

# Koylton Township Zoning Ordinance

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# **THE TOWNSHIP OF KOYLTON ORDAINS**

## **This Ordinance shall be known as the Koylton Township Zoning Ordinance.**

### **Preamble**

An Ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Koylton Township Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any Ordinance or parts of Ordinances or resolutions in conflict with this Ordinance.

THE TOWNSHIP OF KOYLTON, TUSCOLA COUNTY, MICHIGAN, ORDAINS:

- To provide for regulations governing nonconforming uses and structures.
- To provide for land use permits and the collection of fees thereof.
- To provide for a Zoning Board of Appeals and its powers including the officials whose duty it shall be to enforce the provisions thereof and to provide for penalties for the violations of this Ordinance.
- To provide a non-discriminatory policy in regard to sex, color, race, or national origin shall be followed in the administration of this Ordinance.

### **ARTICLE I**

#### **TITLE AND PURPOSE**

#### **Section 1.01 Purposes**

The fundamental purposes of this Ordinance are to:

1. Protect the health, safety, morals, general welfare and to meet needs for food, natural resources, housing and commerce of the inhabitants of Koylton Township.
2. To promote the orderly development of Koylton Township.
3. To encourage the use of land, waters and resources of Koylton Township in accordance with their character and adaptability, and in turn, limit their improper use.
4. To reduce hazards to life, health and property.
5. To provide in the interest of health and safety minimum standards under which lands shall hereafter be used, and buildings and structures erected and used thereon.
6. To avoid overcrowding of population.
7. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
8. To conserve the expenditure of funds for public improvements and services to conform to the most advantageous use of lands resources and properties of Koylton Township.

In order to achieve the purposes of this Ordinance, the Township has been divided into zoning districts of varied shapes, kind and area, and regulations adopted for each district. With due consideration for its peculiar suitability for particular purposes, the conservation of property values, and the general trends and appropriate character for each district, with due consideration for its peculiar suitability for particular purposes, the conservation of property values, and the general trends and appropriate character of buildings and population development. This Zoning Ordinance takes all of this into consideration in compliance with Michigan State Law.

## **Section 1.02 Existing uses of Land, Buildings and Structures**

At the discretion of the owner, the lawful use of any dwelling, building or structure, and of any land or premises as existing or used upon the date of enactment of this Ordinance may be continued; subsequent to the enactment of this Ordinance, even though such use does not conform with provisions thereof.

## **Section 1.03 Scope**

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

## **Section 1.04 Notice; publication, mail or personal delivery, requirements**

Enabling Act 125.3103

1. Except as otherwise provided under this act, if a local unit of government conducts a public hearing required under this act, the local unit of government shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing.
2. Notice required under this act shall be given as provided under subsection (3) to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (3) to all persons to whom real property is assessed within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than dwelling unit or spatial areas owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more that four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
3. The notice under subsection (2) is to be considered given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

## **Section 1.05 Limitation on Sale or Rental of Land, Dwellings, Buildings and Structures**

No person, firm, corporation or other organization, shall sell, rent, or lease, any land, dwelling, building or structure upon the representation that such land, dwelling, building or structure may be used or occupied in a manner or for a use prohibited by this Ordinance.

## **ARTICLE II**

### **ZONING DISTRICTS AND MAP**

#### **Section 2.01 Regulation of land development and establishment of districts; provisions; uniformity of regulations; designations; limitations.**

Enabling Act 125.3201

A local unit of government may provide by zoning Ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public health, safety, and welfare.

1. Except as otherwise provided under this act, the regulations shall be uniform for each class of land or buildings, dwellings, and structures within a district.
2. A local unit of government may provide under the Zoning Ordinance for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion.
3. A local unit of government may adopt land development regulations under the Zoning Ordinance designation or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.

#### **Section 2.02 Districts**

For the purpose of this Ordinance, all of the unincorporated area's of Koylton Township are hereby divided into the following zoning districts, the location of which districts is shown on the map entitled Zoning Map of Koylton Township, Tuscola County, Michigan (Page 5).

1. Agricultural and Residential Districts—A-R
2. Residential Lake Districts—R-L
3. Commercial Districts—C
4. Industrial Districts—I
5. Light Industrial—L-I

#### **Section 2.03 Zoning Map of Koylton Township**

The Zoning Map of Koylton Township, Tuscola County, Michigan, and all information and proper notations shown thereon are hereby adopted and made a part of this Ordinance. The Zoning Map of Koylton Township is available for examination at the Koylton Township Hall. Unless otherwise provided in the text of the Ordinance, the boundary lines of all districts shall be interpreted as following along section lines or the customary divisions such as quarter and eighth lines; or the centerline of the highways, streets and waterways; or property lines of legal record on the date of enactment of this Ordinance, or any extension of said lines. The entire township is zoned AR, Agricultural-Residential except for the following described parcels:

Residential Lake Districts

1. The West three-quarter (60 acres) of the North one-half of the NE one-quarter Section 29 & the West three-quarter (30 acres) of the South one-half of the South one-half of the SE one-quarter Section 20; and that part of the SE one-quarter of the SW one-quarter Section 20.

#### Commercial Districts

1. 350 feet back from Centerline of M-46 Sections 5 and 6
2. Commencing 46 rods South of NW corner of SW one-quarter of Section 28 thence E 660 feet, S 165 feet, W 660 feet, N 165 feet to point of beginning
3. Commencing at the SE corner of West one-half of SE one-quarter of Section 36 thence W 330 feet, N 330 feet, E 330 feet, S 330 to point of beginning

#### Industrial Districts

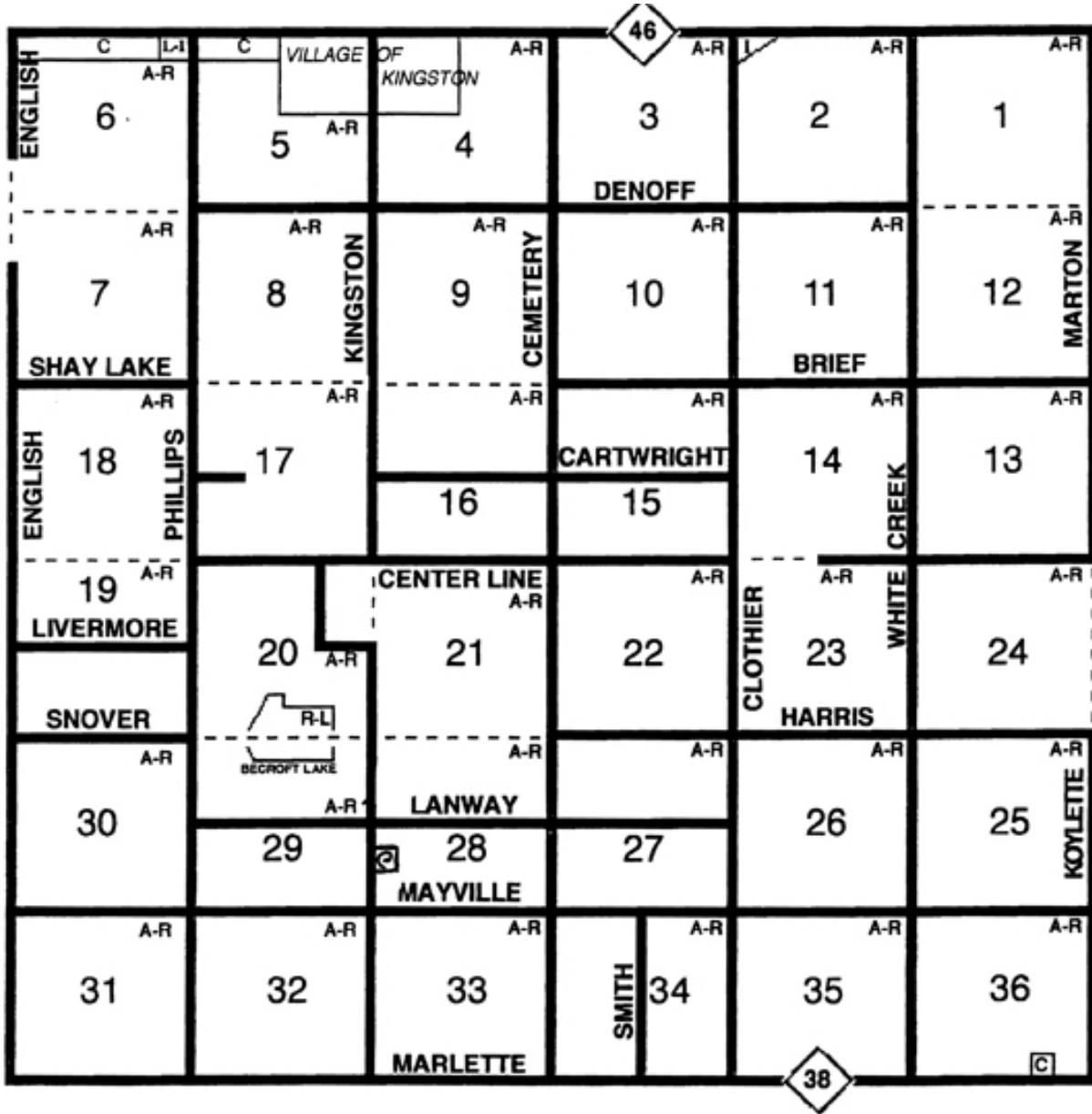
1. Commencing at the NW corner of Section 2 thence E 692 feet to center of established ditch, SWly in center of ditch to point where it enters W Section line, N 664 feet to point of beginning, except Hwy R/W

