor occupy more than twenty-five (25%) percent of any side yard.
- G. Maximum Number of Sheds. For the purpose of this Section, a detached accessory building (with or without a permanent foundation) having a ground floor area of 200 square feet or less shall be considered to be a shed. The maximum number of such sheds permitted on a lot or parcel of less than five (5) acres shall not exceed two (2), and when located on a lot or parcel of five (5) acres or more, shall not exceed three (3).
- H. ~~Limitation with Respect to Dwelling Size: No single detached accessory building shall exceed the floor area of the dwelling (see definition of floor area).~~ rescinded April 2, 2015.
- I. Maximum Height When Accessory to Residential Use. The side walls of a building that is accessory to any residential building or use shall not exceed sixteen (16') feet in height.
- J. Maximum Coverage When In A Rear Yard. Detached accessory buildings (singly or in combination) shall not occupy more than twenty-five (25%) percent of a required rear yard, plus 40 percent of any non-required rear yard.
- K. Distance From Other Structures. Detached accessory buildings shall be located a minimum of ten (10') feet from all other structures.
- L. Distance From Side and Rear Lot Lines. No detached accessory building shall be located closer than:
 - 1) Five (5) feet to any side or rear lot line when located in an R-1 or RM District.
 - 2) Fifteen (15) feet to any side or rear lot line when located in an AG, SF, or RC District.
- M. Location In Dedicated Easement or Right-of-Way Prohibited. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- N. Maximum Height in Business Districts. The building walls of a detached accessory building in the B-1 and B-2 districts shall not exceed sixteen (16') feet in height.

- O. Location on Corner Lots. When a building accessory to a residential building is located on a corner lot, the side lot of which is substantially a continuation of a front line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10') feet to a street right-of-way line.
- P. Erection Prohibited Prior to Principal Building, Exceptions. No accessory building shall be constructed prior to construction of the principal building on the same lot or parcel, except in accordance with one of the following:
- 1) For principal permitted uses that do not require structures, an accessory building may be constructed following Township approval of the principal use and issuance of required building permits.
 - 2) A building permit for a pole barn may be issued following the issuance of any other applicable permits and submittal of a complete application with supporting materials for the proposed principal structure.
 - 3) A temporary recreational vehicle or trailer may be permitted on a parcel in order to temporarily house the owner and secure tools and materials for the principal single-family dwelling under construction, subject to the standards for Section 1223.
- Q. Farm Buildings. All accessory farm buildings intended for legitimate agricultural and farm uses, as defined in the definition of "agriculture" and the definition of "farm" in Article 2 of this Ordinance, and for uses other than those customarily 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 any lot line or property boundary, with the exception that the main farm building shall not be less than one hundred fifty (150) feet from the front property line. This requirement shall not apply to the alteration of, or addition to, an existing barn or other farm buildings which are located closer to the road and which existed prior to the adoption of this Ordinance.
- R. Limits on Number and Size Not Applicable to Agricultural Buildings or Buildings Containing Approved Special Land Uses: Provisions of this section relating to limits on the number and size of accessory buildings are intended only to apply to accessory buildings which are accessory and customarily incidental to a residential use and shall not apply to accessory buildings used as an integral part of a bona fide farm, nor to accessory buildings containing a lawful non-residential permitted or special land use which has been approved by the Township.

ARTICLE 2 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 3 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance, are hereby repealed.

ARTICLE 4 EFFECTIVE DATE:

Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 401 (6), Act 110 of the Public Acts of 2006, as amended.

ARTICLE 5 ADOPTION:

Made and passed by the Board of Mussey Township, St. Clair County, Michigan, on this 11th day of March, 2015, A.D.

1. Date of Public Hearing: February 24, 2015
2. Date of Adoption by Township Board: March 11, ,2015
3. Date of Publication: March 25, 2015
4. Date and Time Ordinance Shall Take Effect: April 2, 2015; at 12 noon.

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, STATE OF MICHIGAN
ORDINANCE NO. #40**

NOISE ORDINANCE

[An ordinance to secure the public health, safety, and general welfare of the residents and property owners of Mussey Township by regulating and, where necessary, prohibiting loud and unreasonable noise within said Township and proscribing penalties for the violation thereof.]

Mussey Township, St. Clair County, STATE OF MICHIGAN, ORDAINS:

SECTION 1: TITLE

This Ordinance shall be known and may be cited as the Noise Ordinance of Mussey Township.

SECTION 2: PURPOSE

The purpose of this Ordinance is to protect the general public health, safety, and welfare by prohibiting excessive, unnecessary, unnatural, or unusual loud noise, or such noise which is prolonged, unusual, and unnatural in time, place, and use, and which disturbs the peace, comfort or repose of the general public or is otherwise detrimental to the public health, comfort, convenience, safety, welfare, peace or prosperity.

SECTION 3: GENERAL PROHIBITED NOISE

- A.** It shall be unlawful for any person or entity to make, maintain, or continue, or cause to be made, maintained or continued, any excessive, unnecessary, unnatural, repeated, prolonged or unusual loud noise, or any such noise which annoys, disturbs, injures, irritates or unreasonably impairs the comfort, repose, health, or peace of another person or entity within the limits of Mussey Township.
- B.** It shall be unlawful for the owner of any premises within Mussey Township, and for the occupant or person in possession or control of any premises within Mussey Township, whether individual, corporate, or otherwise, to knowingly make, allow, or permit to be made upon such premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged or unusual loud noise, or any such noise which annoys, disturbs, injures, irritates, or unreasonably impairs the comfort, repose, health, or peace of another person or entity within the limits of Mussey Township.

SECTION 4: SPECIFIC NOISES PROHIBITED; STANDARDS.

The following noises and acts are hereby declared to be excessive, unnecessary, unnatural, or unusually loud which annoy, disturb, injure, or unreasonably impair the comfort, repose, health, or peace of others in violation of this Ordinance, but such specification shall not to be construed to exclude other noises prohibited by this Ordinance which are not specifically enumerated:

- A.** **HORNS AND OTHER SIGNALING DEVICES.** The use and sounding of any hand-held horn or signaling device or on any automobile, boat, bus, truck, or other vehicle, except as a danger warning, in such a manner as to be continuous or for an extended period of time such that it disturbs the quiet, peace, comfort or repose of any person.
- B.** **RADIOS, TELEVISIONS, AND MUSICAL INSTRUMENTS.** The playing of any radio, television, or other electronic or mechanical sound-producing device, including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the

quiet, comfort or repose of other persons. The operation of any said radio, television, phonograph, musical instrument, or other such sound-producing device between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. in such manner as to be plainly audible at a distance of fifty (50') feet from the building, structure, or vehicle in which it is located, or which is plainly audible in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this Section.

- C.** YELLING, SHOUTING, AND VERBAL NOISE. Yelling, shouting, hooting, whistling, singing, or other verbal noise upon any premises, or upon the public streets, between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m., or at any other time or place, in such a manner so as to unreasonably annoy or disturb peace, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence or business, or of any persons in the vicinity where such noise is plainly audible at a distance of fifty (50') feet from its point of origin shall be prima facie evidence of a violation of this Section.
- D.** ANIMALS, BIRDS, OR PETS. The keeping of any animal, bird or pet which, by frequent or extended noise, does unreasonably disturb the quiet, comfort or repose of any person in the vicinity. Permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property or which is plainly audible at a distance of fifty (50') feet from its point of origin, shall be prima facie evidence of a violation of this Section.
- E.** EXHAUST NOISES. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, or any other form of engine, whether in a boat, motor vehicle, motorcycle, off-road vehicle, or tractor, except through a muffler or other device which effectively prevents or reduces loud or explosive noises.
- F.** CONSTRUCTION OR REPAIRING BUILDINGS. The erection (including excavation), demolition, alteration or repair of any building or structure other than between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m. where such activity results in the creation of unusually loud noise or noise which annoys, disturbs, injures, or unreasonably impairs the comfort, repose, health, peace or safety of others, except in case of urgent necessity in the interest of public health and safety for the duration of such emergency.
- G.** BUSINESS OPERATION AND OTHER PREMISES ACTIVITIES. The carrying on of any business operations, or any other activities upon any premises in such a manner so as to create any excessive, unnecessary, or unusually loud noise, which disturbs, injures, or unreasonably impairs the comfort, repose, health, peace or safety of others.
- H.** PILE DRIVERS AND OTHER HEAVY EQUIPMENT. The operation between the hours of eight o'clock (8:00) p.m. and seven o'clock (7:00) a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other form of heavy equipment, the use of which is attended by loud, or repeated or continuous use.
- I.** The operation of any race track, proving ground, testing area, or obstacle course for vehicles, motorcycles, boats, racers, automobiles, snowmobiles, off-road vehicles, or vehicles of any kind or nature in a residential area of the Township, or adjacent to a residential area of the Township where such noise emanating from the identified vehicles would be unusually loud or continuous, or unreasonably disturbing, or upsetting to persons in that vicinity.

SECTION 5: EXCEPTIONS

The noise prohibitions set out hereinbefore shall not apply to the following:

- A.** Any police vehicle, ambulance, fire engine, or other emergency vehicle while engaged in necessary emergency activities.
- B.** Excavation or repair of bridges, streets, or highways, or other property by or on behalf of the State of Michigan, Mussey Township, or St. Clair County, between 8:00 o'clock p.m.

and seven (7:00) a.m. when the public welfare, health, safety or convenience renders it impossible to perform such work during other hours.

- C.** Noises emitted from warning devices for the purpose of notifying individuals or the public at large as authorized by law.
- D.** All railroad operations meeting the maximum permissible noise levels allowed or permitted by law.
- E.** Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.
- F.** Farm or business operations which are carried on in an area properly zoned for that activity, providing that the activity causing the noise is necessary to the farm or business operation.

SECTION 6: WAIVER

Permission to waive the provisions of this ordinance may be granted by the Township Board for specific events or social occasions.

SECTION 7: SEVERABILITY

The several sections of this Ordinance shall be deemed severable, and should any section, clause, or provision thereof be declared unconstitutional or contrary to the law of the State of Michigan, and therefore voided by any court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part or section so declared to be unconstitutional or invalid.

SECTION 8: PENALTY FOR VIOLATION

- A.** Except as provided in subsection “B” of this Section, violation of this Ordinance shall be deemed to be a municipal civil infraction, and any person, firm, or entity who is issued a citation and found responsible therefore shall be subject to a fine not to exceed \$500 for each offense. A violator of this Ordinance may be subject to additional sanctions, remedies, injunctions or judicial orders as authorized under Michigan Law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- B.** Any person, firm, or entity who violates this Ordinance after being issued a notice of violation or citation under subsection “A” above, such that an authorized enforcement official or officer responds to the subsequent violation at the same location within 48 hours of the prior incident, shall be guilty of a misdemeanor and subject to a fine of not more than \$500 and/or not more than 90 days in jail.

SECTION 9: EFFECTIVE ADOPTION AND DATE.

- A.** This Ordinance shall become effective thirty (30) days after its publication as required by law.
- B.** This Ordinance was adopted by the Township Board of Mussey Township, St. Clair County, Michigan on December 12, 2018.

Sheila McDonald, Clerk
Mussey Township

Mike Lauwers, Supervisor
Mussey Township

First Publication: October 31, 2018:

Public Hearing: November 13, 2018

Adoption: **December 12, 2018**

Final Publication: **January 9, 2019**

Effective Date: **February 5, 2019**

Effective date:

Ordinance #35

An ordinance requiring buildings/structures to have a key lock box installed on the exterior of the structure for Fire/Life Safety purposes.

1. Intent

The Township of Mussey recognizes the importance and need of providing the fire department rapid entry into locked buildings/structures. Delays in the fire department gaining rapid entry reduces the occupants chance for survival in a fire, the chances for substantial property damage increases because of delays, and for fire fighter safety and survival may be compromised because of said entry delays. Additionally, delays in providing prompt pre-hospital care to the sick and injured as a result of locked/secured structures may/will have a negative outcome on patient recovery.

To assist the fire department in gaining rapid entry into locked/secured buildings/structures, the Township of Mussey hereby adopts a Rapid Entry System Ordinance utilizing the "Knox Box" Rapid Entry Key Box System.

2. Key Lock Box System

- a. As per Section 506, "Key Boxes", 506.1 thru 506.2, 2015 International Fire Code and Chapter 18, "Fire Department Access and Water Supply", 18.2.2 thru 18.2.2.1, 2015 NFPA 1 National Fire Code, the following buildings/structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Mussey Township Fire Chief, his/her designee or Authority Having Jurisdiction, AHJ. The required key lock box shall become effective as stated upon ordinance acceptance.

1. All Commercial and Industrial Buildings

All commercial and industrial buildings/structures shall mean buildings where industry, trade, or business is carried on or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on and where any person is employed by another for direct or indirect gain or profit.

2. All Multi-Family Residential Buildings

All Multi-Family residential structures comprised of four (4) or more units in which access to the buildings or common areas or mechanical or electrical rooms within the building are denied through locked doors.

3. Any Buildings or Facilities with Hazardous Materials

Any buildings/structures or facility which handles, uses, or stores hazardous materials and/or is required to prepare the emergency services, Material Safety Data Sheets (MSDS) or Hazardous Chemical Inventory Forms under the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III). This includes any facility, firm or corporation operating structures that handle, use or store hazardous materials.

4. Governmental Structures

5. Municipal Structures

6. Nursing Care Facilities

7. Educational Facilities

8. All Places of Assembly, including Churches

9. All Buildings/Structures which are protected with an automatic fire suppression or standpipe system and is not manned during a 24 hour, 7 day a week operation, shall be equipped with a key lock box.

10. All buildings/structures which are protected by an automatic fire alarm system (auto dialer, central station, external audible alarm) shall be equipped with a key lock box.

- b. All newly constructed buildings/structures subject to this ordinance shall have the key lock box installed and operational prior to the final inspection and final occupancy. The Building Code Official shall not issue Final Occupancy Permit for said Building/Structure until it has final written approval for key lock box from the Mussey Township Fire Department.

- c. All existing buildings/structures subject to this ordinance shall have the key lock box installed and operational as stated in Section 11., Compliance of this Ordinance
- d. The Mussey Township Fire Chief, his/her designee, or the Authority Having Jurisdiction, AHJ, shall designate the type of key lock box system to be implemented with the Township and shall have authority to require all structures to use the designated Rapid Entry System.
- e. The owner operator of a building/structure required to have a key lock box shall, at all times, keep keys and information in the key lock box that will allow for access to the following:
 - i. Keys to locked points of egress, whether on the interior or exterior of such building/structures;
 - ii. Keys to locked mechanical equipment rooms
 - iii. Keys to lock electrical rooms;
 - iv. Keys to elevator controls, elevator machine rooms;
 - v. Keys to other areas as required by the Mussey Township Fire Chief after written notice;
 - vi. Keys to any fenced or secured exterior areas;
 - vii. A card containing the emergency contact people and phone numbers for such building/structure;
 - viii. Keys to areas of the building/structure where fire alarm panels and fire protection systems are located;
 - ix. An inventory of keys is to be posed inside all key lock boxes;
 - x. In lieu of having the interior building/structure keys in the exterior key lock box, a second key lock box may be located within the main lobby of the building/structure to hold these keys.
- f. The Mussey Township Fire Chief, his/her designee, or the Authority Having Jurisdiction, AHJ, shall be authorized to implement rules and regulations for the use of the key lock box system.

3. Installation and Location

- a. All "Knox Boxes" (and or Knox Locking Vaults) shall be recessed or surfaced mounted into/onto the building/structure at a height or not less than 6 feet above finish surface grade. All Knox Boxes (and or Knox Locking Vaults) shall be located directly or as close as reasonably possible to the main entrance to the building/structure.

- b. A permit/registration with the Mussey Township Fire Department is required prior to installation of a Knox Box in order to verify the proper mounting location and installation of said Knox Box. If a permit/registration fee is required, the fee will be set in a corresponding resolution as periodically amended.

4. Enforcement

- a. Enforcement of this Ordinance shall be accomplished through citations issued by the Mussey Township Fire Chief, his/her designee, or by the Authority Having Jurisdiction, AHJ, or by the Mussey Township Building Official.

5. Fines

- a. Any Violation of this Ordinance shall be punishable by a fine of not less than \$50.00, plus costs of enforcement, including reasonable attorney fees and court costs.

6. Penalties

- a. Failure to install the Key Lock Box after 30 days according to the written direction of the Mussey Township Fire Department shall enable the Mussey Township Fire Department to purchase and install said key lock box at the owner's expense. The owner of a building/structure so designated to install a key lock box can appeal the Mussey Township Fire Department written direction to the Mussey Township Appeals Board within 30 days after notification to do so.

7. Applicability

- a. This Ordinance shall not apply to owner occupied one and two family dwellings and individual townhouse units. For the purpose of this ordinance individual townhouse units are to be considered single family units.
- b. This Ordinance includes any commercial and industrial buildings/structures, multi-family residential and apartment complexes, building/structures that have restricted access through locked doors, governmental and municipal buildings/structures, nursing care facilities, educational buildings/structures, and places of assembly including churches and other at risk properties.

8. Optional Applicability

- a. Owners or occupants of one and two family dwellings and townhouse units may utilize the key lock box system upon consultation and with issuance of a proper

permit/registration by the Mussey Township Fire Department Chief, his/her designee, or the Authority Having Jurisdiction, AHJ. The key lock box shall be a Knox brand of a type and size for a residential structure.

9. Security

- a. No steps, displays, signs, fixtures, plantings, or structure protrusions shall be located under the key lock box which would allow intruders to access/vandalize the key lock box without assistance.

10. Repealed

- a. Any and all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistency. The Mussey Township Board may from time to time amend, supplement, change, modify, or repeal this ordinance pursuant to the provisions of federal, state, or local laws.

11. Compliance

- a. All newly constructed buildings/structures not yet occupied or buildings/structures currently under construction and all buildings/structures or businesses applying for final certificate of occupancy, shall comply immediately approval of this ordinance.

ADOPTION: Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan on this 9th day of March, 2016 A.D.

- 1. Date of Public Hearing: February 23, 2016
- 2. Date of Adoption by Township Board: March 09, 2016
- 3. Date of Publication: March 16, 2016
- 4. Effective date of Ordinance March 30, 2016

Certification:

I, Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that Ordinance #35 - key lock box was adopted by the Township Board at a regular meeting of the Township Board held at the Mussey Township Fire Hall on the 9th day of March, 2016.

Vote on this Ordinance, 3 members being present, was as follows:

Ayes: McDonald, Standel & Lauwers

Nays: None

Absent: Downey & Libkie

I further certify that the said Ordinance was adopted by the Township Board on the 9th day of March, 2016 and was published once in the Tri-City Times, a paper published and circulated in the Township of Mussey, County of St. Clair on the 16th. day of March, 2016 this being the first and final day of publication of this Ordinance.

Sheila McDonald - Mussey Township Clerk

**MUSSEY TOWNSHIP
COUNTY OF ST. CLAIR
ORDINANCE NO. 39**

AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018.

**TO BE ADDED TO TABLE OF SPECIAL ORDINANCES. PROHIBITION OF
RECREATIONAL MARIHUANA ESTABLISHMENTS**

The Township of Mussey ordains:

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

§ 1. Name. This Ordinance is known as the Mussey Township Prohibition of Marihuana Establishments Ordinance.

§ 2. Purpose. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018, Mussey Township elects to prohibit recreational marihuana establishments within its boundaries.

§ 3. Authority. The Ordinance is adopted under Mussey Township's authority to preserve the public peace, health, safety and welfare pursuant to Public Act 246 of 1945, Township Ordinances, MCL 41.181 et seq and the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018.

§ 4. Effective date. This Ordinance shall become effective the day after its publication as authorized by law.

§ 5. Consistency and Repeal. All existing Ordinances or part of Ordinances are to be interpreted as consistent with this Ordinance and the laws of the State of Michigan. Any Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed. Nothing in this Ordinance results in any prohibitions otherwise allowed under the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018 or the Michigan Medical Marihuana Act, Initiated law 1 of 2008.

§ 6. Geographic Area. This Ordinance shall have the regulatory effect to prohibit marihuana establishments in all geographic areas of Mussey Township to the fullest extent allowed by law.

§ 7. Construction and Severability. This Ordinance shall be liberally construed to protect and preserve the peace, health, safety and welfare of the people of Mussey Township, and should any provision of this Ordinance be found by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining provisions, it being the intent of the Township Board that each and every provision of this Ordinance is important regardless of the invalidity of any

one or more other provisions. Except as provided herein, the remainder of the Ordinance Code shall remain in full force and effect.

§ 8. Penalty. Any person or entity that violates this Ordinance is responsible for a municipal civil infraction and a fine not to exceed \$500.00. Nothing in this Ordinance prohibits enforcement for injunctive and declaratory relief in a court of competent jurisdiction.

ADOPTED this 12th. day of December, 2018.

ATTEST AS TO ADOPTION BY THE MUSSEY TOWNSHIP BOARD

So Adopted:

Michael Lauwers
Supervisor: Michael Lauwers

Date: 12/12/18

Sheila McDonald
Clerk: Sheila McDonald

Date: 12/12/18

Motion to Adopt made by Board Member Standel; Second by Board Member Libkie.

	Aye:	Nay:	Absent:
Supervisor - Michael Lauwers	X	___	___
Clerk - Sheila McDonald	X	___	___
Treasurer - Marsha Libkie	X	___	___
Trustee - Bruce Downey	X	___	___
Trustee - Monica Standel	X	___	___

Clerk Sheila McDonald does hereby certify that the foregoing is a true and complete copy of a Ordinance adopted by a majority vote at a public meeting by the Mussey Township Board of Trustee at a meeting held on 12th day of December 2018, which a copy is on file in the Township Code of Ordinances with its offices located at Mussey Township, 135 North Main Street, Capac, MI 48014 (810) 395-4915.

This Ordinance was published in a news paper of general circulation, Tri City Times, on December 26, 2018.

Sheila McDonald
Clerk: Sheila McDonald

ORDINANCE #38

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE MUSSEY TOWNSHIP, MICHIGAN, REVISING, AMENDING, RESTATING, CODIFYING AND COMPIILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED INSUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.

WHERAS, the present general and permanent ordinances of the political subdivision are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHERAS, the Acts of the Legislature of the State of Michigan empower and authorize the political subdivision 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

WHERAS, the Legislative Authority of the Political Subdivision has authorized a general compilation, revision and codification of the ordinances of the political Subdivision of a general and permanent nature and publication of such ordinance in book form; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITACAL SUBDIVISION OF MUSSEY TOWNSHIP:

- Section 1. The general ordinances of the Political Subdivision as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the Mussey Township, Michigan."
- Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:
(SEE ATTACHED TABLE OF CONTENTS)
- Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and preordained 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 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

Section 5. Such Code shall be in full force and effect as provided in Section 6, 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 6. 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 this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Mussey Township Board of the Political Subdivision on this **8th** day of **February, 2017**.

EFFECTIVE DATE: Public Hearing having been held heron, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 11, Act 184 of the Public Acts of 1943, as amended.

ADOPTION: Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan, on this 8th day of February, 2017 A.D.

1. Date of Adoption by Township Board: February 08, 2017
2. Date of Publication: February 15, 2017
3. Date Ordinance shall take effect: February 23, 2017

Certification:

I, Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that Ordinance #38 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Fire Hall on the 8th day of February, 2017.

Vote on this Ordinance, 5 members being present, was as follows:

AYES: Standel, Libkie, McDonald & Downey

NAYS: None

ABSENT: Lauwers

I further certify that said Ordinance #38 adopted by the Township Board on the 8th day of February, 2017 was published once in the Tri-City Times, a paper published and circulated in the Township of Mussey, County of St. Clair, on the 15th day of February, 2017 this being the first and final day of publication of this ordinance.

Sheila McDonald, Clerk
Township of Mussey

**TOWNSHIP OF MUSSEY
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 37**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF MUSSEY, ARTICLE III, ZONING DISTRICT AND MAP, SECTION 301, BOUNDARIES, BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS FROM THE LI, - LIGHT INDUSTRIAL DISTRICT TO THE AG, AGRICULTURAL DISTRICT.

THE TOWNSHIP OF MUSSEY ORDAINS:

ARTICLE 1 AMENDMENT: THE ZONING ORDINANCE OF THE TOWNSHIP OF MUSSEY, ARTICLE III, ZONING DISTRICT AND MAP, SECTION 301, BOUNDARIES, is hereby amended by amending the Official Zoning Map referred to therein, to remove the following land from the LI, Light Industrial District and to hereafter include said land in the AG, Agricultural District:

Legal Description. BEG N 88D 30M 18S E 1070.60' FROM W 1/4 COR, TH N 88D 30M 18S E 250', TH S 2D 38M 47S E 260', TH S 88D 30M 18S W 250', TH N 2D 38M 47S W 260' TO BEG SECTION 35' T7N R13E 1.49A - commonly known as Parcel Tax ID# 74-27-035-4001-101.

ARTICLE 3 SEVERABILITY: Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 4 REPEAL: All ordinances in conflict herewith are hereby repealed.

ARTICLE 5 EFFECTIVE DATE: Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 11, Act 184 of the Public Acts of 1943, as amended.

ARTICLE 6 ADOPTION: Made and passed by the Township Board of the Trustees of the Township of Mussey, St. Clair County, Michigan, on this 9th day of November, 2016 A.D.

1. Date of Public Hearing : September 27, 2016.
2. Date of Adoption by Township Board: November 09, 2016

3. Date of Publication: November 16, 2016
4. Date and Time Ordinance Shall Take Effect: November 23, 2016

Certification

I, Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that Ordinance No. 37 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on the 9th day of November 2016.

Vote on this Ordinance, 5 members being present, was as follows:

AYES: Downey, Libkie, Standel, McDonald & Lauwers.

NAYS: None.

I further certify that said Ordinance No. 37 adopted by the Township Board on the 9th day of November, 2016 was published once in The Tri-City Times, a paper published and circulated in the Township of Mussey, County of St. Clair, on the 16th day of November, 2016 this being the first and final day of publication of this ordinance.

Sheila McDonald, Clerk
Township of Mussey

MUSSEY TOWNSHIP
135 North Main Street
Capac, MI 48014
(810) 395-4915

ORDINANCE NO. 22

**MUSSEY TOWNSHIP ORDAINS AND AMENDS THE CLEAN COMMUNITY ORDINANCE
ORDINANCE NO. 22**

An Ordinance to amend and replace the existing Mussey Township Clean Community Ordinance to prevent, reduce or eliminate blight, potential blight, certain environmental causes of blight, or blighting factors which exist or may exist in the future within the Township of Mussey and to provide enforcement as a Municipal Civil Infraction.

Section 1: Purpose

Blight, potential blight, certain environmental causes of blight, or blighting factors which exist or may in the fixture exist shall be prevented, reduced, or eliminated, as defined hereunder with penalties imposed as provided for and allowed by the authority granted by the Township Ordinances Act, Public Act 246 of 1945, and the Michigan Zoning Enabling Act, Act 110 of 2006.

Section 2: Definitions

- A. Building Materials: Including but not limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structures.
- B. Junk: Including but not limited to parts of motor vehicles, unused household appliances, scrap metal or any other *used* materials of any kind.
- C. Junk Motor Vehicles: Including but not limited to any motor vehicle which is not licensed for use upon the highways of the State of Michigan, or which is inoperative.
- D. Portable Storage Units – Land uses that include units such as shipping containers; semi-trailers and similar large transport vehicles or containers; portable on demand storage (PODS) and store and move (SAM) containers.

- E. Shipping Container – A container originally designed or used to store materials or merchandise during shipping or hauling upon ships, rail, or semi-trailers other types of vehicle transportation.

- F. Structure: House trailers and any mobile living unit in the conditions described below in Section 3G or 3H.

- G. Recreational Vehicle: Recreational vehicle means a vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational vehicle includes the following:
 - 1. A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
 - 2. A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
 - 3. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
 - 4. A truck camper, which is a portable structure designed to *be* loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:
 - a. A slide-in *camper*, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary *living quarters* for recreational, camping, or travel use.
 - b. A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
 - c. A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use,

Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.

Section 3: Uses Prohibited

On and after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained the following uses, structures and activities upon *any* leased, owned or occupied property, since they are causes of blight or blighting factors which if allowed to exist will tend to result in blighted and undesirable neighborhoods, unless such uses, structures and activities are otherwise allowed by Township Ordinances:

- A. **Junk Motor Vehicles** *The* storage upon any property of junk motor vehicle which is not in a completely enclosed building is prohibited.
- B. **Abandoned Vehicles:** The: abandonment or placement of any vehicle on private property for a period of twenty-four (24) continuous hours or more without consent of the owner or occupant of the property, or for a period of twenty-four (24) continuous hours or more after the consent of the owner or occupant of property has been revoked.
- C. **Building Materials:**
 - 1. Structures Requiring Permit: The storage upon any property of building materials unless there is in fence and a valid Building Permit issued by the Township of Mussey for construction upon said property and said materials are intended for use in connection with such construction.
 - 2. Structures Not Requiring Permit: Materials used in constructing any structure not requiring a permit shall be stored in a neat and orderly pile out of public view from the roadway and shall be used for such construction within one (1) year or otherwise removed or stored in a completely enclosed building.
- D. **Junk:** The storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit is prohibited, *except* that domestic refuse stored for *a period* not to exceed seven (7) days in an enclosed container, building or structure in such container so as not to create a nuisance.
- E. **Machinery/Equipment:** Machinery and/or equipment for outdoor use, which is in good working order, must be housed or stored in an orderly manner that is out of public view from the roadway and does not violate any other Township Ordinance. Notwithstanding the above, however, operative machinery

that is in current use on the premises in relationship to a farming or construction activity, is exempt from the provisions of this Section.

F. **Vacant Buildings:** The existence of a vacant dwelling, garage, or other out building, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent casual entry thereto by unauthorized persons.

G. **Inhabitable or Dangerous Structures:** The existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable or is a dangerous structure as defined under Housing Law of Michigan, Act 167 of 1917, Public Act No. 61 of the Public Acts of 1969 as amended, the purpose thereby being to avoid injury to the children and others attracted to such structures or mobile *living units*, the devaluation of property values, and the psychological ill effect of the presence of such upon adjoining residents and property owners.

H. **Partially Completed Structure:** The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing Building Permit issued by the Township and unless such construction is completed within a reasonable time.

I. **Recreational Vehicle:** Locating and/or parking any recreational vehicle within the Township of Mussey is prohibited except for one or more of the following circumstances:

1. *A person referred to in Section 4 of this Ordinance may issue a temporary permit or visitor's permit to park a recreational unit to the owner of the property for a period not to exceed two weeks.*

2. All recreational vehicles owned by residents of Mussey Township and stored on their individual lots shall be stored adjacent to a permanent residence and shall be subject to all yard setback requirements of the district, said recreational units shall not be connected to sanitary facilities and shall not be permanently occupied.

(Amended 12-14-22 by adding "J")

J. **Portable Storage Units and Shipping Containers Used for Storage:** Portable storage units and shipping containers are not allowed in any zoning district for the purpose of storage over a 10-day period.

1. Portable storage units and shipping containers are allowed as a temporary use for a 10-day period to allow unloading of such units.

2. During the 10-day unloading period, Portable storage units and shipping containers shall not be placed to cause a nuisance or obstruct motor vehicle line of sight and shall meet all building setback requirements for the district in which they are located.

3. No part of such units shall be located in the street or road right of way.

4. Portable storage units and shipping containers shall not be used for human habitation.
5. Portable storage units and shipping containers shall not be used to store hazardous materials.
6. Portable storage units and shipping containers are not be stacked on each other or on any other structure or building.
7. Portable storage units and shipping containers shall not be used if the use becomes a nuisance or safety hazard.
8. Any person who wishes to exceed the time limitation or forego a certain requirement listed in this section may apply for a Temporary Conditional Use Permit.
9. Portable storage units and shipping containers lawfully existing at the time of the adoption or amendment of this Ordinance may be continued to the extent not creating a safety hazard. However, the use of portable storage units and shipping containers for permanent storage shall be deemed a nonconforming use or structure and shall not be expanded, enlarged and if not in use for a period of six months shall be deemed abandoned and the requirements of this Ordinance shall apply.

Section 4: Enforcement

This Ordinance shall be enforced by such persons who shall be so designated by the Township Board as a Municipal Civil Infraction under the penalty provisions of Ordinances 20 and 21 pursuant to the authority granted by the Revised Judicature Act of 1961, Public Act 236 of 196, Chapter 87, Municipal Civil Infractions.

Section 5: Violations

In the case where a violation of this Ordinance is found to exist by the Township's designated enforcement person, the owner of the property and the occupant, if different than the owner, shall be given written notice of the violation. The notice shall provide the following:

1. The date of the notice.
2. The address of the property where the blight conditions exist.
3. The name and contact information for the Township enforcement person issuing the notice.
4. A description of the nature and location of the blight conditions on the property.

5. A statement that the blight conditions need to be removed within ten (10) days after the date of the notice.
6. A statement that the failure to comply with the notice will constitute a municipal civil infraction that will result in fines, the removal of the items that result in the blight conditions, a lien against the property, and/or other action consistent with Mussey Township Ordinance No. 22 and applicable law.
7. The notice may be served 1) personally; 2) by U.S. Certified Mail with return receipt requested; or 3) by posting the notice in a conspicuous place on the property and sending it U.S. First Class Mail to the property address and the address of the owner on file with the Township's Assessment office if different than the property address.

Section 6: Granting of Additional Time

Additional time may be granted for good cause by the enforcement officer where efforts to remove or eliminate such causes of blight or blighting facts *are* in progress.

Section 7: Penalties

The penalties for failure of a person to comply with a notice of a violation of this Ordinance shall result in the following penalties:

1. The failure to comply will constitute a municipal civil infraction under Mussey Township Ordinance No. 22 and may result in a citation and fine, or other applicable remedies designated under the by the Revised Judicature Act of 1961, Public Act 236 of 196, Chapter 87, Municipal Civil Infractions.
2. In the case where the alleged violator admits responsibility, or a default is entered against the alleged violator, or the alleged violator is found responsible for the municipal civil infraction by the presiding judge or magistrate, the remedy may include that Township may remove the blight conditions from the property and dispose of any items removed from the property, or the Township may employ a contractor to perform this activity on its behalf. Upon the completion of this activity, the Township may charge the alleged violator for any cost and expense associated with removing the blight conditions from the property and enforcing the terms of this Ordinance, including the Township's legal costs and attorney fees as allowed by law.

3. In the event the alleged violator fails to pay the amount charged pursuant to paragraph 2, above, within thirty (30) days after the Township provides an invoice to the owner and the occupant, if different than the owner, in a manner acceptable for service of a notice under Section 5 of this Ordinance, the Township may file an assessment lien against the property for the amount of the invoice and enforce the lien in the same manner as unpaid real property taxes or as otherwise permitted by law.

4. A judge or magistrate presiding over a municipal civil infraction Issued under this Ordinance may make any other and further rulings determined by the judge or magistrate to be appropriate.

Section 8: Repeal of Conflicting Ordinances

All ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 9: Effective Date

This Ordinance shall become effective thirty (15) days after publication.

Section 10: Summary of the Regulatory Effect

This Ordinance regulates land uses in all geographic areas and zoning districts.

MOTION AND VOTE

MOVED BY TRUSTEE MONICA STANDEL, SECOND BY TRUSTEE DEB LEWIS TO AMEND AND REPLACE THE MUSSEY TOWNSHIP CLEAN COMMUNITY ORDINANCE NO. 22 AND CODIFY THE ORDINANCE INTO THE RECORD OF ORDINANCES

ROLL CALL VOTE ON THIS ORDINANCE WAS AS FOLLOWS:

	Yes	No	Abstaining
Michael Lauwers, Supervisor	X	_____	_____
Sheila McDonald, Clerk	X	_____	_____
Deborah Lewis, Treasurer	X	_____	_____
Bruce Downey, Trustee	X	_____	_____
Monica Standel, Trustee	X	_____	_____

AUTHENTICATION AND CERTIFICATION

We hereby certify that the foregoing constitutes a true and complete copy of the Ordinance adopted by majority vote at a Regular Meeting of the Mussey Township Board of Trustees held on the 14TH day of December, 2022.

Witness my official signature this 14th day of December, 2022.

Sheila McDonald, Clerk

PUBLICATION CERTIFICATION

I do hereby further certify that the Ordinance/Notice of Ordinance Adoption was published as required by State Law in the Tri City Times, a newspaper published and circulated in Mussey Township, Michigan, on the 28th day of December, 2022.

Sheila McDonald, Clerk

**PROPERTY DIVISION ORDINANCE
MUSSEY TOWNSHIP NO.19**

An ordinance to provide a procedure for the division of properties located within the Township of Mussey, and to regulate and control the division of such properties, in the interest of the public health, safety and general welfare.

THE TOWNSHIP OF MUSSEY ORDAINS:

ARTICLE 1. TITLE:

This ordinance shall be known and cited as the Mussey Township Property Division Ordinance.

ARTICLE 2. PURPOSE:

Pursuant to the authority and purposes conferred by Public Act 591 of 1996, the Land Division Act, as amended, this ordinance provides standards, procedures, rules and regulations related to the division of properties within the Township, provides for the relationship of this ordinance to other laws and ordinances, and provides for the penalties for violation of this ordinance.

ARTICLE 3. DEFINITIONS

- A. Acreage Parcel - Any parcel of land which is not within an approved and recorded plat or condominium development.
- B. Divide or Division - The partitioning or splitting of an acreage parcel or tract into two or more parcels for purposes of sale, lease or building development.
- C. Lot - A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
- D. Parent Parcel or Parent Tract - An acreage parcel or tract, respectively, lawfully in existence on March 31, 1997.

Resulting Parcel - The acreage parcel(s) which result from an approved division.
- F. Tract - Two or more acreage parcels that share a common property line and are under the same ownership.

- G. Terms not defined shall have the meaning as set forth in the Mussey Township Zoning Ordinance and PA 591 - The Land Division Act.

ARTICLE 4. DIVISION OF LOTS AND ACREAGE PARCELS

Any lot, acreage parcel or tract which is divided or proposed to be divided after the effective date of this Ordinance, shall be reviewed and approved in accordance with this ordinance.

ARTICLE 5. APPLICATION REQUIREMENTS AND PROCEDURES

Application to divide a lot, acreage parcel or tract shall be made on forms provided by the Township. An applicant shall file all of the following with the Township Clerk for review and approval of a proposed land division before making any division either by deed, land contract, lease, or for building development.

- A. Names, addresses and phone numbers of all owners of record, including all parties to a land contract or purchase agreement, and their signatures. Separate written consent to the proposed division by fee simple owners may be accepted by the Township in lieu of signatures on the application form.
- B. The applicant's name, address, phone number, and signature.
- C. The parcel identification number(s) of the parent parcel or parent tract.
- D. A true and accurate survey, including both a drawing to scale and full legal description, of the parent parcel or tract and of all parcels which would result from the proposed division of the parent parcel or tract. The survey shall include the following:
1. All dimensions of existing and proposed property lines and easements;
 2. Location of all existing buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, wells and septic fields, including setbacks from all property lines;
 3. The size (in square feet and acres) of each resulting parcel;
 4. The proposed location and type of access to each resulting parcel. (Where a private road is proposed separate application and conformance with the Mussey Township Private Road Ordinance is required);
 5. Setbacks from property lines to all proposed buildings, drives, easements, wells and septic systems.
- E. Written verification and proof of ownership, by Warranty Deed, Quit Claim Deed, Land Contract, or other legal document of conveyance, which identifies the owner(s) of the parent parcel or parent tract.

- F. A written statement, signed and attached to the application form by the applicant and all owners of record, stating whether the right to make further divisions exempt from the platting process requirements of PA 59'1 - The Land Division Act has been transferred or otherwise conveyed.
- G. A written statement, signed and attached to the application form by the applicant and all owners of record, stating that: "The deeds for all resulting parcels that are the subject of this application shall contain the following statement: *'This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right To Farm Act'*".

Additional information as required by the Township to verify application information, geographic site data or to clarify status of other governmental reviews and approvals.

All applicable review fees as established by resolution of the Township Board.

ARTICLE 6. REVIEW PROCESS

All applications for proposed divisions of lots or acreage parcels shall be reviewed in conformance with the following process:

- A. Two resulting parcels or lots

If the proposed division will create two resulting parcels, or involves a division and recombination with another adjoining property, the following procedure will be followed:

Applicant submits 3 copies of the information required in Article 5 above to the Township Clerk.

Township Clerk forwards copies of all application materials to the Township Assessor, and to the planner and engineer, if requested by the Clerk or Assessor.

- 3. The Township Clerk and Assessor review the application package for completeness, accuracy, and conformance with zoning requirements for lot area, width, frontage and width-to-depth ratio within forty five (45) days.

4. Any division that does not comply with Township zoning requirements for lot area, width, frontage, or width-to-depth ratio shall not be approved. Variances from these requirements shall only be granted by the Zoning Board of Appeals (ZBA), which requires a separate application and review fee.
5. If all required information has been submitted in accordance with Article 5 above, and all information and the proposed division(s) demonstrate(s) conformance with this ordinance, the Clerk and Assessor shall grant approval of the division(s). If the proposed application and division does not comply with this ordinance, the application shall be denied. All approvals and denials shall be in writing.
6. Where a private road is proposed as a part of any division application, review and approval of the private road(s) shall be in accordance with the Mussey Township Private Road Ordinance. The review and approval of proposed private roads shall occur prior to final approval of the proposed division(s).

B. More than two parcels / lots; or if any road is proposed

If the proposed division will create more than two resulting parcels, or requires construction of a road, review and approval by the Planning Commission is required in accordance with the following procedure:

1. Applicant submits ten copies of the information required in Article 5 above to the Township Clerk at least 21 days prior to the next regular Planning Commission meeting.
2. Township Clerk forwards copies of application materials to Planning Commission, Township Assessor, planner and engineer for their review.
3. Planning Commission, Township Assessor and planner review application package for completeness, accuracy, conformance with zoning requirements for lot area, width, frontage, and width-to-depth ratio.
4. Divisions that do not comply with Township zoning requirements for lot area, width, frontage, or width-to-depth ratio shall not be approved. Variances from these requirements shall only be granted by the Zoning Board of Appeals (ZBA), which requires a separate application and review fee.

5. Upon finding that the proposed divisions meet all applicable ordinance requirements, the Township Planning Commission shall recommend approval of the split. If the proposed application and division does not comply with this ordinance, the Planning Commission shall recommend conditional approval or denial. All recommendations for approvals, conditional approvals, and denials shall be in writing.

Following Planning Commission review and recommendation the Township Clerk and Assessor shall:

- a. Verify that all conditions of Planning Commission Approval have been met (if applicable);
 - b. Verify Planning Commission and Township Board approval of any private road(s) proposed in conjunction with the proposed division(s).
7. The Township Clerk and Assessor shall grant final approval of the proposed division(s) upon verification of the information in subsection 1 above.
 8. After Final Approval, the Assessor shall process the proposed division(s), Lands and Graphics will assign and issue new parcel identification number(s), and update taxation and assessment records accordingly.
 9. Where a public road is proposed as a part of any division application, review and approval of the private road(s) shall be in accordance with the Mussey Township Private Road Ordinance. The review and approval of proposed private roads shall occur prior to final approval of the proposed division(s).

ARTICLE 7.' _____ DIVISIONS NOT APPROVED BY TOWNSHIP

Divisions that have not been approved by the Township shall not constitute valid divisions under the terms of this ordinance, shall not be placed on the tax roles, and shall not be eligible for any development or activity requiring a building permit from Mussey Township.

ARTICLE 8. _____ STANDARDS FOR REVIEW

Applications for all land divisions shall meet the following standards prior to approval:

- A. All resulting parcels created by a division, ~~including the remainder of the parent parcel,~~ excluding the remainder of the parent parcel if over 10 acres shall comply with Township Zoning Ordinance requirements for minimum lot area, width, frontage, and width to depth ratio.