#### Light Industrial

1. Section 6 T11N R11E, commencing at NE corner of NE FRL  $\frac{1}{4}$ , the S 26 RDS the W 26 RDS, the N 26 RDS, the E 26 RDS to POB EX COM 26 RDS W of NE corner of NE FRL  $\frac{1}{4}$  E 125 ft, S 26 RDS, W 125 ft, N 26 RDS to POB and EX all that PT of W 140 ft thereof which lies NLY of a line 75 ft Sly of, measured at right angle and parallel to reference LN of M-46 relocated and EX BEG at PT on E SEC line which is 5.01 DEG 48' 56" E 44.35 ft from NE COR of SEC the S 88 DEG 08' 04" W 33 ft, S 46 DEG 18' 20" E 49.39 ft to E SEC LN, N 01 DEG 48' 56" W 33,12 ft ALG E SEC LN to POB.



# ZONING MAP OF KOYLTON TOWNSHIP TUSCOLA COUNTY, MICHIGAN



- Agricultural - Residential Districts (A-R)
- Residential Lake Districts (R-L)
- Commercial Districts (C)
- Industrial Districts (I)
- Light Industrial Districts (L-I)

## **ARTICLE III**

The following provision shall apply to all Agricultural and Residential Districts A-R Section

### **Section 3.01 Purposes**

While land use in Agricultural Residential A-R Districts is primarily agricultural in character, the provisions of this district recognize the desirability of including residential uses. The requirements are intended to protect and stabilize the basic qualities of these districts and provide suitable and sage conditions for both suburban and rural living.

### **Section 3.02 Uses and Building Permitted**

Except as otherwise provided by this Ordinance, no land or premises shall hereafter be used and no buildings, dwellings or structures located, erected or used for other than one or more of the following purposes:

1. Principle Permitted Uses:
  - A. Crop farms
  - B. Raising of common farm animals for meat and milk
  - C. Livestock housing and domesticated animals
  - D. Storage of machinery, tools, supplies and crop
  - E. Single family dwelling
  - F. For parcels of land ten acres one large animal will be permitted per acre
2. Uses by special permit may be allowed when determined to be in conformity with the provisions of Article VIII, Section 8.10 of this Ordinance.
  - A. Churches, schools, colleges, educational institutions, libraries and public owned buildings.
  - B. Hospitals, clinics, standard day care centers, convalescent and foster care homes and structures designed for human care.
  - C. Parks and grounds for outdoor activities and recreation, recreational and community center buildings, camps and camp grounds.
  - D. Community centers including: clubs, lodges and social organizations.
  - E. Bed and breakfast homes, board and/ or lodging houses, motels, hotels, and single family dwelling.
  - F. Boarding kennels and veterinarian hospitals.
  - G. Sand and gravel pits.
  - H. Airfields and landing fields.
  - I. Professional offices.
  - J. Personal service shops.
  - K. Neighborhood retail commercial enterprises, including: stores, shops, automotive service stations, garages, and eating establishments.
  - L. Public service buildings, yards, public owned buildings, public utility buildings and yards.
  - M. Permanent roadside stands.
  - N. Brine and oil wells.
  - O. Food processing and packaging industries.

- P. Farm equipment sales and service
  - Q. Multiple family apartments or condominium buildings.
  - R. Public waste disposal areas.
  - S. Licensed child care facilities or licensed camps, which provided rehabilitation, education, vocational training and recreation to a maximum of fifty (50) neglected, abused, abandoned or delinquent youths.
  - T. Foster care facilities for more than six patients/clients.
3. Permitted Accessory Uses are defined as follows:
- A. Accessory buildings, structures and uses customarily incidental to any permitted or approved use.
  - B. Home Occupations
  - C. A sign not over nine (9) square feet in area advertising the sale, rental or lease of the premises on which it is located.
  - D. Private residence recreational facilities.

### **Section 3.03 Size of Premise**

1. Dwellings - Every parcel of land upon which a dwelling is hereafter to exist or to be erected, moved in or altered shall contain not less than two acres. This parcel of land shall have no less than 200 feet of frontage on a county approved road and must proceed back the full width of the property at least 80 feet from the property line, or flaglot frontage as defined in definitions on page 34. This shall not prevent the use of a lot or parcel of land of lesser size, provided the same was of legal record on the date of enactment of this new Ordinance and was in accordance with the Ordinance of record dated June 24, 1998, and adopted on that date by the Koylton Township Board.
2. Buildings and uses other than dwellings - The minimum area and width of a parcel of land required for other than permitted or approved buildings and uses, including accessory uses thereof, shall be determined by the Zoning Board of Appeals upon written application from the owner of the premises to the board. The Zoning Board of Appeals shall either grant or deny permit pursuant to such written application only in accordance with its jurisdiction as set forth in Article XI Section 11.06 of the Ordinance and also when in accordance with the provisions of Section 1.01 of the Ordinance.

### **Section 3.04 Setback and Yard Requirements**

1. Setback Requirements - The front line of every building, dwelling or structure hereafter erected, altered or moved upon a premises shall be located not less than eight (80) feet from the highway right-of-way line as the road lays on all highways, roads, or streets.
2. Yard Requirements - No construction shall be permitted within twenty-five (25) feet of any lot lines and shall be kept open and unobstructed for access of fire fighting equipment.

### **Section 3.05 Floor Area of Dwellings**

Every one family dwelling hereafter erected, altered or moved upon any premises shall contain not less than one thousand (1000) square feet of living area. No garage or open porch shall be considered a living space.

### **Section 3.06 Dwellings Single-Family**

1. It must comply with the minimum square footage requirements of the Ordinance.
2. The dwelling is aesthetically compatible in design and appearance with other residence in the vicinity;

has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the township zoning administration upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 45 days from the receipt of notice of said Zoning Administrators decision. The foregoing shall both be construed to prohibit innovative design concepts involving such matters as solar and wind energy, view, unique land contour, or relief from the common or standard designed home.

3. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
4. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the township pertaining to such parks.
5. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township, county and state building code provisions and requirements.

### **Section 3.07 Prohibited Uses:**

1. Adult and/or juvenile detention or correction facilities.
2. Any use not otherwise permitted as zoned, or allowed as a Special Land Use or Variance.

Also see supplementary Provisions Article VIII

# **ARTICLE IV**

## **RESIDENTIAL LAKE DISTRICTS R-L**

The following provisions shall apply to all Residential Lake Districts R-L.

### **Section 4.01 Purposes**

The primary purpose of Residential Lake Districts R-L is to promote the proper use, enjoyment and conservation of water and land adjacent thereto. Provide safe water and sewage disposal, suitable and safe conditions for family living and recreation.

1. Principal permitted uses:
  - A. Single family dwellings and cottages.
2. Uses by special permit as provided for in Article VIII, Section 8.10 of the Ordinance.
  - A. Land for parks, playgrounds, public swimming pools, and similar facilities for outdoor exercise and recreation
  - B. Boat liveries
  - C. Neighborhood retail stores and eating establishments.
  - D. Private boat houses.
  - E. Public owned buildings.
3. Permitted Accessory Uses
  - A. Accessory buildings, structures and uses customarily incidental to any permitted or approved use.
  - B. Private garages for dwelling not exceeding two (2) automobile capacity.

### **Section 4.02 Size of Premises**

***See Section 3.03 under Agricultural-Residential***

### **Section 4.03 Setbacks and Yards**

***See Section 3.04 1 and 2 under Agricultural-Residential***

### **Section 4.04 Floor Area of Dwellings**

***See Section 3.05 under Agricultural-Residential***

### **Section 4.05 Prohibited Uses:**

1. Adult and/or juvenile detention or correction facilities.
2. Foster care facilities for more than six patients/clients.
3. Any use not otherwise permitted as zoned, or allowed as a Special Land Use or Variance.

# **ARTICLE V**

## **COMMERCIAL DISTRICTS C**

The following provisions shall apply to all Commercial Districts C.

### **Section 5.01 Purposes**

The primary purposes of Commercial Districts-C is to provide accommodations for retail business activities generally compatible with each other and essential to the well being of the community and for services generally associated with Commercial Districts-C. As in other districts, a provision is also made by special permits for the admission or inclusion of enterprises and activities having special problems or conditions.

### **Section 5.02 Uses and Buildings Permitted**

No building or structure shall hereafter be erected, altered or moved upon any premises and used for other than one or more of the following uses except as otherwise provided in this Ordinance.

#### 1. Principle Permitted Uses

- A. Stores and shops for the conduct of generally recognized retail businesses when conducted within buildings having a roof and four sidewalls.
- B. Personal service shops, such as barber shops, beauty parlors, shoe and tire repair shops, laundry and dry-cleaning shops.
- C. Professional offices, showrooms, motels, cabin parks, and mobile home parks.
- D. Banks, eating establishments drive-in restaurants, dressmaking, photographic shops, undertaking establishments, public utility buildings, and publicly owned buildings.
- E. Community clubs, fraternal organizations, and similar civic and social organizations.
- F. Establishments located within building for the repair, alteration, fishing, assembling, fabrication or storage of goods primarily for local or retail sale, provided however, that there is not therewith the operation of any activity of the storage of display of goods in such a manner as to be obnoxiously by reason of odors, fumes, dust, smoke, vibration or noise.
- G. Recreation and amusement places.
- H. Gasoline and oil service stations, garages, used car lots, but not the storage.
- I. Sale and servicing to agricultural machinery.
- J. Sale of alcoholic beverages as provided by law.
- K. Any other uses similar in character to the above when recommended by the Koylton Township Planning Commission and approved by Koylton Township Board, and are in conformity with Section 1.03 of the Ordinance.
- L. Outdoor advertising signs, provided, however, that in the even such signs exceed one hundred (100) square feet in the area, the location thereof shall be approved by the Zoning Administrator and must be in conformity with the provisions of Section 1.03 of the Ordinance.
- M. Accessory uses, buildings and structures customarily incidental to any of the above uses.

#### 2. Uses by special permit as provided for in Section 8.10 of the Ordinance

- A. Any use authorized in Section 3.02 1 and 3.02 2 of this Ordinance
- B. Industrial enterprise.

### **Section 5.03 Area**

No building hereafter erected, altered or moved upon any premises shall have less than five hundred seventy-five (575) square feet of floor area at the first floor level.

### **Section 5.04 Yards**

Every building hereafter erected, altered or moved upon a premise shall be provided with yards having no less than the following sizes:

1. Front Yards: One hundred (100) feet in depth from the highway right-of-way as the road lays or the front lot line as the case may be.
2. Side Yards: Twenty five (25) feet in width on each side, provided however, that no side yard shall be required when the walls of a building abutting on an interior lot or adjacent to a parcel or lot occupies by or zoned for dwellings shall provide a side yard abutting such parcel not less than thirty (30) feet in width.
3. Rear Yards: Every building hereafter erected, altered or moved upon any premises shall provide a rear yard no less than forty (40) feet in depth, and such yard shall be kept open and unobstructed for access of fire fighting equipment.

### **Section 5.05 Height of Building**

No buildings shall hereafter be erected, altered or moved upon any premises exceeding a height of thirty (30) feet unless approved by the Township Board as within the fire fighting facilities of the township, upon written application of the owner of the premises.

### **Section 5.06 Required Off-Street Parking**

Same as is required in Article VII of this Ordinance.

### **Section 5.07 Prohibited Uses:**

1. Adult and/or juvenile detention or correction facilities.
2. Foster care facilities for more than six patients/clients
3. Any use not otherwise permitted as zoned, or allowed as a Special Land Use or Variance.

# **ARTICLE VI**

## **INDUSTRIAL DISTRICT I**

The following provisions shall apply to all Industrial Districts I.

### **Section 6.01 Uses Permitted**

Any lawful use of land or building may be carried on and any building erected and used for any purpose whatsoever except dwellings, motels and similar buildings designed for sleeping or living purposes, provided however, that no such use shall produce or cause the emission of obnoxious, offensive, unhealthy or harmful odors, dust, smoke fumes, glare, noise, vibration or radiation beyond the boundaries of the parcel of land on which located, provided further, that no such use shall be carried on under conditions that are dangerous or hazardous to surrounding properties and provided further, that all substances causing dust or fumes, or attractive to rodents or insects and stored in the open be kept in closed containers.

### **Section 6.02 Signs**

Same as Section 5.02 1.L

### **Section 6.03 Yards**

Every building hereafter erected, altered or moved upon any premises shall be provided with yards having no less than the following minimum sizes:

1. Front Yards: Seventy-five (75) feet in depth from the highway right-of-way as the road lays or the front lot line as the case may be.
2. Side Yards when such yard abuts another zoning district: Fifteen (15) feet in width on the abutting side, and at least ten (10) feet on the other side.
3. Rear Yards: Forty (40) feet in depth and such yard shall be kept open and unobstructed for access of fire fighting equipment.

### **Section 6.04 Height of Buildings**

***Same as is required in Article VIII of the Ordinance.***

### **Section 6.05 Required Off-Street Parking**

***Same as in required in Article VIII of the Ordinance.***

### **Section 6.06 Prohibited Uses**

1. Adult and/or juvenile detention or correction facilities.
2. Foster care facilities for more than six patients/clients.
3. Any use not otherwise permitted as zoned, or allowed as a Special and Use or Variance.



## **ARTICLE VII**

### **LIGHT INDUSTRIAL L I**

The following provisions shall apply to all Light Industrial L I

#### **Section 7.01 Purpose**

This district is designed for manufacturing assembling and fabrication businesses and commercial activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

1. Principal permitted uses: Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises.
2. Use by Special Permit: See Article VIII, Section 8.10 of the Ordinance.

## Article VIII

### SUPPLEMENTARY PROVISIONS

#### **Section 8.01 Dwellings per unit of Land:**

Any dwelling hereafter erected or moved on any premises, within the meaning of the definitions as set forth in this Ordinance, shall be located upon a lot of record, and not more than one dwelling shall be erected on such lot.

#### **Section 8.02 Limitation on Yard and Area Requirements**

In conforming with yard and land requirements, no area shall be counted as a accessory to more than one dwelling or principle building or use, and no area necessary for the yard requirements of the dwelling or building shall be included or counted in the calculations of the space requirements for any other dwelling or building.

#### **Section 8.03 General Rear Yard Requirements**

1. Every one-story dwelling shall have a rear yard not less than twenty five (25) feet in depth, and every two-story building shall have a rear yard not less than thirty-five (35) feet in depth. An additional depth of five (5) feet shall be added for each additional story or part thereof.
2. Every principle building other than a dwelling shall have a rear yard not less than twenty-five (25) feet in depth and such a yard shall be kept open and unobstructed for access of fire- fighting equipment and greater in depth where otherwise indicated in this Ordinance.

#### **Section 8.04 Location of Building Other Than Dwellings In Relation to Dwellings**

All buildings other than dwellings shall hereafter be erected no less than twenty-five (25) feet from the boundary line of any lot located in Agricultural and Residential Districts A-R.

#### **Section 8.05 Exception Lot Conditions**

Where the size or shape of a lot on public record on the date of enactment of this Ordinance or any other local condition, results in a conditions to which provisions governing lot requirements as prescribed by this Ordinance make compliance impossible, such condition shall be allowed to exist, provided that such variation shall not jeopardize water supply or sewage disposal facilities, reduce safety to vehicular traffic or increase for hazards on the lot or on property neighboring thereto.