- B. Public or private road rights-of-way and/or easements shall not be included in calculations for determining lot area or width.
- C. The layout and design of land divisions and lot splits shall demonstrate that any future divisions will be logical and promote sound community planning and design.
- D. Divisions shall be designed to facilitate provision of emergency services and logical extensions of future public utilities.
- E. Divisions shall be designed to reduce the need for excessive numbers of driveways onto adjacent roads.
- F. Minimum lot width shall be measured from the edge of the existing right-of-way or easement of the public or private road.

Corner parcels shall be least twenty (20) percent wider than the minimum lot width required in the Zoning Ordinance.

No parcel shall require driveway lengths in excess of 600 feet.

Adjoining lots shall not have a front yard to rear yard relationship, where houses on the same side of the same street are situated behind one another.

- J. The proposed division is in compliance with PA 591 - The Land Division Act, as amended.
- K. Where a private road is proposed, said road is in conformance with the Mussey Township Private Road Ordinance and has been approved by the Township Board after recommendation by the Planning Commission.
- L. Adequate easements for public utilities from the parcel to existing public utility facilities are provided.
- M. The parent parcel and resulting parcels do not include any parcels or lots within a condominium development approved by the Township.
- N. If the proposed division creates resulting parcels that are less than the minimum lot area or size required by Act 591, Michigan Public Acts of 1996, as amended, or the Mussey Township Zoning Ordinance, the applicant shall also file with the Township a duly executed affidavit, suitable in form for recording with the St. Clair County Register of Deeds, signed by all persons having a legal or equitable interest in the resulting parcel(s), stating that the resulting parcel(s) will not thereafter be developed or used separately, but only in conjunction with adjoining parcels which, when joined together,

shall satisfy the minimum lot area and size requirements of Act 591 of 1996, as amended, and the Mussey Township Zoning Ordinance.

0. Payment of all taxes due on the parent parcel or parent tract.

ARTICLE 9. TIMEFRAME FOR REVIEW AND APPROVAL

The Township shall have at least forty five (45) days from the date of submittal of a complete application to review the proposed division to verify that it complies with the Michigan Land Division Act, as amended, other applicable Statutes of the State of Michigan, and all Ordinances of Mussey Township. Applications requiring Planning Commission review must be received by the Township Clerk at least twenty one (21) days prior to the meeting.

- B. Where a private road is proposed in conjunction with any proposed division, review and approval of said road in conformance with the Mussey Township Firms-Road Ordinance shall occur concurrently with application for property division. An application for property division may not be considered complete until approval of the private road in conformance with the Mussey Township Private Road Ordinance.

ARTICLE 10. APPLICATION FOR BUILDING PERMITS

After the effective date of this ordinance, prior to the issuance of any building permit for construction upon a resulting parcel, the applicant for the building permit shall provide the following to the Township Building Inspector:

- A. Written verification and evidence of approval of the division of the subject parcel by Mussey Township.
- B. A copy of the survey, with legal description and drawing of said parcel(s) of property.
- C. A recorded copy of the legal document which establishes the applicants ownership interest in the property.
- D. The parcel identification (tax) number which has been assigned to the subject property.

ARTICLE 11. APPLICATIONS INVOLVING PRIVATE ROADS

An application for approval of a division(s) that involves the construction of a private road must comply with the following requirements before the division(s) will be approved:

Township of Mussey, St. Clair County, Michigan
Application for Land Division

1. Applicant

Name _____ Telephone _____
Address _____ City _____ Zip _____

2. Submissions Attached Are:

3 copies of proof of ownership of parent parcel (recorded legal document of conveyance) including legal description

3 copies of legal description * of proposed split(s) and remaining parent parcel

3 copies of all required County review

9 copies of current survey* of proposed split(s) and remaining parent parcel (only 3 copies are needed if making 2 splits)

9 copies of this Application Form (only 3 copies are needed if making 2 splits)

* - Prepared by a Registered Land Surveyor or Licensed Civil Engineer. Survey must show existing structures, wetlands, lakes, streams, ponds, drives, public and private roads, easements, wells and septic fields on all parcels related to application.

4. Application

A. Original Parent Parcel Size _____ Acres

B. Size of Lot(s) to be split from parent parcel _____ Acres

C. Remaining Parent Parcel Size _____ Acres

D. Location of Proposed Land Division:

Section # _____ Nearest Cross Road: _____

E. Parent Parcel ID# _____

Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

Applicant (owner's) Signature Name Printed: _____

We hereby certify that the above was _____ Approved or _____ Denied for the reason
that: _____

Township Assessor
Doug Okorowski

Township Clerk
Sheila McDonald

Planning Commission
Bill Schultz

ARTICLE 14. RELATIONSHIP TO OTHER LAWS AND ORDINANCES

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose the higher standards shall govern.

ARTICLE 15. _____ ADOPTION, EFFECTIVE DATE

1. Adoption. This ordinance was adopted by the Mussey Township Board at a meeting thereof held on December 10, 1997.

Amended December 14, 2022

Effective Date: This ordinance shall become effective on February 20, 1998

Randy Schultz
Mussey Township Supervisor

CERTIFICATION OF TOWNSHIP CLERK

I, Sheila McDonald, Mussey Township Clerk, hereby certify that the foregoing is a true copy of The Mussey Township Property Division Ordinance adopted by the Township Board on December 10, 1997 by the following vote:

Ayes: McDonald, Schultz, Lauwers, Downey, Ide

Nays:

Absent: None

Motion: Carried

Sheila McDonald Mussey
Township Clerk

Mussey Township ordered notice of adoption and summary to be published in the newspaper on 1-21-98. A true copy of the above ordinance may be inspected or purchased at the offices of the Township Clerk during regular business hours,

Ordinance Amended at the regular Township Board Meeting on December 14, 2022

CERTIFICATION OF TOWNSHIP CLERK

I, Sheila McDonald, Mussey Township Clerk, hereby certify the foregoing is a true copy of the Mussey Township Property Division Ordinance amended by the Township Board on December 14, 2022 by the following vote:

A motion was made by Monica Standel, and supported by Bruce Downey

Ayes: McDonald, Lewis, Standel, Lauwers & Downey

Nays: None

Absent: None

Motion carried.

Sheila McDonald, Mussey Township Clerk _____

**TOWNSHIP OF MUSSEY
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 34**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF MUSSEY, ARTICLE III, ZONING DISTRICT AND MAP, SECTION 301, BOUNDARIES, BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS FROM THE B-2, HIGHWAY-ORIENTED COMMERCIAL DISTRICT TO THE R-1, SINGLE FAMILY RURAL RESIDENTIAL DISTRICT, AND FROM THE B-2, HIGHWAY-ORIENTED COMMERCIAL DISTRICT TO THE AG, AGRICULTURAL DISTRICT.

THE TOWNSHIP OF MUSSEY ORDAINS:

ARTICLE 1 AMENDMENT: THE ZONING ORDINANCE OF THE TOWNSHIP OF MUSSEY, ARTICLE III, ZONING DISTRICT AND MAP, SECTION 301, BOUNDARIES, is hereby amended by amending the Official Zoning Map referred to therein, to remove the following lands from the B-2, Highway-Oriented Commercial District and to hereafter include said lands in the R-1, Single Family Rural Residential District:

Legal Description. W 132 FT OF E 1303.5 FT OF N 330 FT OF N 1/2 OF NE 1/4, SEC 21, T7N R13E. Said parcel contains 1 acre of land; commonly known as Parcel Tax ID# 74-27-021-2005-000.

Legal Description. W 132 FT OF E 1171.5 FT OF N 330 FT OF N 1/2 OF NE 1/4, SEC 21, T7N R13E. Said parcel contains 1 acre of land; commonly known as 15131 Imlay City Road, Parcel Tax ID# 74-27-021-2004-000.

Legal Description. W 132 FT OF E 1039.5 FT OF N 330 FT OF N 1/2 OF NE 1/4, SEC 21, T7N R13E. Said parcel contains 1 acre of land; commonly known as 15103 Imlay City Road, Parcel Tax ID# 74-27-021-2006-000.

Legal Description. W 132' OF E 907.5' OF N 330' OF N 1/2 OF NE 1/4, SECTION 21, T7N R13E. Said parcel contains 1 acre of land; commonly known as 15085 Imlay City Road, Parcel Tax ID# 74-27-021-2007-000.

Legal Description. W 170' OF E 775.5' OF N 561' OF N 1/2 OF NE 1/4, SECTION 21, T7N R13E. Said parcel contains 2.18 acres of land; commonly known as 15071 Imlay City Road, Parcel Tax ID# 74-27-021-2008-000.

Legal Description. W 94' OF E 605.5' OF N 561' OF N 1/2 OF NE 1/4 & W 31' OF E 511.5' OF N 140' OF NE 1/4, SECTION 21, T7N R13E. Said parcel contains 1.3 acres of land; commonly known as 15051 Imlay City Road, Parcel Tax ID# 74-27-021-2009-000.

ARTICLE 2 AMENDMENT: THE ZONING ORDINANCE OF THE TOWNSHIP OF MUSSEY, ARTICLE III, ZONING DISTRICT AND MAP, SECTION 301, BOUNDARIES, is hereby amended by amending the Official Zoning Map referred to therein, to remove the following lands from the B-2, Highway-Oriented Commercial District and to hereafter include said lands in the AG, Agricultural District:

Legal Description. E 200' OF W 1600' OF THAT PART OF N 1/2 OF NE 1/4 THAT LIES S OF RE-LOCATED M-21, SEC 21, T7N R13E. Said parcel contains 3.35 acres of land; commonly known as 15151 Downey Road, Parcel Tax ID# 74-27-021-2047-000.

Legal Description. E 100 FT OF W 1400 FT OF THAT PART OF N 1/2 OF NE 1/4 THAT LIES S OF RE-LOCATED M-21, SEC 21, T7N R13E. Said parcel contains 1.86 acres of land; commonly known as Parcel Tax ID# 74-27-021-2046-000.

Legal Description. E 300 FT OF W 1300 FT OF THAT PART OF N 1/2 OF NE 1/4 THAT LIES S OF RE-LOCATED M-21, SEC 21, T7N R13E. Said parcel contains 6.38 acres of land; commonly known as 15183 Downey Road, Parcel Tax ID# 74-27-021-2045-000.

Legal Description. E 100 FT OF W 1000 FT OF THAT PART OF N 1/2 OF NE 1/4 LYING S OF RE-LOCATED M-21, SEC 21, T7N R13E. Said parcel contains 2.45 acres of land; commonly known as 15187 Downey Road, Parcel Tax ID# 74-27-021-2044-000.

Legal Description. E 300 FT OF W 900 FT OF THAT PART OF N 1/2 OF NE 1/4 LYING S OF RE-LOCATED M-21, SECTION 21, T7N R13E. Said parcel contains 8.08 acres of land; commonly known as Parcel Tax ID# 74-27-021-2043-000.

ARTICLE 3 SEVERABILITY: Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 4 REPEAL: All ordinances in conflict herewith are hereby repealed.

ARTICLE 5 EFFECTIVE DATE: Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 11, Act 184 of the Public Acts of 1943, as amended.

ARTICLE 6 ADOPTION: Made and passed by the Township Board of the Trustees of the Township of Mussey, St. Clair County, Michigan, on this 11th day of September, 2013 A.D.

1. Date of Public Hearing :

June 25, 2013.

2. Date of Adoption by Township Board: September 11, 2013
3. Date of Publication: September 18, 2013
4. Date and Time Ordinance Shall Take Effect: September 25, 2013 at 12:00 noon

Certification

I, Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that Ordinance No. 34 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on the 11th day of September, 2013.

Vote on this Ordinance, 5 members being present, was as follows:

AYES: Lauwers, McDonald, Libkie, Downey & Standel

NAYS: None

I further certify that said Ordinance No. 34 adopted by the Township Board on the 11th day of September, 2013 was published once in The Tri-City Times,, a paper published and circulated in the Township of Mussey, County of St. Clair, on the 18th day of September, 2013 this being the first and final day of publication of this ordinance.

Sheila McDonald, Clerk

**THE TOWNSHIP OF MUSSEY
FRANCHISE GRANTED TO
SEMCO Energy Gas Company**

Ordinance No. 43

An Ordinance, granting to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to conduct a local gas business in Sections 34 SW, 34 SE, 35 SW, 35 SE, 36 SE in the Township of Mussey, located in St. Clair County, Michigan, for a period of thirty years.

THE TOWNSHIP OF MUSSEY ORDAINS:

Section 1. GRANT OF FRANCHISE. The Township of Mussey, located in St. Clair County, Michigan (the "Township"), hereby grants to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, (the "Grantee") the right, power and authority to construct, lay, operate, maintain and replace in the public streets, highways, alleys and other public places in Sections 34 SW, 34 SE, 35 SW, 35 SE, 36 SE in the Township of Mussey, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the Township of Mussey, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.

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

Section 3. CONDITIONS. No highway, street, alley, bridge or other public place used by Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to as good order and condition as when Grantee commenced the work. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes. Grantee will use its best efforts to not unreasonably interfere with or disrupt any public utility apparatus or facilities operated by the Township and, to the extent Grantee interferes with or disrupts any such public utility apparatus or facilities, Grantee shall restore such apparatus or facilities to as good order and condition as when Grantee commenced work.

Section 4. HOLD HARMLESS. Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the Grantee's negligent construction and negligent maintenance of the structures and equipment hereby authorized. If any action is commenced against the Township resulting from Grantee's negligent construction and maintenance, Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 6. RATES. Grantee shall charge for gas furnished the rates, charges and special taxes as approved from time to time by the Michigan Public Service Commission, or its successors having authority and jurisdiction to fix and regulate gas rates and charges, or as otherwise permitted or required by applicable law or tariff, for the term of this franchise. Such rates shall be subject to Commission review and change at any time upon petition therefore being made by either said Township, acting by its Township Board, or by said Grantee.

Section 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township and shall provide service in accordance with the terms and conditions set forth in its applicable tariff as approved from time to time by the Michigan Public Service Commission or its successors.

Section 9. SUCCESSORS AND ASSIGNS. The words “SEMCO Energy Gas Company” and “SEMCO Energy, Inc.,” wherever used herein, are intended and shall be held and construed to mean and include SEMCO Energy Gas Company and its parent, subsidiaries, successors, affiliates, and assigns, whether so expressed or not. The word “Grantee,” wherever used herein, is intended and shall be held and construed to mean and include SEMCO Energy Gas Company, SEMCO Energy, Inc., and the successors and assigns of each, whether so expressed or not. Grantee may assign the rights and obligations under this agreement as long as the Grantee provides prior written notice to the Township of any such assignment.

Section 10. FORCE MAJEURE. The Grantee shall not be liable for failure to furnish service as herein provided, or for any breach of the Grantee’s obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Grantee.

Section 11. EFFECTIVE DATE. Upon adoption, the Township Clerk shall deliver to Grantee a certified copy of this ordinance. Additionally, the Township shall publish this ordinance within thirty (30) days of its adoption and this ordinance shall take effect upon the day after the date of publication thereof, continuing for a term of thirty (30) years from that date; provided, however, it shall cease and be of no effect after sixty (60) days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Grantee.

Ayes: Lauwers, Downey, Lewis & McDonald
Nays: None
Date Passed: November 10, 2021

Attested, by Order of the Township of
Mussey, St. Clair County, Michigan

Mussey Township Clerk

Mussey Township Supervisor

CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of Mussey Township, St. Clair County, Michigan, hereby certifies that: (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a regular meeting held on the **10th day of November, 2021** at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and, (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Dated: November 10, 2021

Mussey Township Clerk

ACCEPTANCE

SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., the Grantee under a Franchise approved by Township of Mussey, County of Mussey, Michigan, hereby accepts the Franchise, pursuant to the terms and conditions thereof.

Dated: November 10, 2021

**SEMCO Energy Gas Company,
a division of SEMCO Energy, Inc.**

By: _____
Colleen Starring
President SEMCO Energy Gas Company

Ordinance No. 42

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MUSSEY ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its gas distribution system within said Township, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' gas franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on July 14, 2021.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, on the 14th day of July, 2021.



Michael Lauwers, Township Supervisor

Attest:

I, Sheila McDonald, Clerk of the TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, a gas franchise, was properly adopted by the Township Board of the TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.



Sheila McDonald, Township Clerk

Dated: 7/14, 2021

Possible Franchise Enactment Schedule
REVOCABLE GAS FRANCHISE
TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN

First Meeting

Meeting of Township Board

Franchise Ordinance passed

Within 30 days

Publish complete franchise ordinance (in full)

TOWNSHIP ORDINANCES (EXCERPT)
Act 246 of 1945

41.184 Township ordinance; effective date; publication; adoption by reference.

Sec. 4. (1) A township ordinance shall contain a provision stating when the ordinance takes effect.

(2) Except as provided in section 22 of the charter township act, 1947 PA 359, MCL 42.22, and section 401 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3401, a township ordinance shall take effect as follows:

(a) If an ordinance imposes a sanction for the violation of the ordinance, the ordinance shall take effect 30 days after the first publication of the ordinance.

(b) If an ordinance does not impose a sanction for the violation of the ordinance, the ordinance shall take effect the day following the date of the publication of the ordinance or any date following publication specified in the ordinance.

(3) Publication of the ordinance shall be made within 30 days after the passage of the ordinance by inserting either a true copy or a summary of the ordinance once in a newspaper circulating within the township. A summary of an ordinance may be drafted by the same person who drafted the ordinance or by the township board or township planning commission and shall be written in clear and nontechnical language. Each section of an ordinance or a summary of an ordinance shall be preceded by a catch line. If a summary of an ordinance is published, the township shall designate in the publication the location in the township where a true copy of the ordinance can be inspected or obtained.

(4) If an ordinance adopts by reference a provision of any state statute for which the maximum period of imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, a statement of the purpose of the statute shall be published with the adopting ordinance or with the summary of the adopting ordinance under subsection (3). Copies of the statute adopted by the township by reference shall be kept in the office of the township clerk, available for inspection by and distribution to the public. The township shall include in the publication the designation of a location in the township where a copy of the statute can be inspected or obtained. Except as otherwise provided in this subsection, a township shall not enforce any provision adopted by reference for which the maximum period of imprisonment is greater than 93 days. A township may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:

(a) Community service for not more than 360 hours.

(b) Imprisonment for not more than 180 days.

(c) A fine of not less than \$200.00 or more than \$700.00.

History: Add. 1989, Act 78, Imd. Eff. June 20, 1989;—Am. 1994, Act 14, Eff. May 1, 1994;—Am. 1999, Act 253, Imd. Eff. Dec. 28, 1999;—Am. 1999, Act 257, Eff. Dec. 29, 1999;—Am. 2012, Act 9, Imd. Eff. Feb. 15, 2012.

Compiler's note: Former section 4 of this act was not compiled.

TOWNSHIP OF MUSSEY

ORDINANCE

AN ORDINANCE TO LICENSE AND REGULATE LARGE OUTDOOR ASSEMBLIES OF PERSONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO ENSURE THE PROVISION OF ADEQUATE HEALTH, SANITATION, FIRE, POLICE, TRANSPORTATION, UTILITY AND OTHER PUBLIC SERVICES; TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

THE TOWNSHIP OF MUSSEY ORDAINS:

2
SECTION 1. Definitions

A. "Outdoor Assembly" means any event, attended by more than 250 attendees, all or any part of which includes a theatrical exhibition, public show, display, entertainment, musical festival or other exhibition. It shall not include any event held entirely within the confines of a permanently enclosed and covered structure, or an event which is conducted or sponsored by a governmental unit or agency.

B. "Person" means any natural person, partnership, corporation, association or organization.

C. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

D. "Attendee" means any person who obtains admission to an outdoor assembly.

E. "Licensee" means any person to whom a license is issued pursuant to this ordinance.

SECTION 2. No person shall sponsor, operate, maintain, conduct or promote an outdoor assembly in Mussey Township unless the same shall first have obtained a license for such assembly.

SECTION 3. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the Township and shall be made at least 15 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$100.00 and shall include the following:

A. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or association, this information shall be provided for all partners, officers and directors.)

B. A statement of the kind, character, and type of assembly.

C. The address, legal description and proof of ownership or lease of the site at which the proposed assembly is to be conducted.

D. The date or dates and hours during which the proposed assembly is to be conducted.

E. An estimate of the maximum number of attendees expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

TOWNSHIP OF MUSSEY NOISE CONTROL ORDINANCE

An ordinance to regulate excessive noise which would create a nuisance or disturb the public peace within the Township and to provide penalties for the violation thereof. THE TOWNSHIP OF MUSSEY ORDAINS: Section 1, General.

No person shall at any time cause a noise to be created which by its loud, continuous, or intermittent nature is a nuisance to persons occupying nearby properties. This section shall not apply to farm or business operations which are carried on in an area properly zoned for that activity, providing that the activity causing the noise is necessary to the farm or business operation.

Section 2. Off-Road Vehicles.

No motorcycle, . trail bike, snowmobile, or other. vehicle which is not licensed for use upon the public roads shall be operated within the Township unless it is equipped with a muffler which effectively prevents loud noises therefrom.

Section 3. Night Disturbances.

No excessive noise shall be made on any private property within the Township of Hussey between the (tours of 7:00 p.m. and 7:00 a.m. This section shall include noises created by. phonographs, radios, stereo equipment, musical Instruments, loud parties, and the like. For purposes of this section, the term "excessive noise" shall be deemed to mean any noise which is audible beyond the property lines of the property on which the noise originates and which is audible beyond such property lines at a level louder than the noise caused by ordinary conversation.

Section 4. Waiver.

Permission to waive the provisions of this ordinance may be granted by the Township Board for specific events or social occasions.

Section 5. Penalty.

Any person who shall violate a provision of this ordinance shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$500.00.

Section 6. Severability.

This ordinance and the various sections and provisions thereof are hereby declared to be severable. If any section or provisions is adjudged unconstitutional or invalid, the same shall not affect the validity of the remainder of the ordinance.