#### **Section 8.06 Grading**

No premises shall be so filled or graded as to discharge surface run-off water on any abutting or neighboring property or in such a manner so as to cause the creation of ponds of surface accumulation of such run-off water on abutting property.

#### **Section 8.07 Vehicular Parking Space**

For every dwelling, commercial buildings, industrial buildings, manufacturing buildings, or other enterprise of service establishment hereafter erected or moved on any premises, including buildings of structures used principally as a place of public assembly, there shall be provided and maintained suitable space situated off the highway right-of-way for the parking of loading motor vehicles in proportions specified below. Such parking spaces shall be provided with safe entrance to and safety exit from the public thoroughfare. Approval for the location of such exit and entrance shall be first obtained from the Michigan Highway Department for all highways under its jurisdiction and from the County Road Commission for all other roads, streets and highways under its jurisdiction, which approval shall be granted only after due consideration of the design and construction thereof in the interest of safety,

adequate drainage, and other public requirements. A minimum of two hundred fifty (250) square feet exclusive of the driveway, en trances and exits, shall comprise one vehicular parking space, required parking spaces shall be as follows:

1. Multi-dwellings: one parking space for each dwelling unit.
2. Church or Auditorium: one parking space for each four seats therein.
3. Hospitals and Similar Institutions: one parking space for each bed therein.
4. Home Occupations: two parking spaces and one additional parking space for the dwelling.
5. Retail Stores and Similar Commercial Enterprises: one parking space for each one hundred (100) square feet of floor area.
6. Restaurant and Similar Establishments: one parking space for each fifty (50) square feet of floor area.
7. Office and/or other Personal Service Buildings: one parking space for each two hundred (200) square feet of floor area.
8. Industrial Buildings: one parking space for each employee thereof.
9. Tourist Homes, Boarding Homes, and Similar Lodging Establishments: one parking space for each two (2) persons served.
10. Taverns: one parking space for each two (2) seats therein.

### **Section 8.08 Mobile Home Parks**

In addition to the provisions of Section 8.11, application for the construction and establishment of a Mobile Home Park shall be accompanied by the following proofs and memorandums:

1. Evidence acceptable to the K.T. Planning Commission that the proposed park complies with Act 419 of the Public Acts of 1976, of the State of Michigan as may be amended and all rules and regulations promulgated there under.
2. The written notification to all owners of record contiguous with the land where the proposed Mobile Home Park is to be constructed and the written approval of all owners of dwelling houses situated within three thousand (3000) feet of the perimeter of the proposed site.
3. Confirmation from the Health Department, Road Commission or fire department that the proposed park will not affect the general health, safety, and welfare of the township.
4. Written confirmation from the pertinent School Board having jurisdiction over the area where the proposed site is located.
5. No recommendation at this time to the Township Board.

### **Section 8.09 Completion of Project**

All exterior work must be completed within two (2) years after issuance of original permit.

### **Section 8.10 Land Uses by Special Permit**

1. General Requirements - Uses of land by special permit, wherever provided in this Ordinance shall be subject to the requirements of this particular section of the Ordinance in addition to the requirements and standards of the particular Zoning District wherein located, so as to prevent conflict with or impairment of the principle uses thereof. All uses by special permit shall be deemed to possess characteristics of each unique form to the District that each such use shall be considered as an individual case.

## 2. Specified Requirements

- A. Written application shall be made to the Township Planning Commission through the office of the Zoning Administrator, to the Koylton Township Planning Commission for determination. Every such application shall contain substantially the following information:
- (1.) The name of the applicant and the owner or owners of the premises.
  - (2.) The recorded legal description of the premises
  - (3.) A description of the proposed building or use.
  - (4.) The applicant shall complete a site plan which contains the following:
    - a. The location of all present and proposed buildings or use thereof.
    - b. Location of existing roads and highways which provide access thereto.
    - c. Sewage disposal facilities, existent or proposed on the for the premises.
    - d. The location of dwellings and principle buildings on adjacent premises.
    - e. The uses of properties located on the road or highway where applicable and located within one thousand (1000) feet of the middle point of the road between the two properties.
    - f. Location of the parking area if required.
    - g. The estimate amount of excavating and fill needed to complete project..
- B. The site plan will be considered for approval by the Township Planning Commission.
- C. The Planning Commission shall hold a public hearing on the application. The cost of advertising and Planning Commission expenses thereof shall be borne by the applicant. These charges will be determined at the time for application by the Planning Commission Chairman and must be paid in advance and are nonrefundable.
- D. In reaching its determination on the application, the Koylton Township Planning Commission shall consider the following:
- (1.) Whether the location, use, nature and intensity of operation will in conflict with the principle permitted uses of the applicable Zoning District.
  - (2.) Whether the sewage disposal and water supply facility is determined adequate and safe by the proper authority.
  - (3.) Whether the setback and yard conditions will be in harmony with the orderly and proper development of the district.
  - (4.) Whether adequate access to the building or use will be provided by either existing roads, public or private, or by other roads to be erected.
- E. Whether the building or use will be more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, smoke, fire hazard, bright or flashing light or disposal of waste or sewage than the operation of any permitted use.
- F. Whether the building or the use thereof will discourage or hinder the appropriate development and use of adjacent lands and buildings.
- E. A performance guarantee may be required by the Koylton Township Planning Commission to be posted. The amount of the guarantee needed will be based on the improvements associated with the project which the Koylton Township Planning Commission feels and consider necessary.
- F. The Koylton Township Planning Commission will make a recommendation to the Koylton Township Board, who has final authority.

## **Section 8.11 Spot Zoning**

In case any petition requests zoning of individual parcels of land, the petition shall state the specified use or purpose of use, even though such other use may be permitted under the district regulation in which the parcel is classified unless separate proceedings are pursued for hearings required in rezoning any property.

## **Section 8.12 Nonconforming uses or structures**

1. If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning Ordinance or an amendment to a zoning Ordinance, then that use may be continued although the use does not conform to the zoning Ordinance or amendment. This subsection is intended to codify the law as it existed before July 1, 2006 in section 16(1) of the former county zoning act, 1943 PA 183, section 16(1) of the former township zoning act, 1943 PA 184 and section 3a(1) of the former city and village zoning act, 1921 PA 207, as they applied to counties, townships, and cities and villages, respectively, and shall be construed as a continuation of those laws and not as a new enactment.
2. The legislative body may provide in a zoning Ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning Ordinance. In establishing terms for the the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning Ordinance with different requirements applicable to each class.
3. The legislative body may acquire by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming use and structures. The legislative body may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government. Property acquired under this subsection by the city or village shall both be used for public housing.
4. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.

## **Section 8.13 Public Utility Buildings and Structures**

1. The erection, construction, alteration or maintenance by public utilities or municipal departments or underground, surface, or overhead gas, electrical, steam, or water transmission or distribution system, collection, communications, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishings of adequate service by public health or safety or general welfare, shall be permitted as authorized and regulated by law and other Ordinances of the Township of Koylton in any use district, it being the intention thereof to exempt such erection, construction, alteration, maintenance from the application of this Ordinances.
2. A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

## **Section 8.14 Platting of Proposed Subdivisions**

1. Proposed Subdivisions - The Koylton Township Board shall, on proposed subdivisions, have the authority to require a plat proprietor, or sub divider, to furnish and present whatever engineering data that the said board shall deem necessary to safeguard the health, safety and welfare of the people and property of the township. The Koylton Township Board shall determine whether or not such plats shall be approved with due consideration to water supply and sewage disposal, soil and subsoil topography and average water table together with engineer's report.
2. Performance Guarantee - To ensure compliance with a zoning Ordinance and any conditions imposed under a zoning Ordinance, a local unit of government may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the local unit of government covering the estimated cost of improvements be deposited with the clerk of the legislative body to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The local unit of government may not require the deposit of the performance guarantee until it is prepared to issue the permit. The local unit of government shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvement shall be made as work progresses.
3. Platting and Subdividing - If any person, form of corporation intends to offer for sale more than four (4) lots, it shall be required that such person, firm or corporation shall have sure property platted and subdivided, and have it approved and registered with the Township Board and such authorities or commissions as may be required. The Township Board shall require a statement to the effect that the Township shall be free of any expense to the Township for improvements, such as building sidewalks and roads and construction of any essential public services on such platted area of subdivision prior to accepting and approving such subdivision and shall cause agreement to be properly recorded therewith.