Section 7. Effective Date.

This ordinance shall take effect thirty days from the date of publication ' in a newspaper of general circulation within the Township.

William T. Essenburg

Julia Hofert

The undersigned Supervisor and Cleric of the Township of Mussey hereby certify that this Ordinance was duly adopted by the Mussey Township Board at a meeting held on the 9th day of October, 1985 and was published in the Tri-City Times on the day of, 1985 .

Julia Hofert-Clerk

Mussey Township Ordinance No. 05-01

Truck Route Ordinance

An Ordinance to establish and regulate truck traffic routes within the Township of Mussey, St. Clair County, Michigan, to prohibit truck traffic on other roads, and to provide penalties for the violation thereof.

The Township Board of the Township of Mussey, County of St. Clair and State of Michigan Ordains:

Section 1. Definitions:

- (a.) Road – “Road” means any street, highway or route within the Township of Mussey.
- (b.) Semi-Trailer – “Semi-Trailer” means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rest upon or is carried by some other vehicle.
- (c.) Trailer – “Trailer” means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rest upon the towing vehicle.
- (d.) Truck - “Truck” means every motor vehicle designed, used or maintained primarily for the transportation of property, except a pick-up truck, or a van designed so as to carry loads of no more than one ton.
- (e.) Truck-Tractor – “Truck-Tractor: means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a art of the weight of vehicle and load so drawn.
- (f.) Person – “Person: includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

Section 2. Rule of Construction:

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 3. Purpose:

Except as expressly permitted under this Ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination in the Township of Mussey on Imlay City Road between Capac Road and M-21.

Section 4. Exemptions:

- The truck route limitations prescribed in this Ordinance shall not apply to:
- (a) Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property; or

- (b) Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the Township; or
- (c) Garbage service vehicles while involved in the provisions of service to residents of the Township.

Section 5. Pick-Ups, Deliveries. Service Calls:

A vehicle which would otherwise be restricted and which is being used to make pick-ups, deliveries or service calls in the Township on Imlay City Road restrict its travel to a minimum. Said vehicle shall be driven in such a manner as to proceed to its destination or destinations on Imlay City Road. Upon completion of the pick-ups, deliveries or service calls, the vehicle shall return to the nearest permitted truck route or leave the Township by the most direct route. This Section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the Township by other than a truck route.

Section 6. Leaving or Returning to Home or Place of Business:

Nothing herein contained shall prevent a truck or truck-tractor and semi-trailer, or truck tractor and trailer combination, or returning to its customary storage location at the owner or operator's personal residence.

Section 7. Special Permits:

The Township Supervisor shall have the authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this Ordinance. Such permits, however, shall not be given for more than one round trip and in no case shall a permit be valid for a longer period than ten days from the date of issue. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The Township Board shall, by resolution, set a fee for special permits.

Section 8. Signs:

The Township Board shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Michigan.

Section 9. Penalties:

Any person who violates any provision of this Ordinance shall be guilty of a Civil Infraction.

Section 10. Severability:

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared that the remainder of this Ordinance shall not be affected thereby.

Section 11. Administrative Liability:

No officer, agent, or employee of the Township of Mussey, or member of the Township Board shall render himself personally liable for any damage that

may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

Section 12. Repeal:

All Ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict, except that the terms defined herein for purposes of interpretation, administration and enforcement of this Ordinance only will in no way, manner or form repeal, modify or otherwise change the definition of any such terms as used in other ordinances of the Township of Mussey.

Section 13. Effective Date:

This Ordinance as approved and adopted by the Township of Mussey, County of St. Clair, Michigan, on 04-13-2005 and is ordered to take effect on _____, said date being thirty (30) or more days after publication in the Tri-City Times, a newspaper having general circulation in the Township of Mussey pursuant to the provisions of Act 191 of the Public Acts of 1939, as amended.

Michael Lauwers, Supervisor

Shelia McDonald, Clerk

✓ Sec. 24-38. Regulating the use of alcoholic beverages and drugs at open house parties.

(a) *Definitions.* For the purpose of this section, the following terms shall be defined as follows:

- (1) *Adult* means a person seventeen (17) years of age or older.
- (2) *Alcoholic beverage* means any beverage containing more than ½ of 1% of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of Michigan Compiled Laws, Section 436.2, as the same may be amended from time to time.
- (3) *Minor* means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to Michigan Compiled Laws Section 436.33b, as the same may be amended from time to time.
- (4) *Residence* means a home, apartment, condominium or other dwelling unit and includes the curtilage of such dwelling unit.
- (5) *Open house party* means a social gathering of persons at a residence other than the owner or those with rights of possession or their immediate family members.
- (6) *Drug* means a controlled substance as defined now or hereafter by the Public Acts of the State of Michigan. Currently, such controlled substances are defined by Act No. 196 of the Public Acts of 1971, as amended, being Sections 335.301 to 335.367 of the Michigan Compiled Laws.
- (7) *Control* means any form of regulation or dominion including a possessory right.

(b) *Responsibility of adult having control of residence.* No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at said residence.

(c) *Exception.* The provisions of this section shall not apply to legally protected religious observances or legally protected educational activities.

(d) *Penalties.* The penalties for violation of this section shall be as follows:

- (1) For the first violation, a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for a term not to exceed thirty (30) days or by both such fine and imprisonment.
- (2) For subsequent violations, a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for a term not to exceed ninety (90) days or by both such fine and imprisonment.

(e) *Repealer.* All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this section full force and effect.

(f) *Severability.* Should any section, subdivision, clause or phrase of this section be declared by the courts to be invalid, the same shall not affect the validity of the section as a whole or any part

Please publish the enclosed ordinance, to be known as:

ORDINANCE TO REGULATE USE OF ALCOHOLIC BEVERAGES AND DRUGS AT
OPEN HOUSE PARTIES

This Ordinance was passed at the regular Mussey Township Board meeting held on 1/13/88. Vote: Ayes-5.

This Ordinance to take effect 30 days after publication in the Tri-City Times.

By: Julia Hofert, Clerk
Julia Hofert, Clerk

SUBDIVISION REGULATIONS ORDINANCE
NUMBER 9b
MUSSEY TOWNSHIP, ST. CLAIR COUNTY, MICHIGAN

An Ordinance enacted under Act 228, Public Acts of 1967, as amended, and Act 168 Public Acts of 1959, as amended, of the State of Michigan, establishing regulations governing the subdivision of land: Providing standards, procedures and rules for the preparation and filing of plats, providing for preliminary and final approval or rejection of such plats by Mussey Township.

MUSSEY TOWNSHIP ORDAINS:

ARTICLE 1 - TITLE AND PURPOSE

SECTION 100. Short Title:

This Ordinance shall be known and may be designated as the "Mussey Township Subdivision Regulations Ordinance."

SECTION 101. Purpose:

Pursuant to the authority and purposes conferred by the Public Acts of the State of Michigan, this Ordinance is designed to provide standards, procedures, rules and regulations related to the making and filing of plats, to provide standards for layout and design, and to provide a method for preliminary and final approval or rejection thereof and to provide for the penalties for violation of the provisions thereof.

ARTICLE 2. DEFINITIONS

SECTION 200. Definitions:

For the purpose of this Ordinance, certain words, terms and phrases shall be defined as follows:

1. All terms as defined in the State of Michigan Subdivision Control Act of 1967 and the Township's adopted Zoning Ordinance shall control unless specifically defined hereinafter.
2. Block: Property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other similar physical barrier to the continuity of development.
3. Master Plan, General Plan or Basic Plan: The Mussey Township Master Plan, including graphics and written text, adopted by the Planning Commission on August 2, 1982, including all subsequent amendments or additions thereto.

4. Easement: A grant by the owner of the use of land by the public, a corporation or persons, for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.
5. Improvements: Grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, storm sewers, sanitary sewers, culverts, bridges, utilities, and other additions to the natural condition of the land.
6. Performance Guarantee: Any security including performance bonds, escrow agreements, cash deposits, irrevocable bank letters of credit, and other similar collateral or surety agreements, which may be accepted by the Township Board as a guarantee that required subdivision improvements will be made by the subdivider.
7. Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the State Subdivision Control Act, and this Ordinance.
8. Final Plat: A map of all or part of a subdivision substantially in conformance with the Preliminary Plat of the Subdivision prepared as required by the State Subdivision Control Act and this Ordinance, suitable for recording by the County Register of Deeds and State Treasurer's Office.
9. Shall and May: The word "shall" is mandatory and the word "may" is permissive.
10. Wetlands: Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and is shown on the National Wetlands Inventory Maps for the Capac or Allenton quadrangles, as published by the U.S. Department of the Interior.
11. Subdivider: Where the word ": subdivider" is used it shall mean the same as "proprietor".

ARTICLE 3 - PLAT PROCESSING

SECTION 300. Review Procedure:

The accompanying chart entitled "Subdivision Review Processing Requirements" is hereby made part of this ordinance and shall be followed as the procedure for the review of all submitted plats.

SECTION 300. SUBDIVISION REVIEW PROCESSING REQUIREMENTS

Mussey Township, St. Clair County, Michigan

TENTATIVE PRELIMINARY PLAT

(Planning Commission recommendation within 60 days of filing and Township Board action within 90 days of filing)

Subdivider files* preliminary plat for Tentative Approval. Clerk collects fees.	Placed on agenda of next Png. Comm. meeting. Submit copies to Engineer & Planner for review	Png. Commission reviews: - Lot sizes - Lot layout - Street layout - Utilities - Land Use - Design standards	Png. Commission recommends: - Approval - Conditional Approval, or - Denial	Township Board grants Tentative Approval or Rejects Plat
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FINAL PRELIMINARY PLAT

Subdivider files* preliminary plat for final approval, list of authorities in Sec. 111-119 of Act 288 of 1967, and pays fees

Png. Comm. reviews & recommends Approval, Conditional Approval, or Denial within 30 days of filing

Township Board at next meeting or within 20 days after receipt of approved plats: Approve or Reject

FINAL PLAT

Subdivider submits* Final Plat and pays fees

Township Board within 20 days or next meeting
- Approves or
- Rejects

*Each submission must be on proper application forms furnished by the Township.

SECTION 301. Tentative Preliminary Plat Subdivision Requirements:

A. IDENTIFICATION AND DESCRIPTION

1. Proposed name of subdivision.
2. Location by Section, Town, and Range, or by other legal description.
3. Names and addresses of the subdivider, owner, and the planner, landscape architect, designer, engineer or surveyor who designed the subdivision layout. The subdivider shall also indicate his interest in the land.
4. Date, northpoint and scale of plat, 1"=100' is the minimum acceptable scale.

B. Existing Conditions

1. An overall area location map at a scale of not less than 1"=400'.
2. Boundary line of proposed subdivision, section or municipal limits within or adjacent to the tract and overall property dimensions.
3. Property lines of contiguous adjacent tracts of subdivided and unsubdivided land within 200 feet from the proposed plat.
4. Location, widths, and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
5. Location of existing utilities, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
6. Drainage patterns.
7. Topography based on United States Geological Survey Datum, at a minimum contour interval of 2 feet.
8. Vegetation on the site carefully inventoried and sketched as to type and location on a map at the same scale as the preliminary plat.

C. Proposed Conditions

A refined illustration showing the information indicated below shall be submitted as the preliminary plat drawing.

1. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the width and location of alleys, existing easements and public walkways.
2. Layout, number and dimensions of lots, including building setback lines showing the width of each lot at the front setback line.
3. Indication of parcels of land intended to be dedicated or set aside for public use and/or for the use of property owners in the subdivision and any lands to be preserved in their natural state.
4. A statement of the status of the petitioner's ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located.
5. Statement of intended use of the proposed plat such as residential single-family, industrial, commercial, and etc.

SECTION 302. Final Preliminary Plat Subdivision Requirements:

Within one year after having received tentative preliminary plat approval as described above, the subdivider shall submit the Preliminary Plat for final approval.

- A. Submit to the Township Clerk ten (10) copies of the preliminary plat and other required data at the time he files copies with the authorities as required in SECTION 113 to 119 of the Subdivision Control Act. At this filing he shall include a certified list of all authorities to which he has submitted preliminary plats for review.
- B. Submit as proof of ownership a policy of title insurance, or a legal opinion with reference to ownership, for examination, so that the Township can determine whether or not the proper names appear on the plat.
- C. The preliminary plat shall be prepared in accordance with Section 120 of the Subdivision Control Act and in accordance with the requirements of this Ordinance.
- D. Identification and Description - Same as 301A.
- E. Proposed Conditions - Same as 301C
- F. An indication of the required underground utilities.

- G. An indication of system proposed for sewage by a method approved by the Township.
- H. An indication of system proposed for water supply by a method approved by the Township and the County Health Department.
- I. An indication of proposed storm drainage system, and point of outlet at the subdivision line, by a method approved by the Township and the Drain Commissioner.
- J. In the case where the subdivider wishes to subdivide only part of the property in question, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the subdivider intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the subdivider is subdivided.
- K. Subsoil drainage: Whenever there is reason to expect that any part of the tract has a high water table or unstable subsoil conditions, the Preliminary Plat submittal shall include a tabulated record and a keyed map of soil borings made by and certified by a registered civil engineer, or registered land surveyor.
- L. Water areas: A plan shall be submitted of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; method of controlling insects, water growths and vegetation.
- M. Proposed topography: Superimposed on the preliminary plat shall be the proposed contours, at a minimum interval of two feet, for the area including the area at least 100 feet outside of the project boundary.

SECTION 303. Final Plat Submission and Approval Requirements:

- A. The final plat shall comply with the provisions of the State Subdivision Control Act and be submitted within two years after Final Preliminary Plat Approval was granted.
- B. The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this Subdivision Ordinance.

- C. Two (2) copies of the proposed Subdivision Deed Restrictions or protective covenants or a statement in writing that none are proposed shall be furnished to the Township to be filed with the Township's copy of the final plat.
- D. Upon approval of the final plat by the Township Board, the subsequent approvals shall follow the procedure set forth in the Subdivision Act. The three (3) prints of the final plat shall be forwarded: one (1) to the Clerk, one (1) to the Planning Commission and one (1) to the Building Inspector (Zoning Administrator). The five (5) mylar copies shall be forwarded to the County Plat Committee.
- E. Placing of required monument and lot corner markers may be waived by the Township Board for a period of one year from the date of approval of the final plat by the Township Board provided:
 - 1. That monuments or other markers adequately witnessed, shall be in place at all angles and at all ends of curves in the boundaries of the subdivision; and
 - 2. That the subdivider shall have delivered to the Clerk cash or a certified check or irrevocable bank letter of credit running to the Township, whichever the Township Board determines is appropriate, in amount equal to \$50.00 per monument remaining to be placed; plus \$20.00 per lot corner marker remaining to be placed; however, that a minimum deposit of \$200.00 shall be necessary regardless of the number of monuments and/or markers to be placed.

Such cash, certified check or irrevocable bank letter of credit shall be returned to the subdivider upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the subdivider defaults, the Township Clerk shall engage a surveyor to locate the monuments and markers called for on the plat and on completion of the work shall return any unexpended balance of the deposit to the party from whom it was received.

- F. The Township shall require of the subdivider as a condition of final plat approval, a deposit in the form of cash, certified check, or irrevocable bank letter of credit running to the Township for the full cost, as estimated by the Township Engineer, of the public improvements under Township jurisdiction to insure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the final plat by the Township Board. The Township shall rebate to the subdivider as work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project

provided, however, that no amount shall be reimbursed until the Township Engineer approved the same and at least ten percent (10%) shall be retained pro-rata from the entire project for each payment until one (1) year after completion of the improvements to insure against any repairs that may be necessary.

- G. One complete set of "as built" mylar drawings shall be provided by the proprietor to the Township Board at the time of final acceptance of the public improvements.

SECTION 304. Assessor's Plat:

If it is established that conditions exist whereby an assessor's plat is necessary, said assessor's plat shall comply with Section 201 to 213 of the State Subdivision Control Act.

SECTION 305. Review and Approval Criteria:

The Planning Commission shall act upon the proposed plat within the time limits outlined in Section 300, unless the subdivider agrees to an extension in writing. The Township Board action shall be within the time limits established in the State Subdivision Control Act. Review, approval or denial of a proposed plat shall be based on the following considerations:

- A. Township, County and State regulations and ordinances.
- B. The availability and adequacy of sewer, water and other utilities.
- C. Open space preservation and natural resource protection.
- D. Availability of recreation, and public service facilities.
- E. Master Plan proposals.
- F. The standards of this ordinance and the health, safety and welfare concerns of Mussey Township.

Tentative plat approval is irrevocable for a maximum of one year, unless an extension is applied for in writing by the subdivider and granted by the Township Board. Tentative plat approval establishes the layout and design of streets, lots and open spaces. Final Preliminary approval is good for two years with the same conditions for extension as mentioned above. Final Preliminary Plat is usually granted once preliminary engineering is completed, and deals with the plat remaining substantially the same as approved at the tentative stage. Final Plat approval involves only the approval of the Township Board and deals with the plat preparation with recording pursuant to the sale of lots.

ARTICLE 4 - DESIGN STANDARDS AND PUBLIC IMPROVEMENTS

The subdivision design standards set forth herein are development guides and all plats must be reviewed and meet the approval of the Township.

SECTION 400. Streets:

Streets shall conform to all minimum requirements, general specifications, typical cross-sections and other conditions set forth in this Ordinance and any other requirements of the St. Clair County Road Commission.

A. Location and Arrangement:

1. The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to existing and planned major thoroughfare and collector streets, and streets shall be platted in the location and the width indicated on the Master Plan.
2. The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projections of streets when adjoining property is not subdivided.
3. The street layout shall include local streets so laid out that their use by through traffic will be discouraged.
4. Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Planning Commission may require a side lot relationship to the Major thoroughfare with an approved screen planting contained in a dedicated nonaccess reservation along the side property lines having a minimum width of 12 feet, or such other treatment as may be necessary for adequate separation of the residential properties from the major thoroughfare.

B. Street Layouts: The following design standards shall be used:

1. Major and secondary thoroughfare minimum right-of-way width = 120 feet.
2. Collector streets minimum right-of-way = 86 feet.
3. Local street minimum right-of-way width = 66 feet.
4. Cul-de-Sac streets minimum right-of-way = 66 feet, with a vehicular turn-around with a minimum diameter of 150 feet and with a paved roadway of not less than 112 feet in diameter.

5. Cul-de-Sac street maximum length = 660 feet measured to the center of the turn-around.
 6. Half streets and alleys are prohibited.
- C. Grade Standards and Horizontal Alignment shall be to County Road Commission specifications.

SECTION 401. Blocks

Blocks within subdivision shall conform to the following standards:

- A. Sizes:
1. Maximum length for blocks shall not exceed 1,500 feet in length, except where in the opinion of the Planning Commission, with the advice of the Township Planner and the Township Engineer, conditions may justify a greater distance.
 2. Widths of blocks shall be determined by the conditions of the layout and shall be suited to the intended design of the subdivision.
- B. Public Walkways:
1. Public walkways or crosswalks or easements for same shall be required by the Planning Commission to obtain satisfactory pedestrian circulation within the subdivision and the periphery to public or private facilities.
 2. Right-of-way widths of public walkways when not adjacent to or a part of street rights-of-way shall be at least 15 feet and shall be dedicated to the use of the public.
- C. Easements:
1. Location of utility line easements shall be provided in a uniform location approved by the Planning Commission. Every lot, park or public grounds shall have access of not less than 15 feet wide.
 2. Recommendations on the proposed layout for telephone, electric, and gas utility easements shall be obtained from the utility companies serving the Township.
 3. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both

as will be adequate for the purpose. Such easements shall meet the approval of the Township and the County.

SECTION 402. Lots:

Lots within subdivisions shall conform to the following standards:

A. Sizes and Shapes:

1. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
2. Lot areas, widths, and setbacks shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
3. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 4 to 1 may be required.
4. Corner lots in subdivisions shall be platted at least twenty (20) feet wider than the minimum width permitted by the Zoning Ordinance.
5. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provisions for off-street parking setbacks, and other requirements in accordance with the Zoning Ordinance.

B. Arrangement (The Planning Commission may alter requirements of subsection 2-3-4 upon a finding that topographic or other practical difficulties result from the strict application of these standards):

1. Every lot shall front or abut upon an approved street.
2. Side lot lines shall be at right angles or radial to the street lines.
3. Residential lots abutting major thoroughfares or collector streets shall be platted with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distance between buildings and such trafficway.
4. Lots shall have a front-to-front relationship across all streets where possible.
5. Wetlands, lands subject to flooding or lands otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for

uses that may in the judgement of the Planning Commission diminish a natural resource or tend to endanger health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as open space or parks.

6. Where parcels of land are subdivided into unusually large lots the parcels may be divided, where feasible so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks.

SECTION 403. Credits for Public Dedications:

In supplying sites for schools and parks, the subdivider may reduce the minimum lot frontage and lot area requirements of the Township's Zoning Ordinance in direct proportion to the land dedicated for public purpose according to the following formula:

$$\frac{\text{Total Park and School Area Dedication}}{\text{Gross Area of Plat}} = \text{Percentage of Minimum Lot Frontage \& Area Reduction (Not to exceed 10\%)}$$

When multiplying the percentage reduction allowable to the minimum lot frontage, the product may be rounded to the nearest lower whole number. When multiplying the percentage reduction allowable to the minimum lot area, the product may be rounded to the nearest lower even 100 square feet.

SECTION 404. Trees and Natural Features:

The natural features and character of lands must be preserved wherever practical.

- A. Due regard must be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property if preserved. Existing trees shall be preserved wherever possible, removal must be justified to the Planning Commission.
- B. Areas identified as wetlands on the National Wetlands Inventory Maps shall not be filled, drained, developed, or otherwise altered in any way. This Ordinance intends to protect and preserve all wetlands. Protection of such areas shall not be used for density credits or bonuses.