# ARTICLE IX

## PLANNED UNIT DEVELOPMENT

### **Section 9.01 Planned Unit Development (PUD)**

A PUD shall be an area of minimum contiguous size, as specified by Ordinance. Planned and developed as a single entity, containing one or more residential clusters or planned unit residential developments. Also one or more public, quasi-public, commercial or industrial areas in such ratios of nonresidential uses as shall be specified in the Ordinance. The PUD shall be in accordance with the ZEA 125.3503, Sec. 503, upon an application obtained through the Zoning Administrator.

### **Section 9.02 Purpose**

The purpose of these PUD provisions is to permit and encourage design flexibility within certain specific zoning districts of this Ordinance through use of the Special Land Use Permit procedures. The PUD technique as described in this Ordinance will enable both developers and Koylton Township officials to propose, review, and agree upon site plans which integrate housing circulation networks, nonresidential facilities and open space/recreational areas which are compatible with the natural environment.

### **Section 9.03 Uses Permitted**

Uses Permitted shall be in accordance with Section 8.10, 1. No use will be permitted in a PUD that is not permitted in the zoning district in which the PUD is purposed.

### **Section 9.04 Application and Approval Procedures**

The following procedures shall be used for the review and approval of a PUD application.

1. Prior to the submittal of a PUD Special Land Use Permit application, the applicant is encouraged to informally meet with the Zoning Administrator to inform township officials of the general intentions and to give the applicant detailed information on the required procedures for such a permit application. At this pre-application conference, the applicant should provide the Zoning Administrator with two (2) copies of a concept plan for the proposed PUD. This concept plan should include information on the types and placement of residential structures, utilities and public facilities, and recreational facilities: minimum lot sizes; densities; landscaping and environmental treatment: pedestrian and vehicle circulation; the compatibility of the proposed development with surrounding uses; financing of the project; and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed project. The Zoning Administrator shall keep on file documentation signed by the prospective applicant, of any pre-application conference. Following this pre-application conference, the Zoning Administrator shall present the concept plan to the Koylton Township Planning Commission at their next regular public meeting for their information and review.
2. In a Preliminary Plan following a pre-application conference, if any, the applicant shall submit a plan for the PUD in accordance with Section 8.10 of the Ordinance and as outlined below.
  - A. General requirements for the Preliminary Plan
    - (1.) A statement of the objectives of the PUD, including physical, social, and economic considerations.
    - (2.) A schedule of development, including phasing of residential, public, and open space/recreation areas.
    - (3.) Future selling and/or leasing intentions and accompanying management techniques.
    - (4.) A tabulation of the land area percentages (by land use type) for residential, public, utility, and open space/recreation areas.

- (5.) Any additional information that has been gathered by the developer that would be useful in giving the Planning Commission a description of the proposed project.
  - B. Graphic Requirements for the Preliminary Plan. Preliminary plan shall contain a base map with topographic identification ( using a minimum of five (5) foot contour intervals or less if the Planning Commission determines that the site conditions require more detail) plus important environmental features (including, but not limited to water bodies, surface drainage, vegetation and soils). It shall also contain additional maps identifying:
    - (1.) Proposed lot lines and the location and floor areas of proposed buildings.
    - (2.) Existing and proposed pedestrian and vehicular circulation routes and off-street parking areas.
    - (3.) Existing and proposed utility systems.
    - (4.) Areas to be dedicated for open space and/or public use.
    - (5.) Plans of proposed landscape work.
    - (6.) General descriptions of architectural and landscape elements within the proposed land use development.
  - C. Additional Requirements for the Preliminary Plan, if requested by the Planning Commission.
    - (1.) Information on the projected demand for the development to determine the feasibility of the proposed land use development.
    - (2.) Detailed information on the development's impact on soils, surface and groundwater, existing vegetation, wildlife, and other natural features of the site.
  - D. The Preliminary Plan shall be submitted to: the Zoning Administrator and the Planning Commission by the applicant when all necessary requirements have been met. The Zoning Administrator shall present all material submitted by the applicant to the Planning Commission at their next regular public meeting. The Planning Commission shall then have 30 days from the date of the public meeting, to solicit the comments/recommendations from Planning Commission, County Soil Conservation District Service, County Community Health Department, County Drain Commissioner, and County Road Commission.
  - E. The Planning Commission shall review the preliminary Plan and advise the applicant of any changes that are required. A formal response shall be given to the applicant on the preliminary plan, including all comments and recommendations of the Planning Commission.
3. Final Plan. Once the applicant has be advised of the comments and recommendations on the preliminary plan, the applicant must submit a final plan to the Planning Commission within nine (9) months. The final plan shall include all modifications from the preliminary plan, any additional necessary or pertinent legal documents, and detailed drawings or plans of elements which were presented. At this time the applicant must also submit a Formal Application for a Special Land Use Permit as outline in 8.10, 2.
- A. The Zoning Administrator shall assist and upon receipt of the appropriate fees, advise the Planning Commission to cause a Public Hearing to be held on the applicant's behalf as directed by the Planning Commission Chairperson..
  - B. At the public hearing, information obtained prior to and at hearing shall receive inclusion and review for consideration and decision by the Planning Commission.
  - C. The Planning Commission decision and recommendation(s) to the Koylton Township Board shall be rendered within forty-five (45) days of the application.
  - D. If the final plan or Special Land Use request is disapproved by the Planning Commission, reasons for the denial shall become part of the public record and shall be presented to the applicant in written form 15 days prior to the next Koylton Township Board meeting.



4. Modification to the Final Plan of the PUD. If it becomes necessary, due to unforeseen circumstances, to modify the approved final plan, the applicant shall submit, in writing, the situation regarding the need for modification, reasons for modification, and specifications of the proposed changes to the Zoning Administrator. The Planning Commission shall then, after being notified by the Zoning Administrator, review the proposed changes and solicit recommendations from the Zoning Administrator and the Planning Commission. The Planning Commission can approve the modification, propose alternative changes or disapprove (adhere to the approved final plan). In any event, the Planning Commission must ensure that the standards set forth in this Article are not violated by the purposed changes to the final development plan.

# ARTICLE X

## ADMINISTRATION AND ENFORCEMENT

### **Section 10.1 Zoning Administrator**

The provision of the Ordinance shall be administrated and enforced by a township Zoning Administrator appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as said board shall determine as reasonable. For the purpose of this Ordinance, he shall have the power of a police officer.

### **Section 10.02 Certification of Approval and Compliance**

1. No building of structure subject to the provisions of this Ordinance shall hereafter be erected, reconstructed, or moved on any premises until application for a land use permit has been filed with the Township Zoning Administrator on duplicate forms provided by the township, and the Zoning Administrator has approved a land use permit.
2. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions complies with this Ordinance and other applicable laws. The application shall be accompanied by a blueprint or pen and ink sketch to scale, showing the location and dimensions of the premises, the kind and location on the premises of the building or structure, including accessory building or structures under consideration, and the kind and location of the sewage disposal and water supply facilities.
3. Whenever the buildings, structures and uses, as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the owner an approved permit within five (5) days of the filing thereof. Where action of the Board of Appeals is required in any case, the Zoning Administrator shall issue such within seven (7) days of such action. In any case, where a permit is refused, the cause shall be stated in writing to the applicant.
4. Any approved Land Use Permit under which no work is done within six (6) months from the date of issuance shall expire by limitation; but shall be renewable upon reapplication and on payment of the original fee, subject, to the provisions of all Ordinance in effect at the time of renewal. All permits expire two years after issuance.
5. The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit, in the case of false statements or misrepresentation made in the application. The owner shall be notified by certified mail of such revocation.
6. For the Land Use Permit, the fee shall be set yearly by the Koylton Township Board. No permit shall be valid until the required fees have been paid. No separate fee shall be for accessory building or structures when application is made at the same time as the principle building or structure.
7. It shall be the duty of all architects, contractors and other persons having charge of erection, reconstruction or movement of a building or structure subject to the provisions of this Ordinance, before undertaking any such work to determine that a proper permit has been granted therefore; and all such persons performing any work in violation of the provisions of this Ordinance shall be deemed guilty of violation in the same manner and to the same extent as the owner of the premises.
8. All Complaints of the Koylton Township Zoning Ordinance shall be referred to the Zoning Administrator.
9. All land uses and construction activities shall conform with the provisions of the Ordinance and all applicable local, county, state and federal regulations. Prior to the issuance of a Building Permit, Land Use Permit, Certificate of Approval, Special Permit, or other permit required under this Ordinance, there shall be submitted to the Zoning Administrator approved permits in all cases where such permits are required. Including, but not limited to, driveway permit, septic tank permit, soil erosion and sedimentation control permit, floodplain permit, wetland permit, and all other permits required from local, County, state or federal agencies. Prior to the issuance of a Building Permit, Zoning Permit,

Special Use Permit, or other permit required under this Ordinance, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required, or applicable:

1. Driveway permit including approved culverts, where necessary, as approved by the County Road Commission or the Michigan Department of Transportation, as applicable.
2. Septic system permit approved by the County Health Department.
3. Soil erosion and sedimentation control permit from the County Building and Zoning Department.
4. Floodplain permit from the county Building and Zoning Department.
5. Wetland permit from the Michigan Department of Environmental Quality.
6. High risk erosion area permit from the Michigan Department of Environmental Quality.
7. Designated environmental area permit from the Michigan Department of Environmental Quality.
8. Bottom lands, shorelines or coastal wetlands permits from the U.S. Army Corps of Engineers.
9. Erection of tall buildings or structure within an airport approach zone, from the airport authority.
10. Other permits from local, county, state or federal authorities as pertinent such as transport, storage, use, and/or disposal of hazardous substances, waste or other materials.
11. Building permit addressing requirements of the State Construction Code Authority.

### **Section 10.03 Qualifications for Land Use Permit**

#### ***Before construction of any type contact the Zoning Administrator.***

1. Work which is estimated to cost less than \$1000.00, materials and labor, based on the approval of the Zoning Administrator, may not need a Land Use Permit.
2. If the cost is over \$1000.00 a Land Use Permit is needed before work starts.
3. Prior to Zoning Administrator issuing permit, each split of land must have a parcel number that has been placed on record with the Register of Deeds.
4. If a Land Use Permit is not issued by the Zoning Administrator before work is started, the violator will be fined double the fee.

## **ARTICLE XI**

### **PLANNING COMMISSION AND ZONING BOARD OF APPEALS (ZBA)**

#### **Section 11.01 Creation and Membership of Planning Commission**

There is hereby established a Planning Commission. The Planning Commission shall oversee and control the Koylton Township Zoning Ordinances. The Planning Commission is the Commission specified in Section 11 of Act 168 of Public Acts of 1959, and shall perform the duties of said commission as provided in the statute. The Planning Commission shall hold at least four (4) meetings per calendar year, and provide public notice of all such meetings. The Planning Commission shall have five (5) members, all of whom shall represent various segments of the Koylton Township community, including, without limitation, interest such as agricultural, recreation, public health, education, government, commerce, transportation and industry. All members shall be appointed for a term of three (3) years by the Koylton Township Board. No employee or contractor of the Township Board may serve as an employee or member of the Planning Commission. The term of members shall be staggered such that either one (1) or two (2) terms shall expire every year, such that one-third of the members of the Commission are appointed every year.

#### **Section 11.02 Creation and Membership of Zoning Board of Appeals**

There is hereby established a ZBA which shall perform its duties in such a way that the objection of this Ordinance shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of the following three (3) members:

1. The first member shall be the Chairman of the Township Planning Commission for the term of the office.
2. The second member shall be a member of the Township Board appointed by the Township Board for the term of the office.
3. The third member shall be selected and appointed by the Koylton Township Board from among the property owners residing in the Township of Koylton for a period of three (3) years.
4. A recording secretary shall be appointed by the ZBA chairperson for each appeal.

#### **Section 11.03 Appeal**

An appeal from the ruling of the Township Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be taken to the ZBA, within such time as shall be prescribed by said board by general rule. Such appeal may be taken by any person, firm or corporation, or by any officer, department, Board of Bureau of the township. The applicant shall file with the ZBA, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reserving, modifying, or affirming, wholly or in part, the decision of determination appealed from.

#### **Section 11.04 Meetings**

Meetings of the ZBA and/or the Planning Commission shall be held at the call of the Chairman thereof, and at such other times as the board may determine or specify in any rules which they may feel necessary. All hearings/meetings shall be open to the public. The ZBA and Planning Commission shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question and if any member is absent or fails to vote such fact shall be indicated in the minutes and the minutes of all such meetings shall be recorded in the office of the Township Clerk,

and shall be a public record. The concurring vote of a majority of the members of the board and/or commission, to effect any variation, the terms of this Ordinance, or to act affirmatively upon the request of any applicant shall be required.

### **Section 11.05 Stay**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA, after notice shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In which case the proceedings shall not be stayed, otherwise than by restraining order, which may be granted by the ZBA or by Circuit Court, on application, or notice of the Zoning Administrator and on due course shown.

### **Section 11.06 Fees for Appeal**

Fees shall be set by resolution by the Koylton Township Board. Said fee shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the Zoning Administrator shall forthwith hand over the Township Treasurer to credit of the General Fund of the Township of Koylton.

### **Section 11.07 Jurisdiction**

The ZBA shall in accordance with Article VI of the ZEA have the following powers and duties:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Ordinance.
2. In hearing and deciding appeals, the ZBA shall have authority to grant variances.
3. The ZBA shall have power upon appeal in specific cases to authorize such variation or modification of the use provisions of the Ordinance with such conditions and safeguards as it may determine. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
  - A. That there are exceptional and extraordinary circumstances or conditions applicable to the property involved.
  - B. That the granting of such variance or modification will not adversely effect the purposes or objectives of the Ordinance.
4. Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change the Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township of Koylton.

### **Section 11.08 Exercising Powers**

In exercising the above powers, the ZBA may reverse or affirm wholly or partly, may vary or modify the order, requirement, decision or determination as made.

### **Section 11.09 Miscellaneous ZBA**

No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a Land Use Permit for such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

However, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect it, a Land Use Permit for said erection or alteration is obtained within such period and such erection or alteration is needed for an extension of time.

## **ARTICLE XII**

### **ENVIROMENTAL PROCTECTION REQUIREMENTS**

To protect natural features, ground and surface waters from pollution, as defined in Article XII.

#### **Section 12.01 Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and after construction. All development within 500 feet of an inland lake or stream, or which proposes to expose more than a acre of soil shall obtain a Soil Erosion and Sedimentation Control Permit before undertaking land cleaning, top soil removal, tree cutting or development unless the activity is exempt under the Natural Resources and Environmental Protection Act, as it is for bonafide agricultural activities.

#### **Section 12.02 Land Divisions and Access Requirements**

1. All divisions/splits of land shall comply with the provisions of P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997, being the Land Division Act, State of Michigan as well as the Koylton Township Land Division Ordinance. Where land does not abut an existing public or private road or private easement, and a new access route is proposed, standards for the new access route(s) are noted below:
  - A. The legal description of the access route shall be recorded with the description of the new parcel(s);and,
  - B. Where new access roads cross a watercourse, drainage way, channel, or stream, bridge(s) or other structures providing access over such watercourse(s) shall be designed and constructed so as to permit use and provide access to emergency vehicles, i.e., firetrucks, ambulances, towtrucks, road maintenance equipment, etc.
2. All land divisions/splits of land will be reviewed to ensure that all new parcels and lots that are proposed to be created, meet the requirements of the Land Division Act, and minimum Zoning Ordinance requirements not only for lot frontage, depth and area, but also have enough buildable area for erection of a structure outside of a floodplain, wetland, and/or sensitive groundwater recharge area, where such lot is to be used for building purposes.

#### **Section 12.03 Surface Water Drainage**

Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in such a manner that it will not obstruct the flow of vehicular or pedestrian traffic, and will not puddle or freeze in paved areas. Run-off waters shall be detained or retained to remove sediments and to prevent erosion. Design of storm water managements measures should protect adjacent waters from runoff from developed areas as the result of 10 year storm events, unless the Drain Commissioner indicates a higher standard is necessary based on the characteristics of site and surrounding property. Low Impact Development standards shall be applied where reasonable and prudent.

#### **Section 12.04 Setbacks from Significant Natural Features**

1. A building set back of at least 25' with the setback area planted with sod-forming vegetation or covered by retaining naturally occurring vegetation, including shrubs and trees, is encouraged to be maintained along all watercourses, drains, water bodies and wetlands.

2. The building setback standard in subsection A above is required to be maintained by any land use receiving Site Plan approval pursuant to Section 8.10. Vegetation within the buffer strip may not be clear cut, plowed or graded, except as part of an official drain cleaning project.