SECTION 405. Greenbelts:

Greenbelts acceptable to the Planning Commission may be required to be placed next to incompatible features such as highways, commercial or industrial uses to screen the view from residential properties. Such screens or greenbelts shall be a minimum of

fifteen (15) feet wide and shall not be a part of the normal roadway right-of-way or utility easement.

SECTION 406. Flood Hazard Areas:

Any areas of land within the proposed subdivision which lie either wholly or in part within the floodway of a stream, creek or drain, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Subdivision Control Act and applicable State Law.

SECTION 407. Topsoil:

Removal of topsoil from areas to be subdivided shall be prohibited except in those areas to be occupied by buildings, roads, or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor with the final plat and shall be approved prior to receiving approval of the final plat.

SECTION 408. Required Conditions:

The improvements set forth under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within Mussey Township in public streets, public rights-of-way, and public easements, and/or under the ultimate jurisdiction of St. Clair County.

SECTION 409. Utility Improvements:

A set of engineering plans shall be prepared by a Professional Engineer showing all utility improvements. The plan shall show and conform to all standards and ordinance requirements and the following:

A. Surface Drainage - Building Permit:

No building permit shall be issued in any subdivision in Mussey Township unless the application for such permit is accompanied by evidence, in the form of plat diagrams, showing topography of such building site and the proposed surface drainage thereof approved by the Township. It shall be unlawful for any person to impede, block, change or alter the flow of surface drainage in any manner, or maintain any such impediment or blockage in any manner in any subdivision, without the prior express written approval of the Township.

B. Surface Drainage - Occupancy Permit:

No final occupancy permit shall be issued for a new building until satisfactory evidence is furnished that the yard grading is complete for the lot or parcel of land on which the building is located. "Satisfactory evidence" may at the

discretion of the Township Clerk be in the form of a certificate prepared by and certified by a registered land surveyor or registered professional engineer, showing the required grading to be done, a temporary certificate of occupancy may be issued by the Building Inspector upon the filing with the Township Clerk of a cash bond, in an amount to be determined by the Township, to guarantee that said grading will be completed as soon as weather permits. Upon the filing of satisfactory evidence that the grading has been completed as herein provided, said bond shall be refunded.

SECTION 410. Other Improvements:

A. Street Signs:

An appropriate street sign shall be erected at each street intersection within the subdivision. The type of sign and location thereof, shall be subject to the approval and direction of the County Road Commission. Temporary signs shall be installed by the developer before construction in the subdivision is begun to facilitate the location of given lots by emergency vehicles.

B. Pedestrian Walkways, Open Spaces and Trees:

Pedestrian walkways, open spaces and trees shall be installed and preserved in accordance with this Ordinance.

ARTICLE 5 - REVIEW FEES

Fees for examination and inspection of plats and the land proposed to be subdivided and related expenses shall be paid to the Township by the subdividers, and such fees shall include the Township administrative fee, the Planner's fee, the Engineer's fee and the Township Attorney's fee, based upon his arrangement with the Township in effect at said time. The Township Board shall adopt by ordinance the appropriate Schedule of Fees.

ARTICLE 6 - VARIANCE

The Township Board may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board shall obtain a Planning Commission recommendation and prescribe such conditions that it deems necessary to or desirable for the public interest.

ARTICLE 7 - VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding Five Hundred (\$500.00) Dollars.

ARTICLE 8 - SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

ARTICLE 9 - PUBLICATION

Notification of adoption of this Ordinance shall be published in a newspaper of general circulation in Mussey Township, within thirty (30) days after its adoption.

ARTICLE 10 - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from and after the publication of a notice of adoption.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Mussey Township, St. Clair County, Michigan, at a meeting held on the 8 day of June, 1988.

I hereby further certify that the following Township Board Members were present at said meeting: Hofert, Sayles, Essenburg and Rinne and that the following Township Board Members were absent: Killingbeck.

I further certify that Hofert moved adoption of said Ordinance, and that motion was supported by Sayles. I further certify that the following vote was taken:

Ayes: 4

Nays:

Julia Hofert
MUSSEY TOWNSHIP CLERK

CERTIFICATION OF PUBLICATION

I, the undersigned Clerk of Mussey Township, do hereby certify that on 6/22/88 the adopted foregoing Ordinance was duly published in the Tri-City Times, a newspaper having general circulation within said Township.

Julia Hofert
Julia Hofert,
MUSSEY TOWNSHIP CLERK

APPLICATION FOR SUBDIVISION APPROVAL
Mussey Township, Michigan

Date Rec'd _____ Filing Fee _____ Rec. # _____

PLAT NAME _____

Tentative Preliminary Final Preliminary Final plat

The submission with this application must satisfy all of the Mussey Township Subdivision & Zoning Ordinance requirements for the stage of approval being requested. Supplemental verbal statements changed or corrected copies will not be accepted at any meeting. Any changes in the original submission shall require a new application and reprocessing. Ten (10) copies of this form together with same number of drawings must be filed with the Township Clerk together with the appropriate fee.

Applicant's Name _____
Address _____

If you are not the legal owner, state your basis of representation (Engineer, Attorney, site planner, landscape architect, option purchaser, etc.) _____

Legal Description of Property (On plat drawing or separate sheet)

Common Description of Property _____

Existing Zoning _____ Zoning of Surrounding Property _____
Drawings Prepared by Name _____ Phone _____
Address _____

TENTATIVE PRELIMINARY - Application for Tentative Approval will be informally reviewed at the Commission's first meeting after the date of filing and acted upon the Planning Commission within sixth (60) days after date of filing at one of its regular meetings.

FINAL PRELIMINARY - The Planning Commission shall take action on the proposed plat within thirty (30) days of filing with the Township, and the Township Board shall follow the procedures set forth in Act 288 of 1967.

FINAL PLAT - Shall be reviewed only by the Township Board after all necessary approvals have been obtained, as set forth in Act 288 of 1967.

Applicant's Signature

Date

Legal Owner's Signature

MUSSEY TOWNSHIP
SCHEDULE OF SUBDIVISION FEES ORDINANCE

Ordinance No. _____

AN ORDINANCE TO ESTABLISH A SCHEDULE OF FEES FOR EXAMINATION AND INSPECTION OF SUBDIVISION PLATS IN THE TOWNSHIP OF MUSSEY.

THE TOWNSHIP OF MUSSEY ORDAINS:

The following Schedule of Fees shall be paid by an applicant for subdivision plat examination and inspection , as required by the Mussey Township Subdivision Regulations Ordinance, as amended and the Subdivision Control Act 288 of 1967, as amended:

TOWNSHIP ADMINISTRATIVE FEE \$_____/lot

PLANNER'S REVIEW FEES

Tentative Preliminary Plat (\$100 minimum)	\$2.50/lot
Final Preliminary Plat (\$100 minimum)	\$1.50/lot
Final Plat (\$50 minimum)	\$1.00/lot

ENGINEER'S REVIEW FEES

Tentative Preliminary Plat (\$100 minimum)	\$1.50/lot
Final Preliminary Plat (\$100 minimum)	\$2.50/lot
Final Plat (\$100 minimum)	\$2.00/lot

ATTORNEY'S REVIEW FEES

All Reviews \$_____/hour

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the TOWNSHIP OF MUSSEY, ST CLAIR COUNTY, MICHIGAN for a period of thirty years.

THE TOWNSHIP OF MUSSEY ORDAINS:

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

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

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

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

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

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

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

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

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

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

Mussey Township
Address Numbering Ordinance
Ordinance #12

An Ordinance to require the acquisition and posting of address numbers to assist ambulance, police, fire department and other public safety and service agencies to locate those in need of assistance or service.

THE TOWNSHIP OF MUSSEY ORDAINS:

Section 1. ADDRESS NUMBER REQUIRED. Each dwelling and each principal building within the Township shall obtain and display an assigned address number. An address shall only be issued for a public or a private road.

Section 2. DEFINITIONS. For purpose of this Ordinance, the following terms are hereby defined:

A. "Principal Building" shall mean the main building located on a parcel or lot. Garages, pole barns, and other buildings which are normally accessory to other structures shall not be deemed to be "principal buildings" unless they are provided with a separate electrical meter.

B. "Assigned Address Number" shall mean an address number which has been designated for a site by Detroit Edison prior to the effective date of this Ordinance or by the Township agent after the effective date of this Ordinance.

C. "Private Road" shall mean a non-public road which has been approved by the Township in compliance with the Private Road Ordinance. Easements and private drives shall not be deemed to be "private roads".

Section 3. APPLICATION. All applicants for building permits for construction of a dwelling or other principal building shall also apply for an address number for the structure unless a number was previously assigned. The number shall be issued by the designated agent of the Township as soon as all required information is provided by the applicant.

Section 4. POSTING. Each dwelling or other principal building on a parcel of land within the Township shall post the assigned address number. The number must be visible from the road. Whenever a dwelling or principal building is located more than 100 feet from the center of a public or private road, or is otherwise difficult to see from the road, the owner shall post the address number at the point at which the driveway enters the public or private road.

Section 5. NUMERALS. Each posted address number shall consist of numerals at least three (3) inches in heights and of a contrasting color to the attached surface.

Section 6. NEW CONSTRUCTION. Whenever a new dwelling or other principal building is constructed, the address number shall be posted in compliance with this Ordinance at the time construction is commenced. However, if the address number shall be posted within 24 hours after being issued.

Section 7. MULTIPLE ADDRESS NUMBERS. Developments which need individual address numbers for locations with the site shall comply as follows:

- A. Mobile Home Parks. The mobile home park shall be assigned a single address number for the public road on which the park is located. Individual home sites within the park shall be designated by that address number plus the lot number of the site. Lots shall be consecutively numbered. Each internal street shall have a continuously maintained sign indicating the range of lot numbers on that street.
- B. Multiple Family Dwellings. Each individual building shall receive an address number. Each unit within that building shall receive a number which includes the building address number plus a number indicating the floor and the unit.
- C. Multiple Unit Building. All other principal building containing more than one unit shall receive an address number. The individual unit number shall be determined by the enforcement agent based upon the layout and location of the structure.

Section 8. PRIVATE ROADS. In the event that the dwelling or principal building is located on a private road, there shall also be erected a road sign identifying the name of the private road, in conformity with county road signage requirements, where the private road enters the public road. The name of the private road shall be reviewed and approved by the designated agency for registry of private road names within the County. In the event that a private drive or easement is upgraded to a private road, any existing numbers shall be replaced with address numbers based on the private road location.

Section 9. ELECTRICAL SERVICE. No address number or permit for a dwelling or principal building shall be issued unless an application has been filed with Detroit Edison to acquire access to electrical service. In lieu of a Detroit Edison service application, an applicant may sign a waiver to the effect that electrical service has not been verified.

Section 10. ENFORCEMENT. The Township Board shall designate a specific entity or official to serve as the agent to administer and enforce this Ordinance and shall establish a fee to defray the administrative cost of issuing address number.

Section 11. ENFORCEMENT AND PENALTIES. Any person, firm, corporation or other organization, which violates, disobeys, omits, neglects, or refused to comply with, or resists the enforcement of any provision of the Ordinance, shall be fined upon conviction not more than five hundred dollars (\$500.00) together with the costs of prosecution, or shall be punished by imprisonment in the County Jail for not more than thirty (30) days for each offense, or may be both fined and imprisoned at the discretion of the court. Each and

every day during which such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

Section 12. VALIDITY. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 13. EFFECTIVE DATE. This Ordinance shall take effect 30 days following publication of a notice of adoption, as provided by law.

The foregoing Address Numbering Ordinance was adopted by the Mussey Township Board at a meeting held on March 9, 1994 in the Mussey Township Hall. Motion by Michael Lauwers, supported by Ronald Tosch that the Township of Mussey adopt the Address Numbering Ordinance.

Ayes: Schultz, McDonald, Tosch, and Lauwers. Absent: Klug.

Nays: None

Summary ordered published in the Tri City Times.
Published 5/11/94.

MUSSEY TOWNSHIP FIRE RUN CHARGES ORDINANCE #14

An ordinance to establish charges for fire department services under Michigan Public Act 33 of 1951, as amended (MCL41.801 ect), and to provide methods for the collection of such charges and exemption there from.

The Township of Mussey, Saint Clair County, Michigan ordains:

SECTION 1: PURPOSE

The within ordinance is adopted for the purpose of providing financial assistance to the township in the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of the within ordinance to provide for full funding of the fire department operation which remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the township from the existence of a township fire department and its availability to extinguish fires within the township and perform other emergency services.

SECTION 2: CHARGES

Resident Per Hour Charges:	\$500.00
Non- Resident first hour Charge:	\$1500.00
Fire Alarm	\$300.00

A. APPARATUS:	Charges for 1 st Hour Plus Personnel*	Subsequent Hours Plus Personnel
Engine	\$500.00	\$400.00
Pumper Tanker	\$500.00	\$400.00
Pumping Station	\$500.00	\$400.00
Rescue/Squad	\$400.00	\$300.00
Utility/Grass	\$300.00	\$200.00

B. COST FACTOR *:

Cost factor (asterisk) is the additional charge made on the first hour to cover added costs such as administrative, etc.

C. PERSONNEL:

The cost of firefighters is to be commensurate with their local hourly rate and fringe benefits, turn out gear and time and one half, where applicable.

special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover additional costs and expenses.

SECTION 7: MULTIPLE PROPERTY PROTECTION

When a particular service rendered by the township fire department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service herein before outlined. The interpretation and application of the within section is hereby delegated to the township fire chief subject only to appeal, within the time limits for payment, to the township board and shall be administered so that charges only be collected from the recipients of the service.

SECTION 8: SEVERABILITY

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

SECTION 9: EFFECTIVE DATE

This update shall take effect 30 days following publication of a notice of adoption, as provided by law.

30 days from 11-10-04

**Mussey Township
Geothermal Drainage Ordinance
Ordinance Number 15**

An ordinance to regulate the drainage of water occasioned by the installation of geothermal heating pumps.

Mussey Township Ordains:

Section 1. Intent

It is recognized that certain structures in the Township are being equipped with geothermal heat pumps. It is further recognized that geothermal heat pumps use groundwater which, if not properly drained, can cause excess wetness or flooding, resulting in undesirable conditions. It is the intent of this ordinance to regulate the design, installation and operation of these systems and provide standards for the location and management of water drainage caused by their operation.

Section 2. Sub Surface Drainage System (Closed Systems)

1. Owners of structures within the Township equipped with geothermal heat pumps must have a Closed System to properly maintain the water occasioned by the operation of the heat pumps.
2. A Closed System is defined as a system which relies on the contained circulation of fluids through an underground pipe circuit.

Section 3. Applications, Submittal and Review Procedures

1. All proposed geothermal heat pump systems shall be reviewed and approved in conformance with this ordinance and all applicable codes
2. The building inspector shall review all plans for geothermal heat pump systems in conjunction with the review and approval of building permits. All geothermal heat pump systems require a building permit.
3. Applications for sub-surface (closed loop) geothermal systems shall be accompanied by a site plan which details the design and location of the proposed system, including anticipated flow rates and infiltration rates.

Section 4. Liability

Owners of geothermal heat pump systems shall be liable for any damage caused by drainage of water from their systems.

**Mussey Township
Geothermal Drainage Ordinance
Ordinance Number 15**

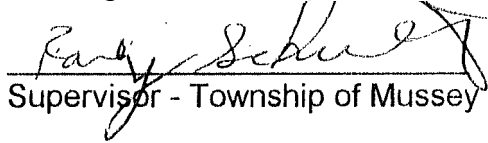
Section 5. Penalty.

Violation of this Ordinance shall be a misdemeanor which shall be punished upon conviction thereof by a fine not to exceed Five Hundred (\$500) Dollars and/or imprisonment not to exceed ninety (90) days.

Section 6. Effective Date, Adoption

1. Effective Date. This Ordinance shall become effective on 4-18-97

2. Adoption. This Ordinance was adopted by the Mussey Township Board at meeting thereof held pts March 12, 1997.



Supervisor - Township of Mussey

Certification of Township Clerk

I, Sheila McDonald, Mussey Township Clerk, hereby certify that the foregoing is a true copy of an Ordinance adopted by the Township Board at a regular meeting held on March 12, 1997 by the following vote:

Motion by Lauwers, Supported by Downey

Ayes: Randy Schultz, Sheila McDonald, Michael Lauwers, bruce Downey

Nays:

Absent: Barbara Ide

Motion carried.

Sheila McDonald - Mussey Township Clerk

Township Board ordered notice of adoption and summary to be published one time in the newspaper on 3/19,1997. A true and complete copy of the above ordinance may be purchased or inspected at the offices of the Township Clerk during regular Township business hours.

**MUSSEY TOWNSHIP
ORDINANCE NO. 16**

OPEN BURNING

An ordinance to regulate the setting of fires, and to provide penalties for the violation thereof, and to provide a method of collection of costs and expenses of the Township caused by the setting of fires.

THE TOWNSHIP OF MUSSEY ORDAINS:

Section 1: **APPLICABILITY:** This Ordinance is adopted in the interest of public safety and is designed to promote the general peace, health, safety and welfare of the Township of Mussey.

Section 2: **DEFINITIONS:** As used in this Ordinance:

(a) "Person" means an individual, corporation, partnership, association or any other legal entity, or any officer, employee or agent of the foregoing.

(b) "Flammable material" means any substance that will burn, including, but not limited to refuse, debris, waste forest material, brush, stumps, logs rubbish, fallen timber, grass, stubble, leaves, fallow land, slash, crops or crop residue.

"Open fire" means any fire of any flammable material upon any woodland, lot, subdivision, grassland, field, public right-of-way or any other parcel of ground within the Township of Mussey, which fire is not wholly contained within an outside fireplace, grill, incinerator approved by the Township, or other receptacle used for the purpose of burning combustibles and approved by the Township of Mussey.

Section 3: **OPEN FIRES - - PERMIT REQUIRED:** No person shall set, cause to be set or maintain any open fire for any purpose within Mussey Township, without first obtaining a Permit to Burn. A Permit to Burn may be obtained from the Mussey Township Fire Chief, or from a duly authorized representative of the Mussey Township Fire Department. A Permit to Burn shall state the name and address of the applicant, the location of the land or premises where such fire is to be set, the owner of the property if someone other than the person setting the fire, the type of material to be burned, the time contemplated for setting such fire, the approximate duration of such burning, the person who is to be in charge of the fire and any other information deemed to be pertinent by the Mussey Township Fire Chief or his duly authorized representative.

Section 4: **OPEN FIRES -- TIMES:** No person shall set, cause to be set or maintain any open fire for any purpose except during daylight hours, unless by written authorization from the Mussey Township Fire Chief or his duly authorized representative.

Section 5: **PROXIMITY OF FIRE TO BUILDINGS:** No person shall start or have any open fire within twenty five (25) feet of any structure.

Section 6: FIRES IN STREETS AND PUBLIC PLACES: No person shall set, cause to be set or maintain any open fire on any sidewalk; parkway, street, highway, alley, park or other public way or place except as specifically authorized by the Mussey Township Fire Chief or his duly authorized representative.

Section 7: DANGER OF SPREADING: No person shall start or have any fire, open or contained, upon any woodland, lot subdivision, grassland, field or public right-of-way within the Township of Mussey whenever there is a danger of such fire spreading beyond the control of the person starting or maintaining such fire so as to injure, damage or endanger the life, limb, or property of another.

Section 8: ATTENDANCE AT FIRES: No person who sets, causes to be set or maintains any open fire within the Township of Mussey shall leave such open fire, unless attended by a person of mature years, until such fire has been completely extinguished.

Section 9: FOUL ODORS: No person shall burn garbage, animal carcasses, refuse, trash, rubbish, or like material which shall give off noxious or foul odors at any time.

Section 10: OTHER BURNING: All other burning shall be done in a debris burner constructed of masonry or metal with an approved spark arrestor with openings no larger than 1/4 of an inch square. Such burners shall not be located within fifteen (15) feet from any building or less than five (5) feet from any adjoining property line. No permit is required for burning under such containment.

Section 11: EMERGENCY CONDITIONS: The Mussey Township Fire Chief or his duly authorized representative may prohibit any and all outdoor burning, whether open or contained, within Mussey Township if in the opinion of the Fire Chief or his duly authorized representative the weather conditions are such that outdoor burning may not be done safely. It shall be unlawful for any person to set, cause to be set or maintain any Fire whatsoever, whether open or contained in an approved debris burner, during any time that such emergency conditions are in effect.

Section 12: PENALTIES: Any person who shall be found guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County jail for not more than ninety (90) days or both such fine and imprisonment. Should the fire necessitate calling the Mussey Township Fire Department or any other fire department, the person violating the provisions of this Ordinance shall pay to Mussey Township all costs and charges incurred by said Township by reason of the calling of the Mussey Township Fire Department or any other fire department, and the Township of Mussey may sue in any Court of competent jurisdiction for civil damages, and may recover such costs and expenses incurred by them from such person.

Section 13: EFFECTIVE DATE: This ordinance will become effective thirty (30) days after publication.

Published in Tri City Times November 26, 1997

I hereby certify that the foregoing Ordinance was adopted by the Township of Mussey at a regular meeting of the Township Board on the 12th day of November, 1997.

Sheila McDonald
Township Clerk

Motion:made by Downey

Supported by Lauwers.

Unanimous vote

All Board members present

**GENERAL PENALTIES FOR VIOLATIONS
OF THE MUSSEY TOWNSHIP ZONING ORDINANCE
TOWNSHIP OF MUSSEY
ORDINANCE NO. 20**

An ordinance to amend section 1512 of Article XV of the Township of Mussey Zoning Ordinance to provide general penalties for violations of the Township of Mussey Zoning Ordinance.

THE TOWNSHIP OF MUSSEY ORDAINS:

Section 1512. Amendments to section 1512

Section 1512 of Article XV of the Township of Mussey Zoning Ordinance is hereby amended to read as follows:

**Section 1512. General Penalties and Sanctions for Violations of Ordinances;
Continuing Violations; Injunctive Relief.**

- A. Unless a violation of this code or any ordinance of the township is specifically designated in this code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- B. The penalty for misdemeanor violation shall be a fine not exceeding \$500.00 (plus cost of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation of this code or any ordinance.
- C. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87, of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
 - (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this code or any ordinance, the civil fine for a violation shall not be less than \$500.00, plus costs and other sanctions, for each infraction.
- D. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this code or any ordinance; and any omission or failure to act where the act is required by this code or any ordinance.
- E. In addition to any remedies available at law, the township may bring an action for an injunction or any other process against a person to restrain, prevent or abate any violation of this code or any township ordinance.

CIVIL INFRACTION ORDINANCE NO. 21

Section 1. Definitions

Act means Act No, 236 of the Public Acts of 1961, as amended.

Authorized township official means a police officer or other personnel of the township authorized by this Code or any ordinance to issue municipal civil infraction notices. The following persons other than police officers are also authorized township officials to issue a municipal civil infraction notice or citation: the zoning enforcement officer, the chief building inspector or authorized representative, the fire chief or his authorized representative, the director of planning and zoning or authorized representative, the director or public works or authorized representative, the electrical inspector, the building inspector and the plumbing and mechanical inspector.

Bureau means the Township of Mussey Municipal Ordinance Violations Bureau as established by this chapter.

Township means the Township of Mussey,

Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction violation means a written complaint or notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Municipal civil infraction violation notice means a written notice prepared by an authorized township official, directing a person to appear at the Township of Mussey Municipal Ordinance Violations Bureau and to pay the line and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township, as authorized under Section 8396 and 8707(6) of the Act.

Section 2. Municipal civil infraction action; commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized township official of (1) a municipal civil infraction citation directing the alleged violator to appear in court; or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the Township of Mussey Municipal Ordinance Violations Bureau.

Section 3. Municipal civil infraction citations; issuance and service.

Municipal civil infraction citations *shall* be issued and served by authorized township officials as follows:

- (a) **The time** for appearance specified in a citation shall be within a reasonable time *after the citation is issued*,
- (b) *The place* for appearance specified in a citation shall be the 72nd Judicial District Court.

- (c) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the township and issued to the alleged violator as provided by Section 8705 of the Act_
- (d) A citation for a municipal civil infraction signed by an authorized township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence *of the* official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official; "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief,"
- (e) An authorized township official who witnesses a person commit a municipal civil infraction may prepare and prescribe, as soon as possible and as completely as possible, an original and required copies of a citation.

An authorized township official may issue a citation to a person if:

- (1) *Based upon* investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
- (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction **or** if the township attorney approves in writing the issuance of the citation_

Municipal civil infraction citations shall be served by **an** authorized township official as follows:

Except as provided by section 3(g)(2), an authorized township official shall personally serve a copy of the citation upon the alleged violator.

- (2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the *alleged* violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

Section 4. Municipal civil infraction citations; contents.

- (a) A municipal ordinance citation shall *contain* the name and address of **the** alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear *in* court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (b) Further, the citation shall inform the alleged violator that he or she may do one of the following:

- (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
- (2) Admit responsibility for the municipal civil infraction "with explanation" by *mail* at or by the time specified for appearance or, in person, or by representation.
- (3) Deny responsibility for the municipal civil infraction by doing either of the following:
 - a. Appearing in person for an informal hearing *before a judge or district court magistrate*, without the opportunity of being represented by an *attorney*, unless a **formal hearing before a judge is requested by the township**.
 - b. Appearing in court for a formal hearing before a **judge**, with the opportunity of being represented by an attorney.
 - c. The citation shall also inform the alleged violator of all of the following:
 - (1) That if the alleged violator desires to admit responsibility with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (2) **That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation** within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - (3) *That a hearing shall be an informal hearing* unless a formal hearing is requested by the alleged violator or the township.
 - (4) That at **an** informal hearing, the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - (5) That at: a formal hearing, the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
 - (d) The citation *shall* contain a notice in bold-faced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction,

Section 5. Municipal ordinance violations Bureau.

- (a) *Bureau established.* The township hereby establishes a municipal ordinance violations Bureau ("Bureau") as authorized under Section 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices *issued* and served by authorized township officials, and to collect and retain civil *fin*es and costs as prescribed by this Code or any ordinance.

- (b) *Location; supervision: employees; rules and regulations.* The Bureau shall be located at the Township of Massey Municipal Building, 135 N. Main Street, Capac, Michigan 48014.
- (c) *Disposition of violations.* The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal *civil* infraction violation notice (*as compared* with a citation) has been issued. The fact that a fine *has been* scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this chapter shall prevent or restrict the township from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have *the* violation processed before a court of appropriate jurisdiction_ The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and *protection accorded by law*.
- (d) *Bureau limited to accepting admissions of responsibility,* The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. *The* Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.
- (e) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and *served* by authorized township officials under the same circumstances and upon the same persons as provided for citations as provided in sections 3(f) and (g) of this chapter. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and *the* consequences for failure to appear and pay the required fine within the required time.
- (I) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs *at or by the time specified* for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
- (g) *Procedure where admission of responsibility not made or fine not paid.* If an authorized township official issues and *serves a* municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of *fines for the violation* are not paid at the Bureau, a municipal civil infraction citation may be filed with the district court and 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 filed with the court does not need to comply in all particulars with the requirements for citations as provided by Section 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

Section 6. Schedule of Fines.

- (a) , Unless otherwise provided by another section of the Township of Mussey Code of Ordinances, the fine payable to the **bureau** for admission of responsibility persons served with a municipal civil infraction notice is as follows;

\$50.00

This fine may be amended from time to time by resolution of the Township Board *and shall be* posted at the bureau.

The fines authorized under this section shall be in addition to any other remedy provided for by law or ordinance and shall not diminish *or impair the* ability of the Township of *Mussey's* ability to seek violation of the provisions of the Township of Mussey **Code of Ordinances, or this** chapter.

Section 7.. Severability.

Should any part, section, clause, or paragraph of this chapter be declared by a court of competent jurisdiction to be invalid [the invalidity shall not be construed to affect the validity] of this chapter as a whole or part thereof other than the part declared to be void.

Section S. Effective Date

This ordinance shall become effective thirty (30) days after publication.

Published in Tri City Times
on January 21, 1998

I hereby certify that the foregoing Ordinance was adopted by the Township of Mussey at a regular meeting of the Township Board on the 14th day of January, 1998

M. D. ...

MUSSEY TOWNSHIP

PRIVATE ROAD ORDINANCE

Ordinance Number 23

An Ordinance to Repeal the Existing Private Road Ordinance No. 18, and to adopt the following Private Road Ordinance for the elimination of the new construction of Private Roads, and regulation of Existing Private Roads.

THE TOWNSHIP OF MUSSEY ORDAINS:

SECTION 1. INTENT

- A. The Mussey Township Private Road Ordinance Number 18 is hereby repealed.
- B. This ordinance eliminates the new construction of private roads and regulates the review, approval, design, inspection and maintenance of roads within the Township.
- C. No lot or parcel of property within Mussey Township may be sold that does not front upon a public road, or an existing, approved private road, except if combined with a parcel which shall front on any such public road or existing private road.

SECTION 2. PROHIBITIONS

- A. Construction of Private Roads Prohibited. No private roads shall be approved or constructed in the Township after the effective date of this ordinance.
- B. Sales of Parcels of Land. No person shall divide or sell any parcel of land within the Township of Mussey unless said parcel of land fronts upon a public street which is dedicated to the public or unless such parcel fronts upon an existing private road, or unless said deed or other conveyance of sale contains the following language:

“This parcel is not a buildable site for the reason that said parcel does not front on an approved road with acceptable ingress and egress as required by the Zoning Ordinance and Private Road Ordinance of the Township of Mussey.”
- C. Building Permits. No building permit shall be issued by the Mussey Township Building Department or any other official for a structure unless said structure fronts on a public street or highway dedicated to the public, or an existing private road.

SECTION 3 CONVEYANCE OF INTEREST OF LAND ABUTTING PRIVATE ROAD

An offer to purchase any conveyance of land and the instrument of conveyance for a parcel located on an existing private road shall include a provision that the buyer and/or grantee acknowledges the maintenance, care, and other responsibilities concerning said private road rest with the abutting land owners, and are not the responsibility of the Township of Mussey, County

of St. Clair, or the State of Michigan.

SECTION 4. NEW ROAD CONSTRUCTION

New road construction shall not occur without prior approval of the Mussey Township Planning Commission, and the St. Clair County Road Commission. All new road construction must meet the existing minimum requirements of the St. Clair County Road Commission and any conditions which may be imposed by Mussey Township after site plan review and approval.

SECTION 5. VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more parts, section, subsection, phrases, sentences or clauses be declared invalid.

SECTION 6. RELATIONSHIP TO OTHER LAWS AND ORDINANCES

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose higher standards shall govern.

SECTION 7. REPEAL OF CONFLICTING ORDINANCES

Any previous Mussey Township Private Road Ordinance is hereby repealed in its entirety.

SECTION 8. ADOPTION, EFFECTIVE DATE

- A. Adoption. This ordinance was adopted by the Mussey Township Board at a meeting thereof held on January 10, 2007.
- B. This Ordinance shall take effect on March 2, 2007, thirty days following publication of a notice of adoption, as provided by law.

CERTIFICATION OF TOWNSHIP CLERK

I, Sheila McDonald, Mussey Township Clerk, hereby certify that the foregoing is a true copy of The Mussey Township Property Division Ordinance adopted by the Township Board on January 10, 2007, by the following vote:

Ayes: Lauwers, McDonald, Kain, Downey & Printz

Nays:

Absent:

Motion: Carried

Sheila McDonald
Mussey Township Clerk

Mussey Township ordered notice of adoption and summary to be published in the newspaper on January 31, 2007. A true copy of the above ordinance may be inspected or purchased at the offices of the Township Clerk during regular business hours.

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 25**

**AN ORDINANCE TO AMEND THE TEXT OF THE MUSSEY TOWNSHIP
ZONING ORDINANCE TO PROVIDE NEW REGULATIONS FOR
“VETERINARY CLINICS.”**

MUSSEY TOWNSHIP ORDAINS:

ARTICLE 1:

ARTICLE 13 – SPECIAL LAND USE APPROVAL REQUIREMENTS

SECTION. 1337. VETERINARY CLINICS *The text of this new section is as follows:*

Veterinary clinics may be permitted as a special land use in the AG, Agricultural and B-2, Highway Oriented Commercial districts subject to requirements itemized below.

A. Site Requirements - Lot Size & Width.

- 1) AG, Agricultural District.
 - a. The minimum site size shall be five (5) acres with a minimum lot width of 330 feet. If large animals (cattle, horses, dairy cattle, pigs, etc., See Def. of Large Animals) are to be served on site, the minimum lot size shall be ten (10) acres with a minimum lot width of 660 feet.
 - b. The subject property must also be so located as not to hinder the natural and presumed residential development of the area.
- 2) B-2, Highway-Oriented Commercial District.
 - a. The minimum site size and width shall be in accordance with the B-2 District Schedule of Regulations under Section 1100.
 - b. There shall be no outdoor runs or other outdoor facilities.

B. Yard and Placement Requirements

- 1) In the AG, Agricultural District no building or outdoor runs or other outdoor facilities shall be closer than 150 feet from any abutting property line.
- 2) In the B-2, Highway-Oriented Commercial Districts the requirements shall be in accordance with the B-2 District Schedule of Regulations under Section 1100.

C. Off-Street Parking Requirements

- 1) One parking space shall be provided for each employee (incl. owner if working on site), plus one parking space for each 150 square feet of usable floor area.
- 2) The parking area shall be screened from view of any abutting residential use by one or more of the means cited under Section 1212.A., a.,b.,c.,d. or e.
- 3) Required parking must be improved in accordance with the standards of Section 1205.

D. Required Conditions

- 1) The Planning Commission may require adequate means of noise and odor control, including but not limited to buffering, use of berms, inside night time (also potentially day time) housing of animals, and any other reasonable means to insure adequate protection and enjoyment of neighboring properties. Failure by the developer of a veterinary clinic to demonstrate in his/her proposal the adequate provision of means to control noise and odor shall be grounds to deny special land use approval.
- 2) Noise control shall be subject to Section 1207.,E.
- 3) Odor control shall be subject to Section 1207.,F.
- 4) Waste disposal shall be subject to Section 1207.,G.

ARTICLE 2:

Under Article 9 – B-2 – HIGHWAY-ORIENTED COMMERCIAL DISTRICT, Section 901. PRINCIPAL PERMITTED USES, Use J. Veterinary offices, excluding kennels is deleted.

ARTICLE 3:

The special land use Veterinary Clinics is added under Article 4 – AG – Agricultural Districts, Section 402, Use R. and Article 9, B-2 – Highway-Oriented Commercial Districts, Section 902, Use L.

ARTICLE 4 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 5 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance are hereby repealed.

ARTICLE 6 EFFECTIVE DATE:

Pursuant to Section 11 of Public Act 184 of 1943, as amended, the provisions of this Ordinance shall become effective upon expiration of seven (7) days after publication.

ARTICLE 7 ADOPTION:

Made and passed by the Township Board of Mussey Township, St. Clair County, Michigan, on this **9^h** day of **April**, 2008, A.D.

1. Date of Public Hearing: November 27, 2008
2. Date of Adoption by Township Board: **April 9, 2008**
3. Date of Publication: **April 30, 2008**
4. Date and Time Ordinance Shall Take Effect: **May 7, 2008**; at 12 noon.

Published 04/30/2008

Sheila McDonald, Township Clerk

TOWNSHIP OF MUSSEY ST. CLAIR
COUNTY, MICHIGAN
AG TOURISM ORDINANCE # 26

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF MUSSEY TO PROVIDE FOR **VARIOUS** AGRICULTURAL TOURISM AND SEASONAL AGRICULTURAL USES AS PRINCIPAL PERMITTED USES AND AS SPECIAL LAND USES IN THE **AGRICULTURAL** DISTRICT AND TO PROVIDE PARKING REQUIREMENTS AND SIGN REGULATIONS PERTAINING TO THE SAME

THE TOWNSHIP OF MUSSEY ORDAINS:

ARTICLE 1: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 2, Definitions, is hereby amended by adding the following definitions:

- 2.1 *Agricultural Tourism, ag-tourism and/or agri-tourism:* The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.
- 2.2 *Value-added agricultural product:* The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.
- 2.3 *Agricultural products:* Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.
- 2.4 *Agriculturally related products:* Items sold at a farm market to attract customers and promote the sale of agricultural products.

Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.

- 2.5 *Non-agriculturally related products:* Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
- 2.6 *Agriculturally related uses:* Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
- 2.7 *Non-agriculturally related uses:* Activities that are part of an agri-tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, haunted houses, etc., and are subject to a special use or temporary use permit.
- 36.1 *Farm Market/On-farm market:* The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land, but not including temporary roadside stand markets.
- 82.1 *Seasonal:* A recurrent period characterized by certain occurrences, festivities, or crops; *harvest, when crops are ready;* not all year round.
- 84.1 *Sign, seasonal:* A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

ARTICLE 2: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 4, AG-Agricultural District, Section 401, Principal Permitted Uses, is hereby amended by revising subsection 401(A) to read as follows:

- A. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops,

livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure. The following additional agricultural uses shall be permitted:

- 1.) Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
- 2.) Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years, provided that the premises is licensed by the Michigan Liquor Control Commission .
- 3.) Direct marketing of produce in a farm market or on-farm market provided that any building, or combination of buildings used for such purposes contain a total of not more than 2,500 square feet. A temporary roadside stand shall also be permitted provided that it shall comply with all regulations set forth in Section 403(C).
- 4.) Seasonal U-pick fruits and vegetables operations.
- 5.) Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
- 6.) Food sales/processing, processing any fruits/produce.
- 7.) Uses 2 through 6 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 - a) Value-added agricultural products or activities such as education tours or processing facilities, etc.
 - b) Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
 - c) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).

- d) Petting farms, animal display, and pony rides.
 - e) Wagon, sleigh and hayrides.
 - f) Nature trails.
 - g) Open air or covered picnic area with restrooms.
 - h) Educational classes, lectures, seminars.
 - i) Historical agricultural exhibits.
 - j) Kitchen facilities, processing/cooking items for sale.
 - k) Gift shops for the sale of agricultural products and agriculturally related products.
 - l) Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.
- 8.) Non-agriculturally related uses listed as permitted uses above may include the following ancillary uses as temporary land uses: small-scale entertainment (e.g., music concert, car show, art fair), family-oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides provided that:
- a) A temporary use permit shall be obtained from the Zoning Administrator. Said temporary use permit shall be valid for only one period of use. A fee may be charged for said permit.
 - b) Said use shall be permitted only for one (1) period per year not to exceed consecutive 60 days.
 - c) Applicant must provide evidence of liability insurance coverage, acceptable to the Township, of not less than \$1,000,000.
 - d) Inspections shall be conducted by the Building Inspector, and other officials as may be required, prior to the period of use. Evidence of approval in the form of an inspection certificate shall be provided to the Zoning Administrator prior to the issuance of a temporary land use permit. A fee may be charged covering the cost of such inspection(s) and certificate(s).
 - e) Notwithstanding other provisions of this ordinance, said use need not be accessory to a bona fide farm or agricultural use provided that:
 - i. it is located on a parcel of not less than five (5) acres, and
 - ii. has been in existence, has been lawfully approved by the Township, and has been operated for at least one (1)

season prior to the effective date of this ordinance provision.

ARTICLE 3: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 4, AG-Agricultural District, Section 402, Special Land Uses, is hereby amended by adding the following sub-sections:

- R. Bed and Breakfast provided that such use is part of a bona fide farm.
- S. Direct marketing of produce, farm market, on-farm market with when a building or combination of building contain more than 2,500 square feet, roadside stand if the sales area is greater than 200 square feet in building area.
- T. Restaurant operations when incidental and accessory to other permitted agricultural tourism uses on the site.
- U. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses shall a special use permit.
 - 1.) Permanent, organized meeting space for use by weddings, birthday parties, and corporate picnics.
 - 2.) Designated, permanent parking for more than 20 vehicles.

ARTICLE 4: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 12, General Provisions, Section 1204, Off-Street Parking Requirements, Sub-section 1204(L), is hereby amended by adding the following paragraph:

- 7) AGRICULTURAL TOURISM AND SEASONAL AGRICULTURAL USES
 - a. For agricultural tourism and seasonal agriculturally related uses one space for each 500 square feet of retail area and one space for every 1,000 square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
 - b. For uses permitted by right under the agricultural district, parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
 - c. For uses permitted by special land use permit, parking may be either gravel or paved as determined by the Planning Commission, based on

applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.

- d. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
- e. Unpaved parking areas shall not be located within any required side or rear yard. Paved parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

ARTICLE 5: AMENDMENT

The Zoning of Ordinance of the Township of Mussey, Article 12, General Provisions, Section 1209, Signs, Sub-section 1209(B), is hereby amended by adding the following paragraph:

AG Agricultural Districts

Two (2) on-premise accessory seasonal signs, not to exceed thirty-two (32) square feet each, may be erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public or when an agricultural tourism use is in operation or is planned to be in operation within thirty (30) days. Said signs may be permanently displayed for permitted uses that are authorized to operate on a year-round basis.

One (1) off-premise seasonal sign, not to exceed twelve (12) square feet each, may be erected at up to six (6) locations within the township for a limited period of time during the year when retailing activities for a particular farm product is available to the public or when an agricultural tourism use is in operation or is planned to be in operation within thirty (30) days. Signs facing in the same direction of travel shall be at least 1,000 feet apart. Permission from the property owner upon which said sign is to be placed shall be provided with the application. Said signs shall not be located within an R-1 District, nor shall

be placed within any road right-of-way. Said signs may be permanently displayed for permitted uses that are authorized to operate on a year-round basis.

ARTICLE 6: SEVERABILITY

Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so held to be unconstitutional or invalid.

ARTICLE 7: REPEAL

All ordinances in conflict herewith are hereby repealed.

ARTICLE 6: EFFECTIVE DATE

This ordinance shall become effective upon expiration of seven (7) days after publication.

SECTION 7: INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 135 N. Main Street, Capac, Michigan 48014, during regular posted office hours.

SECTION 8: ADOPTION

Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan, on this 10th day of June, 2009, A.D.

1. Date of Public Hearing:7-28-08
2. Date of Adoption by Township Board of Trustees 6-10-09
3. Date of Publication:6-17-09
4. Date and Time Ordinance Shall Take Effect: 7-16-09

Sheila McDonald, Township Clerk

**TOWNSHIP OF MUSSEY
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 27**

**AN ORDINANCE TO AMEND THE TOWNSHIP OF MUSSEY ZONING ORDINANCE
TO MODIFY REGULATIONS FOR YARD WASTE COMPOSTING FACILITIES**

THE TOWNSHIP OF MUSSEY ORDAINS:

SECTION 1 - PURPOSE:

The purpose of this Ordinance is to amend the Zoning Ordinance, Article 13, Special Land Use Approval Requirements, Section, 1317, Yard Waste Composting Facilities, to modify requirements for permitting yard waste composting facilities in the Township of Mussey.

SECTION 2 - AMENDMENT:

The Zoning Ordinance, Article 13, Special Land Use Approval Requirements, Section, 1317, Yard Waste Composting Facilities, is hereby, amended by adding the following:

C. Additional Requirements

- 1) In addition to the requirements set forth in this Section, all yard waste composting facilities shall meet the requirements of Section 11521 of Part 115 of the Michigan Natural Resources And Environmental Protection Act, Public Act 451 of 1994 (MCL 324.101 et seq.).

SECTION 3 - SEVERABILITY:

Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so held to be unconstitutional or invalid.

SECTION 4 - REPEAL:

All ordinances in conflict herewith are hereby repealed.

SECTION 5- EFFECTIVE DATE:

Public hearing having been held hereon, this Ordinance shall become effective seven (7) days after publication, pursuant to Section 401, Act 110 of the Public Acts of 2006, as amended.

SECTION 6 - INSPECTION OF ORDINANCE:

A copy of this Ordinance may be inspected or purchased at the Township Hall, 135 North Main Street, Capac, Michigan, 48014 during regular posted office hours.