## **Section 12.05 Groundwater Protection Standards**

The follow provisions shall apply only to Commercial Districts-C, Industrial Districts-I, Light Industrial Districts-LI, Planned Unit Developments, and those uses requiring a Special Land Use Permit:

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes. For facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds), the following information is required prior to receiving zoning approval:
  - A. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
  - B. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
  - C. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.
  - D. Delineation of areas on the site which are known as suspected to be contaminated, together with a report on the status of site cleanup.
2. Conformance with the following standards is required for facilities which use, store, or generate hazardous substances:
  - A. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
  - B. Secondary containment for above ground areas where hazardous substances are stored or used 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.
  - C. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
  - D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges shall be allowed without required permits and approvals.

**ARTICLE XIII**  
**PENALTIES**

1. Any building or structure which is in any period of construction alteration, or any use of land which is being altered which is in violation of any provisions of the Ordinance is hereby declared to be a misdemeanor. Any person, firm, corporation or other organization which violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision, shall be fined upon conviction not less than ten (\$10.00) dollars together with the cost of prosecution. Or shall be punished by imprisonment in the county jail, for not less than none (0) days nor more than ninety (90) days, for each offense or may receive both a fine and imprisonment as provided herein in the discretion of the court. Each and every day during which an illegal erection, alteration, maintenance or use continues shall be deemed as a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
  
2. The foregoing penalties shall not prohibit the township from seeking injunction relief against a violator or such other appropriate relief as may be provided by law.



**ARTICLE XIV**  
VALIDITY

This Ordinance and various parts, sections, subsection, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, 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, sections, subsections, phrases, sentences, or clause thereof even though any of such might be declared invalid.

## **ARTICLE XV**

### **DEFINITIONS**

- 15.001 Accessory buildings or Structures: A supplementary building or structure on the same premises as the main building or structure occupied by or devoted exclusively to an accessory use. This supplementary structure shall not be used for dwelling or lodging purposes, or sleeping quarters for human beings.
- 15.002 Adjacent Parcel: The parcel or parcels of land sharing a common boundary.
- 15.003 Adult and/or Juvenile Detention or Facilities: A prison, penitentiary, reformatory, house of correction, jail, or detention facility operated or leased by the Department of Correction or Department of Social Services, or other halfway houses, probationary camps, farms, shops, or places of employment operated by or under the supervision of the Department of Correction providing services to adult or juvenile criminal offenders.
- 15.004 Agriculture: The use of land for the growing and/or production of field crops, livestock and livestock products for the production of income including but not limited to the following:
- a. Field crops, including: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, and sunflower.
  - b. Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, alpacas, and other animals including dogs, ponies, deer, rabbits, and mink.
  - c. Livestock products, including: milk, butter, cheese, eggs, meat, fur, fleece, wool and honey.
- 15.005 Agricultural or Agricultural Purposes: means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- 15.006 Alterations: Any change, addition or modification to a structure type of occupancy, any change in the structural members of a building, such as decks, walls, or partition, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”
- 15.007 Animal Feed Lot: Any tract of land or structure wherein any type of fowl or the byproducts thereof are raised for sale at wholesale or retail, and any structure, pen or coral wherein cattle, horses, sheep, goats, and swine are maintained encloses quarters for the purposes of fattening such livestock before final shipment to market.
- 15.008 Apartment Building: A residential structure containing three (3) or more attached one (1) family dwellings.
- 15.009 Auto Repair Garage: A place where the following activities may be carried out for vehicle repair shall include: body repair, engine rebuilding or repair, undercoating, painting, upholstery work and auto glass work.

- 15.010 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 grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.
- 15.011 Bed and Breakfast Operations: Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling primarily to the traveling public.
- 15.012 Billboard: A structure or portion thereof designed or intended to be used for posting, painting or otherwise affixing any advertising sign. The advertising sign shall not pertain to the premises or to the use of the premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises. Permit required from the State of Michigan and all other public bodies or agencies.
- 15.013 Board, Zoning and Planning: The officially designated body of the Township enabled under Public Act 33 of 2008 as amended, with all the duties and powers prescribed therein.
- 15.014 Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by prearrangement for definite periods of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.
- 15.015 Breezeway: A roofed open passage connecting two buildings (as a house and garage) or halves of a building.
- 15.016 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.
- 15.017 Building Height: The vertical distance measured from the highest point of grade to peak.
- 15.018 Building Inspector: the Building Inspector or Official designated by the County Building Codes Department.
- 15.019 Building Line: A line formed by the face of the building, and for the purpose of the Ordinance, a building line is the same as a front setback line.
- 15.020 Building, Main: A building in which is conducted the principal use of the lot on which it is situated.
- 15.021 Buildings: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.
- 15.022 Clinic: An establishment where human or animal patients are admitted for examinations and treatment by a group of physicians, dentists, veterinarians, myomassologist or similar professionals.
- 15.023 Club: An organization of persons for special purposes.

- 15.024 Construction: The ongoing process or activity directed toward putting parts and materials together pertaining to a building or structure.
- 15.025 Convalescent or Nursing Home: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.
- 15.026 Covenant: A legal agreement between two or more people or entities regarding the use of land.
- 15.027 Day Care Center: A licensed facility receiving one or more preschool or school age children for care for periods of less than 24 hours a day.
- 15.028 Development: The construction of a new building or other structure on a zoned lot, the relocation of an existing building on another zoned lot, or the use of open land for new use.
- 15.029 Direct Access: Access not requiring trespass over adjacent property or rights-of-way.
- 15.030 District Area: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitation.
- 15.031 Drainage System: Any natural or artificial feature or structure used for the conveyance, drainage or storage of surface and/or underground water. Including, but not limited to: streams, rivers, creeks, ditches, channels, conduits, gullies, ravines, washes, lakes or ponds, and structures such as culverts, drainage tile, dams, bridges and water-storage basins.
- 15.032 Drive-In Restaurant: A business establishment, for the serving of food and/or beverages with driveways or approach so developed and designed so as to serve patrons while in the motor vehicle. Or to permit a patron self-service, so that consumption within motor vehicles may be facilitated.
- 15.033 Driveway: A private road or path for vehicle access to public road, which is wholly located on the parcel to which it provides access.
- 15.034 Dwelling, Farm: A single-Family dwelling located on a farm which is used or intended for use by the farm's owner or a person employed there on.
- 15.035 Dwelling Unit, Manufactured: A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.
- 15.036 Dwelling, Multiple-Family: A residential building designed for three or more families, with the number of families in residence, not exceeding the number of dwelling units provided.
- 15.037 Dwelling, Non-Farm: A single-Family dwelling located on a farm or otherwise which is not a farm dwelling.
- 15.038 Dwelling, Single-Family: A free-standing mobile or permanent structure used or intended for habitation by just one family.

- 15.039 Dwelling Unit, Site Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of pre-cut materials and penalized wall roof and floor section when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- 15.040 Dwelling, Two-Family: A residential building containing two (2) dwelling units, designed for occupancy but not more than two (2) families.
- 15.041 Dwelling Unit: A building, or a portion thereof, having cooking facilities, designed for occupancy by one (1) family for residential purposes.
- 15.042 Dwellings: Any building, mobile home, or structure or part thereof occupied as a home, residence and sleeping place of one or more persons, With the exception of motels, cabins and similar facilities offered to transients.
- 15.043 Easement: A legal right to use the property of another
- 15.044 Erected: Includes built, constructed, reconstructed, moved upon or any physical operations on the land required for building, excavations, fill, drainage, and the like shall be considered a part of erection.
- 15.045 Essential Services: The erection, construction, alteration, or maintenance of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxed, police call boxed, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, shall be permitted as authorized and regulated by law and other Ordinances of the Township of Koylton.
- 15.046 Excavation: Any breaking of ground except: common household gardening, ground care, or agriculture use.
- 15.047 Farm: All the platted, contiguous, neighboring or associated land operated as a single unit, on which a bonafide farming operation 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. Furthermore, orchards, hatcheries, licensed aqua culture, and similar specialized agricultural enterprises may be considered as farms.
- 15.047a Non-Farm: Establishments keeping fur-bearing animals, game or operated as fish hatcheries, dog kennels, stockyards, slaughter houses, stone quarries, gravel or sand pits or the removal and sale of tops soil fertilizer works, bone yard, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, junk or offal shall not constitute a farm hereunder.
- 15.048 Farm Building: Any building or accessory structure other than a farm or non-farm dwelling which is used in a farming operation. Including but not limited to, a barn, granary, silo, farm, implement storage building, or milk house.