SECTION 7 - ADOPTION:

Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan, on this 15th day of December, 2010. A.D.

1. Date of Public Hearing :**February 24, 2009**
2. Date of Publication: **February 2, 2011**
3. Date of Adoption by Township Board: **December 15, 2010**
4. Date and Time Ordinance Shall Take Effect: **February 9, 2011 at 12 noon**

Sheila McDonald, Township Clerk

**TOWNSHIP OF MUSSEY
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 28**

AN ORDINANCE TO AMEND THE TOWNSHIP OF MUSSEY ZONING ORDINANCE TO PROVIDE FOR WIND ENERGY SYSTEMS (WINDMILLS & WIND FARMS) AND THEIR REGULATION

THE TOWNSHIP OF MUSSEY ORDAINS:

SECTION 1 - PURPOSE:

The purpose of this Ordinance is to amend the Zoning Ordinance to provide for wind energy systems (windmills & wind farms) and their regulation in the Township of Mussey.

SECTION 2 - AMENDMENT:

The Zoning Ordinance, Article 2, Definitions, is hereby, amended by adding the following:

Anemometer Tower: An anemometer tower means a freestanding tower (or other structural means of mounting) containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is a temporary accessory land use to either a proposed on-site use wind energy system (windmill) or a utility grid wind energy system (wind farm).

On-Site Use Wind Energy System: A wind energy conversion system (windmill) which converts wind energy into electricity (or other form of usable energy) through the use of a wind turbine generator and includes turbine, blades, and tower as well as related electrical equipment. Only one (1) windmill is involved and the energy produced is intended to be primarily used on-site. Windmills with a power generation capacity of 5 kilowatts (or equivalent) or less (e.g. for livestock watering tanks), that are located in the AG district are exempt.

Utility Grid Wind Energy System (Wind Farms): A wind energy conversion system (windmill(s)) which converts wind energy into electricity (or other form of usable energy) through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. One or more windmills may be involved and the energy produced is intended to be primarily used off-site. Off-site wiring to connect the wind energy conversion system to the grid is not included in this definition.

SECTION 3 - AMENDMENT:

The Zoning Ordinance, Article 12, General Provisions, is hereby, amended by adding the following:

SECTION 1225. ON-SITE USE WIND SYSTEMS

An on-site use wind energy system (see Article 2 for definition) is intended to first serve the needs of the applicant. A utility grid wind energy system (see Article 2 for definition) is not a permitted use under this Section. A utility grid wind energy system is separately provided for and regulated as a special land use (Section 1337) in the AG and LI districts. An anemometer tower shall abide by the same regulations below for on-site wind systems and shall be removed before an on-site use wind system is installed.

A. General Requirements in All Zoning Districts

1. **Setbacks.** The base of tower shall be setback a distance of not less than 1-1/2 times the height of tower from the nearest property line. In addition, no part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the nearest property line.
2. **Noise.** Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
3. **Shadow flicker.** The applicant must demonstrate that no adverse shadow flicker impact will occur from sunrise to sunset throughout the year on any occupied buildings and lands of adjacent properties. Measures to eliminate or mitigate any potential shadow flicker impacts shall be identified and be made known to adjacent property owners.
4. **Safety.**
 - a. *Vertical Clearance.* The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance from any separate building, structure, utility wire, or tree.
 - b. *Guy Wire Visibility.* If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
 - c. *Rotor or Blade Integrity Protection.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.

- d. *Lightning*. All wind energy system towers shall have lightning protection.
 - 5. Construction Codes, Towers, & Interconnection Standards. On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any local jurisdiction airport overlay zone regulations. If an on-site use wind energy system is attached to a building or structure, the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.
 - 6. Wiring. All wiring between the tower and the principal building shall be underground.
- B. Residential Districts (except AG). When located in SF, R-1, RM, and RC Districts, the following additional regulations shall apply:
- 1. An on-site use wind energy system shall be located only in a rear yard, or if attached to a building or other structure it shall be located at the rear of said building or structure.
 - 2. The height of the tower above the average grade of the lot shall not exceed 65 feet to the top of the blade in its vertical position.
 - 3. Only one (1) wind energy system is permitted per lot or premises.
- C. Business Districts. When located in B-1 or B-2 Districts, the height of the tower above the average grade of the lot shall not exceed 75 feet to the top of the blade in its vertical position.
- D. Agricultural and Industrial Districts. When located in AG or LI Districts the height of the tower may exceed district height limits. When located in AG Districts an on-site use wind energy system shall be located only in a rear yard when the subject lot or parcel contains a residence, or if attached to a building or other structure it shall be located at the rear of said building or structure.
- E. Decommissioning. The on-site use wind energy system and all appurtenances thereto shall be removed from the site within one (1) year after the system is no longer in use (not generating any electricity for over 12 months). The owner of the land upon which the system is located shall be responsible for such removal. A system which is not so removed shall constitute a public nuisance per se.

The applicant shall post a bond (cash or irrevocable bank letter of credit) with the Township in an amount sufficient for the removal of the on-site use wind energy system (including all accessory buildings and structures), clean up of the site including removal of the foundations and restoration of the site to a condition equal to or better than that which existed prior to the installation of the system.

SECTION 4 - AMENDMENT:

The Zoning Ordinance, Article 13, Special Land Use Approval Requirements, is hereby, amended by adding the following:

SECTION 1337. UTILITY GRID WIND ENERGY SYSTEMS (WIND FARMS)

A utility grid wind energy system (wind farm) is a wind energy system that is designed and built to provide electricity to the electric utility grid. These wind farms are intended to be so constructed and located to be compatible with other land uses such as farms and industrial uses, while protecting and being distant from residential developments. An anemometer tower shall abide by the same regulations below for a utility grid wind energy system and shall be removed before a utility grid wind energy system is installed. Utility grid wind energy systems may be permitted as a special land use in the AG, Agricultural and LI, Light Industrial districts subject to the following conditions:

- A. Setbacks. Any towers shall be setback a minimum of one-thousand three-hundred and twenty (1,320') feet from any residential district, except the AG, Agricultural district, and one-thousand (1,000') feet from any existing off-site residence. Furthermore, the base of any tower shall be setback from the nearest property line, a distance of not less than 1-½ times the height of the tower. In addition, no part of the wind energy system, including any guy wire anchors, may extend closer than forty (40') feet to any property line or existing right-of-way line, unless a plan for location(s) of accessory structures and equipment is presented (including screening) and is approved as part of the site plan. Land included within such minimum setback areas from a property line shall remain undivided and undeveloped with other structures not accessory to the tower.
- B. Noise. Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- C. Shadow flicker. The applicant must demonstrate that no adverse shadow flicker impact will occur from sun-rise to sun-set throughout the year on any occupied buildings and lands of adjacent properties. Measures to eliminate or mitigate any potential shadow flicker impacts shall be identified and be made known to adjacent property owners.
- D. Safety.
 - 1. Clearances. The minimum vertical blade tip clearance from grade shall be thirty (30') feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance (at least twenty (20') feet) from any separate building, structure, utility wire, or tree.

2. Guy Wire Visibility. If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of a least six (6') feet above the guy wire anchors.
 3. Rotor or Blade Integrity Protection. A wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 4. Lightning. All wind energy system towers shall have lightning protection.
- E. Construction Codes, Towers and Interconnection Standards. Wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the regulations of the Michigan Aeronautics Commission, and the Michigan Tall Structures Act. If a utility grid wind energy system is attached to a building or structure, the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.
- F. A utility grid wind energy system (wind farm) may exceed district height limits. Multiple towers are permitted.
- G. Miscellaneous Requirements.
1. Electromagnetic Interference. No wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless telephone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. The applicant shall submit documentation from the manufacturer which demonstrates that the wind energy systems' generation of electromagnetic energy falls within a range that minimizes or eliminates any off-site interference.
 2. Vibration/Enhanced wind currents. No wind energy system generated vibrations or enhanced wind currents shall be humanly perceptible beyond the property boundaries of the lot or parcel on which the wind energy system is located.
 3. The Manufacturer's Material Safety Data Sheet(s) shall be provided to the Township with the application. Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.

4. The applicant shall provide documentation that the St. Clair County Road Commission has been contacted, and if required, that a performance bond has been posted (or other measures have been taken) for the protection and/or restoration of all roads over which heavy equipment or materials will be transported.
- H. Decommissioning. The utility grid wind energy system (wind farm) and all appurtenances thereto shall be removed from the site within one (1) year after the wind energy system is no longer in use (not generating any electricity for over 12 months). The owner of the land upon which the system is located shall be responsible for such removal. A wind energy system which is not so removed shall constitute a public nuisance per se.

The applicant shall post a bond (cash or irrevocable bank letter of credit) with the Township in an amount sufficient for the removal of the utility grid wind energy system (wind farm) including all accessory buildings and structures, clean up of the site including removal of the foundations and restoration of the site to a condition equal to or better than that which existed prior to the installation of the system.

- I. A developer may seek planning commission approval of a utility grid wind energy system (wind farm) incorporating a block of or group of properties under multiple, separate ownerships provided;
 1. that all of the above regulations (subsections A. – H.) still apply, but to the whole rather than individual properties,
 2. that a written agreement among the participating property owners has been signed and recorded at the County Register of Deeds, and
 3. that the proposal does not leave one or more non-participating properties surrounded or otherwise isolated.

SECTION 5 - SEVERABILITY:

Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so held to be unconstitutional or invalid.

SECTION 6 - REPEAL:

All ordinances in conflict herewith are hereby repealed.

SECTION 7- EFFECTIVE DATE:

Public hearing having been held hereon, this Ordinance shall become effective seven (7) days after publication, pursuant to Section 401, Act 110 of the Public Acts of 2006, as amended.

SECTION 8 - INSPECTION OF ORDINANCE:

A copy of this Ordinance may be inspected or purchased at the Township Hall, 135 North Main Street, Capac, Michigan, 48014 during regular posted office hours.

SECTION 9 - ADOPTION:

Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan, on this 9th day of February, 2011. A.D.

1. Date of Public Hearing: September 23, 2010
2. Date of Publication: February 16, 2011
3. Date of Adoption by Township Board: February 9, 2011
4. Date and Time Ordinance Shall Take Effect: February 23, 2011 at 12 noon.

Sheila McDonald, Township Clerk

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 30**

AN ORDINANCE TO AMEND THE TEXT OF THE MUSSEY TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR REVISED REFERENCES TO THE ST. CLAIR COUNTY ANIMAL CONTROL AND PROTECTION ORDINANCE, AND FOR OTHER PURPOSES.

THE TOWNSHIP OF MUSSEY ORDAINS:

ARTICLE 1: The Zoning Ordinance of the Township of Mussey, Article 13, Special Land Use Approval Requirements, Section 1308, Kennels, is hereby amended in its entirety to read as follows:

SECTION. 1308. KENNELS.

Commercial kennels (as defined in Article 2 of this Ordinance) and Kennels (as defined and regulated by the St. Clair County Animal Control and Protection Ordinance, as amended), may be permitted as a special land use in the AG, Agricultural Districts and in the SF, Single-Family Rural Residential Districts subject to the following requirements.

A. Site Requirements

- 1) The minimum site size is 10 acres.
- 2) The kennel must be accessory to an owner-occupied dwelling on the same parcel.
- 3) The subject property must be so located as not to hinder the natural and presumed residential development of the area.

B. Yard and Placement Requirements

- 1) Front yard setback: a minimum of 250 feet from the center of the road.
- 2) Side yard setbacks: a minimum of 150 feet from the property line.
- 3) Rear yard setback: a minimum of 250 feet from the rear property line.

C. Off-Street Parking Requirements

- 1) A minimum of five (5) parking spaces shall be distinctly for the kennel use.
- 2) The parking area shall be screened from view of any abutting residential use by one or more of the means cited under Section 1212.A., a.,b.,c.,d. or e.
- 3) Required parking must be improved in accordance with the standards of Section 1205.

D. Required Conditions

- 1) The Planning Commission may require adequate means of noise control, including but not limited to buffering, use of berms, inside night time (also potentially day time) housing of animals, and any other reasonable means to insure adequate protection and enjoyment of neighboring properties. Failure by the developer of a kennel to demonstrate in his/her proposal the adequate provision of means to control noise shall be grounds to deny special land use approval.
- 2) Between the hours of 10 P.M. and 7 A.M. all animals are to be confined to a sound proof and odor proof building that is completely closed and climate controlled. During all other hours, the animals may be exercised outdoors.
- 3) Noise control shall be subject to Section 1207.,E.
- 4) Odor control shall be subject to Section 1207.,F.
- 5) Waste disposal shall be subject to Section 1207.,G.
- 6) Outdoor exercise runs require at least two (2) of the following three (3) provisions:
 - a. Individual pens separated by privacy panels to prevent dogs from seeing one another,
 - b. A yard completely enclosed by an obscuring six (6') fence,
 - c. A second yard enclosed by a six (6') foot chain link fence.

E. The zoning administrator may make periodic inspections to ensure that the originally approved special land use and site plan review requirements are being complied with. Failure to comply with originally approved requirements may provide grounds for citation of violation under Section 1512. If a violation(s) is discovered, the zoning administrator shall provide a written notice of the violation(s) and offer a reasonable time period for remedy by the owner, not to exceed ninety (90) days. If in the judgment of the zoning administrator, there have been repeated or serious violations, he may proceed with enforcement under Section 1512 without the remedy period.

F. The owner of a property with an existing approved kennel special land use permit (as with any special land use) may seek appropriate modification of any conditions of the special land use permit, through the same process by which the original special land use was approved.

G. The applicant shall obtain a St. Clair County kennel license within one (1) year after site plan approval and before opening of use, and thereafter a County kennel license shall be maintained in accordance with the originally approved special land use.

H. ***In cases where there is a conflict between any provision of this Ordinance and the St. Clair County Animal Control and Protection Ordinance, the more stringent provision shall govern.***

ARTICLE 2 : The Zoning Ordinance of the Township of Mussey, Article 12, General Provisions, is hereby amended by adding a new Section 1226, Keeping of Animals, to read as follows:

ARTICLE 3 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 4 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance are hereby repealed.

ARTICLE 5 EFFECTIVE DATE:

Pursuant to Section 11 of Public Act 184 of 1943, as amended, the provisions of this Ordinance shall become effective upon expiration of seven (7) days after publication.

ARTICLE 6 ADOPTION:

Made and passed by the Township Board of Mussey Township, St. Clair County, Michigan, on this 9th day of **February**, 2011, A.D.

1. Date of Public Hearing: **October 26, 2010**
2. Date of Adoption by Township Board: **February 9, 2011**
3. Date of Publication: **February 16, 2011**
4. Date and Time Ordinance Shall Take Effect: **February 23, 2011; at 12 noon.**

Published 02/16/11

Sheila McDonald, Township Clerk

Memorandum

MUSSEY TOWNSHIP, ST. CLAIR COUNTY, MICHIGAN

ORDINANCE NO. 36

AN ORDINANCE TO REVISE AND CLARIFY THE REGULATIONS ON THE KEEPING OF ANIMALS IN THE MUSSEY TOWNSHIP ZONING ORDINANCE.

MUSSEY TOWNSHIP ORDAINS:

SECTION I. The Zoning Ordinance of Mussey Township shall be amended to revise Article 2, Definitions, by **deleting** Section 2.35, Animal Definitions, and renumbering all subsequent sections accordingly.

SECTION II. The Zoning Ordinance of Mussey Township shall be amended to revise Article 2, Definitions, by **adding** a new Section 2.05, with the following text, and renumbering all subsequent sections accordingly.

"5. Animal Definitions:

- a. Farm Animal: An animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor or the production of milk, eggs, manure, wool, or other animal-based products.*
- b. Domestic Pet: An animal kept solely for companionship, recreation, and pleasure, regardless of the use of the property where the animal resides. All animals kept for companionship, recreation, and pleasure shall be considered domestic pets for the purposes of this ordinance, except for those defined as "Exotic or Wild Animals."*
- c. Exotic or Wild Animal: Any animal not commonly (in Michigan) domesticated, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans, including but not limited to big cats, venomous snakes, and large apes.*
- d. Fur-Bearing Animals: Any mammal commonly (in Michigan) domesticated, raised for slaughter, or used for agricultural purposes. An animal may be considered a Fur-Bearing Animal as well as a Farm Animal, Domestic Pet, or Exotic or Wild Animal."*

SECTION III. The Zoning Ordinance of Mussey Township shall be amended to revise Article 2, Definitions, to **revise** Section 2.55, Kennel, Commercial, by replacing the word "renumeration" with the word "remuneration."

SECTION IV. The Zoning Ordinance of Mussey Township shall be amended to revise Article 4, AG Agricultural District, by **removing** Sections 4.01.B.1 and 4.01.B.2.

SECTION V. The Zoning Ordinance of Mussey Township shall be amended to revise Article 13, Special Land Use Approval Requirements, by **removing** the word "farm" from Section 1331.B.3.

SECTION VI. The Zoning Ordinance of Mussey Township shall be amended to revise Article 13, Special Land Use Approval Requirements, by **removing** the word "farm" from Section 1331.B.4.

SECTION VII. The Zoning Ordinance of Mussey Township shall be amended to revise Article 12, General Provisions, to **add** a new Section 1225, as follows:

"Section 1225: Keeping of Animals.

- (a) *Domestic pets as defined in Article II may be kept in any Zoning District. Wild and exotic animals as defined in Article II are prohibited in all Zoning Districts. Farm animals as defined in Article II may be kept only on lots used for agriculture, hobby farms, or another conforming use requiring the keeping of farm animals.*
- (b) *The animals listed below may be kept according with the following schedule:*

<u>Lot Description</u>	<u>Regulation</u>
1. <i>Farms (including hobby farms) on lots of 40 acres or more.</i>	<i>There shall be no zoning limits on the number of animals kept.</i>
2. <i>Farms (including hobby farms) under 40 acres.</i>	<p><u>Horses, Ponies and Other Equines:</u></p> <p><i>No more than two horses or ponies may be kept on lots with a minimum of 3 acres. One additional horse or pony may be kept for each 2.5 acres of lot area in excess of 3 acres.</i></p> <p><u>Cattle:</u></p> <p><i>No more than one per acre. The combined number of cattle and horses or ponies may not exceed one animal per acre.</i></p> <p><u>Pigs, Sheep, or Goats:</u></p> <p><i>No more than two per acre, of any combination.</i></p> <p><u>Poultry:</u></p> <p><i>No more than 35 per acre, in any combination.</i></p>
	<u>Horses or Ponies and other Equines.</u>

No more than two horses or ponies may be kept on lots with a minimum of 3 acres. One additional horse or pony may be kept for each 2.5 acres of lot area in excess of 3 acres.

+

3. *All other lots.*

Cattle:

Cattle shall be prohibited on lots that do not contain agricultural uses or hobby farms.

Pigs, Sheep, or Goats:

No more than one per acre, of any combination.

Poultry

*No more than 10 may be kept on lots under 2.5 acres.
10 additional may be kept for each 2.5 acres of lot area in excess of 2.5 acres.*

- (c) *All animals shall be properly fenced and contained.*
- (d) *Accumulations of manure shall be limited to a single designated area and shall be a minimum of 150 feet from all public rights-of-way, a minimum of 100 feet from side and rear lot lines, and a minimum of 100 feet from all dwellings.*

SECTION VII. The Zoning Ordinance of Mussey Township shall be amended to revise Article 4, AG-Agricultural District, to **add** a new Section 404.H, as follows:

"The keeping of animals shall be regulated by the standards in Section 1225."

ADOPTION: *Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan on this 8th day of June, 2016 A.D.*

- 1. *Date of Public Hearing:* *May 24, 2016*
- 2. *Date of Adoption by Township Board:* *June 08, 2016*
- 3. *Date of Publication:* *June 15, 2016*
- 4. *Effective date of Ordinance:* *June 30, 2016*

CERTIFICATION:

I, Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that Ordinance #36- An Ordinance to revise and clarify the regulations on the keeping of animals in the Mussey Township Zoning Ordinance, was adopted by the Township Board at a regular meeting of the Township Board held at the Mussey Township Fire Hall on the 8th day June, 2016.

Vote on this Ordinance, 4 members present, was as follows:

Ayes: Downey, Libkie, McDonald & Lauwers

Nays: None

Absent: Standel

I further certify that the said Ordinance was adopted by the Township Board on the 8th. day of June, 2016 and was published once in the Tri-City Times, a paper published and circulated in the Township of Mussey, St. Clair County on the 15th. day of June, 2016 this being the first and final day of publication of this Ordinance.

Sheila McDonald - Mussey Township Clerk

MUSSEY TOWNSHIP, ST. CLAIR COUNTY, MICHIGAN
ZONING ORDINANCE

AN ORDINANCE TO REVISE THE MUSSEY TOWNSHIP SIGN ORDINANCE

MUSSEY TOWNSHIP ORDAINS:

SECTION I. Ordinance Amendment.

Pursuant to this Ordinance, the Zoning Ordinance of Mussey Township shall be amended to revise Section 1209, Signs, by **removing** all text from that section and **replacing** it with the following:

A. Purpose

This section is intended to protect and promote the health, safety, and welfare of the residents of Mussey Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs in the community. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, while protecting the First Amendment right to Freedom of Speech.

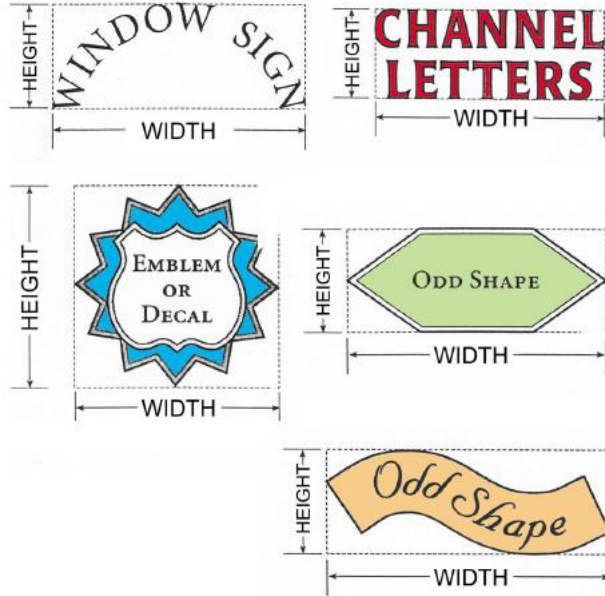
B. Severability

Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so held to be unconstitutional or invalid.

C. Sign Definitions

1. **Awning:** *A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.*
2. **Awning sign:** *A sign affixed flat against the surface of an awning.*
3. **Banner sign:** *A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.*
4. **Billboard:** *A sign regulated by the Highway Advertising Act, Public Act 106 of 1972.*
5. **Construction Sign:** *A sign located on a lot that is an active construction site.*
6. **Directional Sign:** *A sign located in a manner that directs the message of the sign specifically to persons who are navigating into or within the site itself.*
7. **Freestanding Sign:** *A sign supported on the ground and not attached to a building or wall.*

8. **Government Sign:** *A temporary or permanent sign erected by the Mussey Township, St. Clair County, or the State or federal government.*
9. **Marquee:** *A permanent structure constructed of rigid materials that projects from the exterior wall of a building.*
10. **Marquee Sign:** *A sign affixed flat against the surface of a marquee.*
11. **Mural:** *A design or representation painted or drawn on a wall which does not meet the definition of “sign” in this ordinance.*
12. **Portable sign:** *A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.*
13. **Premises.** *A lot as otherwise defined in this Ordinance.*
14. **Roof Line:** *The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.*
15. **Sandwich Board Sign:** *A temporary sign that is not designed to be permanently affixed to the ground or a building, consisting of two faces attached at the top and spreading out in an “A” frame triangular pattern towards the ground.*
16. **Seasonal Sign:** *A sign erected for a limited period of time during the year while a seasonal retail operation is open to the public.*
17. **Sign:** *A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of conveying an explicit message. Artistic or decorative features that do not contain a specific message shall not be considered signs under this Ordinance.*
18. **Sign Area:** *The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display, or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement.*



Computation of Sign Area

19. **Temporary sign.** A sign not constructed or intended for long-term use.
20. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
21. **Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

D. Sign Permits

1. **Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless the type of sign is specifically listed in Section 1209.E, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Township Board.
2. **Applications.** Application for a sign permit shall be made upon forms provided by the Zoning Administrator. The following information shall be required:
 - a. Name, address, and telephone number of the applicant.
 - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - c. Position of the sign in relation to nearby buildings, structures, and property lines.
 - d. Plans showing the dimension, lettering style, color, materials, method of construction, method of illumination, and method of attachment to the building or in the ground.

- e. *Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.*
- f. *Other information required by the Zoning Administrator to make a determination that the sign is in compliance with applicable laws and regulations.*

3. Review of Application

- a. **Planning Commission Review.** *Sign permit applications in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as part of the required site plan review. Proposed signs must be shown on the site plan.*
 - b. **Zoning Administrator Review.** *The Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.*
4. **Removal Agreement or Bond.** *The Planning Commission or Zoning Administrator may require a performance guarantee to guarantee the future removal of a sign.*
5. **Permit Issuance.** *Following a review of a sign application by the Planning Commission or the Zoning Administrator as appropriate, the Zoning Administrator shall have the authority to issue a sign permit*
6. **Exceptions.** *A new permit shall not be required for changing the message of a previously-approved sign without altering the size or shape of the sign and without adding electronic capability. Permits shall also not be required for the cleaning or maintenance of a sign, nor for the types of signs listed in Section 1209.E.*

E. Signs Not Requiring a Permit

The signs listed below may be erected without a permit, provided that the standards listed are met. In order to erect a sign listed below that does not comply with the listed standards, a property owner must obtain a waiver from the Planning Commission (see Section 1209.I) and a sign permit (see Section 1209.D).

- 1. *Signs under two square feet, provided that:*
 - a. *Not more than two be located on any premises in an SF or R-1 district.*
 - b. *Not more than five be located on any premises in an AG, B-1, B-2, LI, RM, or RC district.*
- 2. *Construction signs, subject to the following requirements:*
 - a. *There shall be only one such sign per development project;*
 - b. *The maximum height shall be six feet.*
 - c. *The maximum area shall be 16 square feet.*

1. *Signs which obstruct free access or egress from any building.*
2. *Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals.*
3. *Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.*
4. *Signs having moving members, parts, spinners, or using high intensity or flashing lights.*
5. *Non-regulatory signs placed in any public right-of-way, including those attached to a utility pole or affixed to a tree in a public right-of-way, except awning and projecting signs that are attached to buildings and project over the sidewalk.*
6. *Signs that project above the roof line.*
7. *Any sign erected without the consent of the owner of the property.*
8. *Billboards, unless explicitly permitted by MDOT*
9. *Signs that make noises of any type.*
10. *Signs that block the view of other signs in the opinion of the Zoning Administrator.*

G. Temporary and Portable Signs

The following types of temporary and portable signs shall be permitted in the Township. Property owners must receive a permit as described in 1209.D prior to the erection of any temporary sign, and must follow all applicable requirements as described below.

1. **Sandwich Board Signs.** *Portable sandwich board signs shall be permitted in the B-1 and B-2 districts under the following circumstances:*
 - a. *There shall be only one sign at each customer entrance.*
 - b. *Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times. Signs must also be kept indoors if more than two inches of snow are covering the sidewalk in front of the business.*
 - c. *Each sign shall be placed in a manner which provides five feet of free passage for pedestrians, and is safe for, and does not interfere with, normal pedestrian or automobile traffic.*
 - d. *Each sign shall not exceed an area of twelve square feet, an overall height of 48 inches, and an overall width of 36 inches.*

- e. *All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.*
2. **Temporary Signs.** *Temporary banners, temporary freestanding signs, and non-permanently affixed wall signs, shall be permitted in the B-1, B-2, RC, and LI districts under the following circumstances:*
 - a. *Signs may not be displayed for more than 30 consecutive days.*
 - b. *Each sign shall not exceed 16 square feet in area.*
 3. **Temporary Window Signs.** *Temporary window signs must meet the same standards as window signs designed to be permanent (see Section 1209.H.2.e).*
 4. **Seasonal Signs.** *Seasonal freestanding signs shall be permitted on the premises of an approved seasonal retail business in any zoning district except R-1, including but not limited to agricultural tourism businesses, under the following circumstances:*
 - a. *No more than two signs per premises.*
 - b. *Signs may not exceed 32 square feet in area.*
 - c. *Signs must meet all applicable regulations for freestanding signs in Section 1209.H.2.C.i-x.*
 - d. *Signs may be in place from 30 days before the beginning of operation of the seasonal business until the seasonal business closes for the year.*

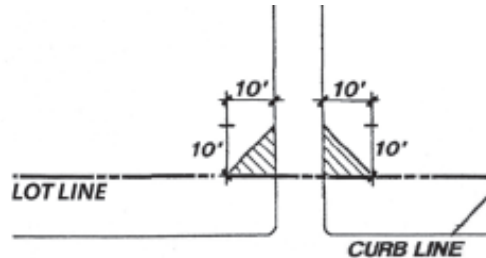
H. Permitted Signs by Zoning District

1. Signs Permitted in AG, SF, R-1, and RM Districts.

- a. **Non-Residential Uses.** *Non-Residential Uses in AG, SF, R-1, or RM districts, such as churches, schools, agricultural tourism businesses, and others shall be subject to the standards for the B-1, B-2, RC, and LI districts, in Section 12.09.H.2.*
- b. **Illumination and Electronic Messaging.**
 - i. *Electronic message signs are prohibited on premises that contain residential or agricultural uses.*
 - ii. *Interior and exterior illumination are permitted for non-residential uses in the AG, SF, R-1, and RM districts. Light levels from illuminated or electronic signs must reach 0.0 footcandles at all property lines.*
 - iii. *Signs on premises used for residential purposes may not be illuminated.*

- c. Wall Signs.** *Wall signs are only permitted in AG, SF, R-1, and RM districts under the following circumstances:*
- i. Signs under two square feet in area as listed in Section 1209.E.1. These signs shall not require a permit.*
 - ii. One sign per lot, not to exceed four square feet, on a lot containing an approved Home Occupation. A lot containing a Home Occupation may have a wall sign or a freestanding sign, but not both.*
 - iii. Signs on the exterior of buildings with more than two residential units, under the following circumstances:*
 - 1. Maximum of one wall sign per frontage on a public road.*
 - 2. Maximum one square foot of signage for every linear foot of building frontage, up to 50 square feet.*
 - 3. The width of any wall sign may not exceed 90% of the width of the façade it is attached to.*
 - 4. Internal illumination is prohibited. External illumination is permitted.*
- d. Freestanding Signs.** *Freestanding signs are only permitted in AG, SF, R-1, and RM districts under the following circumstances:*
- i. One sign per vehicle entrance of residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar uses, subject to the following standards:*
 - 1. Has a maximum height of six feet, except if it is integrally designed as part of an ornamental wall and the wall meets all applicable standards of this ordinance.*
 - 2. Does not exceed 24 square feet in area*
 - 3. The sign may be illuminated, but light levels from the sign must reach 0.0 footcandles at all property lines abutting a lot used for residential purposes.*
 - 4. All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.*
 - ii. One sign per lot, not to exceed 16 square feet, on a lot containing an approved Home Occupation. A lot containing a Home Occupation may have a wall sign or a freestanding sign, but not both.*

- iii. *One sign per lot used for agriculture, not to exceed 1 square foot for each 10 feet of road frontage, up to 32 square feet.*
- iv. *All freestanding signs must be set back at least four feet from all lot lines.*
- v. *All freestanding signs shall have a maximum height of 8 feet.*
- vi. *All freestanding signs must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs may not be located within a triangle formed by two points, each 10 feet away from the intersection, and the line connecting them, as displayed below:*



- e. *All signs not specifically listed in this Ordinance are prohibited in AG, SF, R-1, and RM districts*

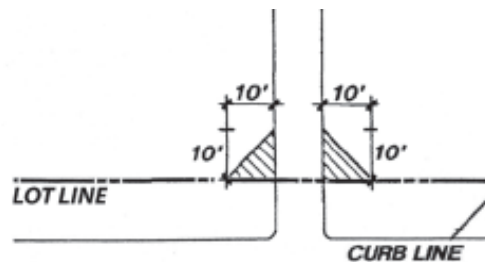
2. Signs Permitted in the B-1, B-2, RC, and LI districts.

- a. **Wall Signs.** *Wall signs in the B-1, B-2, RC, and LI districts are subject to the following standards:*

- i. *Each business with a storefront is permitted 1 square foot of wall signage for every linear foot of building frontage, up to 100 square feet.*
 - 1. *Where multiple businesses share one building or lot, the building frontage of each business shall be calculated separately based on the width of the individual storefronts.*
 - 2. *Where a business has storefronts on multiple frontages, the permitted wall signage shall be calculated separately for each frontage.*
- ii. *Commercial or industrial buildings with no storefronts shall be permitted 1 square foot of signage for each linear foot of building frontage, up to 100 square feet. This signage may include the name of the building or the names of tenants. Signage must be divided equitably among the tenants. Sign permits for buildings of this type must be requested by the owner of the building, not individual tenants. All tenants must approve the design of the signage, and this approval must be submitted to the Township prior to the issuance of a sign permit.*
- iii. *The width of any wall sign may not exceed 90% of the width of the façade it is attached to.*

- iv. *Wall Signs may be located on any building façade that faces a public road or alley, or a public or private parking lot.*
 - v. *There shall be no limit on the number of wall signs permitted on a premise, provided that the relevant square footage standards are met.*
 - vi. **illumination.** *Wall signs in the B-1, B-2, RC, and LI districts may be internally or externally illuminated.*
- b. Awning/Marquee Signs.** *An awning or marquee sign may be used in place of a wall sign for any ground-floor business, provided that the following standards are met.*
- i. *The awning shall not extend more than six feet over the public right-of-way.*
 - ii. *The awning shall have a minimum ground clearance of eight feet.*
 - iii. *Signage may not exceed 70% of the face area of the awning, or 90% of the face of a marquee.*
 - iv. *Awnings may be externally illuminated, but back-lit or internally illuminated awnings are prohibited. Awnings may not contain electronic messaging.*
- c. Freestanding Signs.** *Freestanding signs in the B-1, B-2, RC, and LI Districts are subject to the following standards:*
- i. *Only one freestanding sign is permitted per premises, regardless of the number of businesses on the premises.*
 - ii. *Maximum height of eight feet.*
 - iii. *Maximum area 40 square feet.*
 - iv. *All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.*
 - v. **illumination.** *Freestanding signs in the B-1, B-2, RC, and LI districts may be internally or externally illuminated.*
 - vi. **Electronic Messaging.** *Freestanding signs in the B-1, B-2, RC, and LI districts may include electronic messaging, provided that the following standards are met.*
 - 1. *Electronic Messaging is only permitted on freestanding signage.*
 - 2. *The maximum area of electronic messaging shall be half the total area of the sign in which the electronic message board is placed.*

3. Copy change shall be no more frequent than once per 15 seconds.
 4. Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness. The maximum brightness of the sign shall not exceed 10,000 NITs. At night, the sign shall be set to no more than 10% of its maximum brightness.
 5. Motion, Animation and Video: Video display, animation, scrolling text, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.
 6. When text is displayed, the background behind the text must be a solid color, for the purpose of ensuring that the text is readable. Images are permitted, provided that no text is displayed in front of them.
- vii. All freestanding signs must be set back at least four feet from all lot lines.
- viii. All freestanding signs must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs may not be located within a triangle formed by two points, each 10 feet away from the intersection, and the line connecting them, as displayed below:



- ix. Freestanding signs for premises with multiple tenants must be proposed by the owner of the premises, not individual tenants. All tenants on the premises must approve the design of the sign, and that approval must be presented to the Township prior to the issuance of a sign permit.
 - x. **Directional Signs.** No more than one directional sign shall be permitted per approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four feet. Directional signs may be internally or externally illuminated, but may not contain electronic messaging.
- d. **Projecting Signs.** Projecting signs are permitted in the B-1, B-2, RC, and LI Districts under the following circumstances:
- i. Maximum sign area of 16 square feet.

- ii. *The faces of the sign must be parallel to each other.*
 - iii. *The bottom of the sign must be at least six feet from grade.*
- e. Window Signs.** *Window signs are permitted in the B-1, B-2, RC, and LI Districts, subject to the following standards.*
- i. *Signage may not cover more than 25% of any window.*
 - ii. *Window signs may be internally illuminated, but may not contain any electronic messaging, flashing, or appearance of movement.*

I. Modifications/Waivers

The Planning Commission, after a Public Hearing that meets the requirements of the State of Michigan and this Zoning Ordinance, shall have the ability to waive or modify any of the above standards, provided that the following criteria are met. A waiver granted under this section shall apply for the lifespan of the sign in question, but shall not be transferable to any other sign or premises.

1. *The applicant provides all requested information and pays all applicable application and review fees, to be determined by the Township Board.*
2. *The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.*
3. *The design of the sign is consistent with character of the surrounding area.*
4. *The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.*
5. *The sign will not be a nuisance to any residential uses.*
6. *A sign designed to meet the standards of the Ordinance would not adequately serve the purpose desired by the applicant.*

J. Nonconformities

A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a non-conforming sign shall not be structurally altered or repaired so as to prolong its life or as to change its shape, size, type or design unless such change shall make the sign conforming; nor shall a non-conforming sign be replaced by another non-conforming sign.

ADOPTION: Made and passed by the Township Board of the Trustees of the Township of Mussey, St. Clair County, Michigan on this 9th day of December, 2015 A.D.

1. *Date of Public Hearing:* *December 08, 2015*
2. *Date of Adoption by Township Board:* *December 09, 2015*

3. *Date of Publication:* *December 16, 2015*
4. *Date and time Ordinance shall take effect:* *December 31, 2015*

Certification:

I, Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that the Zoning Ordinance, Section 1209 - Signs was amended by the Township Board at a regular meeting of the Township Board held at the Mussey Township Fire Hall on the 9th day of December, 2015.

Vote on this Ordinance, 5 members being present, was as follows:

AYES: Lauwers, McDonald, Standel, Libkie & Downey

NAYS: None

ABSENT: None

I further certify that said Ordinance was adopted by the Township Board on the 9th. day of December, 2015 and was published once in the Tri-City Times, a paper published and circulated in the Township of Mussey, County of St. Clair on the 16th. day of December, 2015 this being the first and final day of publication of this Ordinance.

SOLAR FARMS

ORDINANCE #41

- A. **Intent and Purpose:** To promote the use of Solar Energy within Mussey Township as a clean alternative energy source and to provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.
- B. **Minimum Lot Size:** Large photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.
- C. **Height Restrictions:** All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.
- D. **Setbacks:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of ten (10) feet from a side or rear property line and a minimum of twenty (20) feet from any road or highway right-of-way.
- E. **Maximum Lot Coverage:** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
- F. **Safety/Access:** A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox box and keys shall be provided at locked entrances for emergency personnel access.
- G. **Noise:** No large photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.
- H. **Landscaping:** Large photovoltaic solar farm facilities shall be required to install perimeter landscaping equal to one (1) tree for each twenty-five (25) feet of road or highway frontage. The equivalent of one (1) tree shall be required along the sides and rear of such developments equal to one (1) tree every twenty-five (25) feet of property line when abutting existing homes or developed parcels. The Planning Commission may

alter the landscaping requirement depending upon the location and existing plant material on the site. Trees shall be a minimum of four (4) feet tall when planted and remain in good condition for the life of the large photovoltaic solar farm.

- I. **Local, State and Federal Permits:** Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan and Mussey Township and comply with standards of the State of Michigan adopted codes.
- J. **Electrical Interconnections:** All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
- K. **Additional Special Use Criteria:** The following topics shall be addressed in a Special Use application for such large photovoltaic solar farm facilities in addition to the Special Use Review Criteria:
 1. Project description and rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer and model. Identify time frame, project life, development phases, likely markets for the generated energy and possible future expansions.
 2. Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with the development.
 3. Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements.
 4. Wildlife: Review potential impact on wildlife on the site.
 5. Environmental analysis: Identify impact analysis on the water quality and water supply in the area.
 6. Waste: Identify solid waste or hazardous waste generated by the project.
 7. Lighting: Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.
 8. Transportation plan: Provide access plan during construction and operation phases.

Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site.

9. Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the community in general that may be created.
10. Sound limitations and review: Identify noise levels at the property line of the project boundary when completed.
11. Telecommunications interference: Identify electromagnetic fields and communications interference generated by the project.
12. Life of the project and final reclamation: To ensure proper removal of a photovoltaic solar farm energy system when it is abandoned, any application for approval of a new photovoltaic solar farm shall include a description of the financial security guaranteeing removal of the system which must be posted at the time of receiving a construction permit for the facility. The security shall be: 1) a cash bond; 2) an irrevocable bank letter of credit; or 3) a performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be subject to approval by the Township.

If the property owner fails to remove or repair the defective or abandoned system, the Township may pursue legal action to have the system removed and assess its cost to the tax roll. The applicant shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal of the structure.

L. **The Planning Commission Review:** Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found in this Section. The Planning Commission shall not have the authority to review or to allow photovoltaic solar farm facilities within any other zoning district.

Alternatives: For a request for alternatives set forth in this Ordinance, for either dimensional requirements as well as physical development requirements found in this Article, the applicant shall present in writing prior to the Planning Commission hearing: 1) the alternatives requested, 2) the reasons for the deviation, 3) supporting documentation for the deviation, 4) the lot size and location of the proposed solar farm 5) the number, size, make and location of the solar components. The Planning Commission may grant the deviation based upon changing technology to the extent the request is within the reasonable spirit of the standards under this

Ordinance.

Minimum Lot Size: The Planning Commission may consider a joint application of adjacent properties. When a joint application is made for adjacent properties, all owners must agree to and make a joint request for reduction to the minimum lot size of 20 acres within the joint application. In addition to the standards set forth herein, the Planning Commission shall consider the impact on both properties, the size of the properties, the setback requirements, the impact on neighboring properties, the use of mechanical devices common to both properties, the grant of necessary easements, the size and location of the solar components, the joint use components, and other reasonable conditions. The Planning Commission may request additional information or documentation in order to make an informed decision on a solar farm Special Land Use request.

M. **Solar farms** shall be considered a Special Land use and allowed in the Agricultural and Light Industrial zones. The property owner or agent must apply for a Special Land Use permit applying the standards in this Ordinance and under Article 13-Special Land Use Approval Requirements, Section 1300 (General Requirements and Procedures) and the Michigan Zoning Enabling Act, (MZEA), Public Act 110 of 2006.

The applicant shall present an application on a form approved by the Township and a detailed site plan. The Planning Commission shall make notifications and hold hearing as required under the MZEA. The Planning Commission shall review the special land use application, and may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

PASSED AND ADOPTED by the Mussey Township Board of the Political Subdivision on this 14th day of October, 2020

EFFECTIVE DATE: Public Hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven (7) days after publication, pursuant to the provision of Section 11, Act 184 of the Public Acts of 1943, as amended.

ADOPTION: Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan, on this 14th day of October, 2020 A.D.

1. Date of Adoption by Township Board: **October 14, 2020**
2. Date of Publication: **October 21, 2020**
3. Date Ordinance shall take effect: **October 28, 2020**

CERTIFICATION: I Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that Ordinance #41 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Fire Hall on the 14th day of October, 2020.

Vote on this Ordinance, 4 members being present, was as follows:

AYES: Standel, McDonald, Downey & Lauwers

NAYS: None

ABSENT: Geliske

I further certify that said Ordinance #41 adopted by the Township Board on the 14th day of October, 2020 was published once in the Tri-City Times, a paper published and circulated in the Township of Mussey, County of St. Clair, on the 21st day of October, 2020 this being the first and final day of publication of this Ordinance.

Sheila McDonald, Clerk of Mussey Township