- 15.049 Feedlot: A confined area or structure used for feeding, breeding, or holding livestock for eventual sale, in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation.
- 15.050 Fence: A structure at least three (3) feet high.
- 15.051 Flaglot: means a parcel or tract of land which is developed under the conditions of this ordinance, which is accessed by a contiguous strip of land for the purposes of ingress and egress from a public right of way, is a minimum of 66 feet in width and provides adequate on-site access as determined by the applicable emergency service departments.
- 15.052 Flood Plains: Areas subject to overflow by the highest expected flood water level.
- 15.053 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 the basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- 15.054 Floor Area, Usable: (For the purposes of computing parking.) Is all ground and non ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers, such floor area which is used or intended to be used principally for the storage of processing of merchandise, or for utilities, shall be excluded from this computation of ' Usable Floor Area'. For purpose of computing parking for those uses not enclosed within a building, the area used for sale of merchandise, display of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.
- 15.055 Forest Industry: The operation associated with planting cultivation, harvesting, sawing, curing, milling, chemical treating, storage, and staging. Also the transporting of free, logs, timber, lumber and their non manufactured by products.
- 15.056 Foster Care: The State licensed provision of supervision, personal care, and protection in addition to room and board, for 24 (24) hours per day, five (5) or more days per week and for two (2) or more consecutive weeks of compensation.
- 15.057 Free-standing: A structure solely for that purpose and not attached to a building other service structure.
- 15.058 Full Foundation: A wooden, poured, or block wall placed on concrete footings that are 42" below grade, extending the entire perimeter of the unit.
- 15.059 Garage: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, house trailers, and similar vehicles owned and used by the occupants of the building which it is accessory.
- 15.060 Garage, Public: Any garage available to the public, operated for gain. Used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

- 15.061 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, convenience items, and services for motor vehicles, not including major automobile repair.
- 15.062 Grade: The highest of ground contacting any portion of a basement or foundation of a dwelling.
- 15.063 Greenbelt: An area 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.
- 15.064 Hearing: An advertised open public meeting at which comments and ideas are solicited from the public.
- 15.065 Health Care Facility: A licensed facilities or institution, whether public or private, principally engaged in providing health services.
- 15.066 Health Club: A commercial establishment offering products and/or services related to health , including tanning salons, weight reduction centers, massage therapy, weight and exercise training facilities.
- 15.067 Health Club: A commercial establishment offering products and/or services related to health , including tanning salons, weight reduction centers, massage therapy, weight and exercise training facilities.
- 15.068 Historic Site: Structure or area of land or water of historic, archaeological, paleontological, or architectural value which has been land marked, by the Michigan Historical Society or by a local governmental unit.
- 15.069 Home Occupation: A professional or business service or handicraft product offered to the public situated entirely with a dwelling which utilized no more than twenty-five (25) percent of floor area and which utilizes no more than two (2) employees outside the members of the family occupying the premises. There shall be no externally visible display of stock, goods, or facilities relating to the occupation; and not more than one (1) non-illuminated name plate not exceeding four (4) square feet in area containing the name and occupation displayed.
- 15.070 Home Section or Component: Several building components meeting the International Conference of Building Officials "Uniform Building Codes," factory fabricated, and transported to the home site where they are put on a permanent foundation and joined to make a complete dwelling.
- 15.071 Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty (60) years of age or older, or couples where either spouse is sixty (60) years of age or older. This does not include a foster care home, home for the aged, nursing home, or convalescent home.
- 15.072 Horticulture: The use of land for the growing or production for income of fruits; vegetables; flower; nursery stock, including ornamental plants and trees; and cultured sod.

- 15.073 Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, and/or meeting rooms.
- 15.074 Industrial Park: A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.
- 15.075 Irrigation System: Any structure or equipment, mechanize or other, used to supply water for commercial, agriculture, or horticulture. Including but not limited to; wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.
- 15.076 Junk: For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals, materials that are damaged, deteriorated; or vehicles or machines in a condition which precludes their use for the purpose of which they were manufactured.
- 15.077 Junk Yard: An 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 open area of more than 200 square feet for storage, keeping, or abandonment of junk. See also the Junk Yard Ordinance.
- 15.078 Kennel, Commercial: Any lot or premises on which more than four (4) dogs or other household pets are either permanently or temporarily boarded or sold for remuneration.
- 15.079 Kennel, Non-Commercial: Any lot or premises on which four (4) or more dogs or other household pets are either permanently or temporarily boarded.
- 15.080 Lake: A lake is a body of water of considerable size, 5 acres or more, surrounded by land.
- 15.081 Land Split: Surveyed actions that divide a parcel into smaller parcels.
- 15.082 Land Use Permit: A document issued by the Zoning Administrator certifying that an individual is operating in accordance with the Zoning Ordinance and giving them the right to proceed with securing a building permit as long as the action is as stated on the permit.
- 15.083 Livestock: Animals used for human food and fiber or animals used for service to mankind.
- 15.084 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 unloading merchandise or materials.
- 15.085 Lodging House: Primarily a family dwelling where lodging with or without meals furnished, on a weekly or monthly basis to three or more persons.
- 15.086 Lot: A parcel of land occupied, or which could be occupied, by a main building or a group



of buildings and accessory buildings. Utilized for the principal use and /or uses accessory thereto, together with such open spaces which are required under the provisions of this Ordinance.

- 15.087 Low Impact Development (LID): An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems, water quality and reduce infrastructure costs.
- 15.088 Main Building: A building which conducts the principal use of the lot upon which is situated.
- 15.089 Manufactured Home: A residential structure that is assembled in a factory and moved to the site.
- 15.090 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. This includes any unit or part of such plan, and any amendment to such plan or parts thereof.
- 15.091 Medical Marijuana Facility: A facility where a primary caregiver grows, cultivates, stores, dispenses or offers medical marijuana for sale to qualifying patients in accordance with MMMA of 2008.
- 15.092 Medical Marijuana Qualifying Patient: A “Qualifying Patient” shall:
1. Be a resident of this the State of Michigan, a person who has been diagnosed by a licensed physician as having a debilitating medical condition or a “Visiting Qualifying Patient” who is not a resident of this state or who has been a resident of this state for less than 30 continuous days.
  2. Shall have “Written certification” on a document signed by a physician, stating the patient’s debilitating medical condition opinion and stating that, in the physician’s professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the debilitating medical condition or symptoms associated with the debilitating condition.
  3. Shall have an issued “ Registry Identification Card” that identifies them as a registered qualifying patient.
- 15.093 Medical Marijuana Registered Caregiver: Shall be a person:
1. Who is at least 21 years old and who has agreed to assist with a patient’s medical use of marijuana.
  2. Who has never been convicted of a felony involving illegal drugs.
  3. Shall have an issued “ Registry identification card: that identifies them as a registered primary caregiver.
- 15.094 Medical Marijuana Registry Identification Card: A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marijuana shall have the same force and effect as a registry identification card issued by the Michigan Department of Community Health.

- 15.095 Mini-Warehouse (Self-Storage Facility): A facility consisting of a building or a group of buildings in a controlled-access compound, that are rented out to tenants for customers' goods and wares.
- 15.096 Mobile Home: A detached residential dwelling unit designed for transportation, after fabrication, on its own wheels and arriving at the site where it is to be occupied.
- 15.097 Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential use.
- 15.098 Module or Sectional or Panel Home: A fabricated transportable building unit designed to be incorporated on a building site onto a structure on a permanent foundation to be used for residential uses.
- 15.099 Motel: A series of attached, semi-detached or detached rental units containing bedrooms, bathroom, and closet space. A unit shall provide overnight lodging and is offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.
- 15.100 Non-Conforming Use (or building): A nonconforming use (or building) is one that met the requirements of the Zoning Ordinance when it was established, but no longer complies with a new or amended regulation in the Ordinance.
- 15.101 Nursing Home: A nursing care facility, including a country medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.
- 15.102 Owner: Shall mean any person, or persons, natural or corporate, owning a legal or equitable title to the land.
- 15.103 Off-Street Parking Facility: 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 more than three (3) vehicles.
- 15.104 Parcel: A separate area of land, including a lot, having specific boundaries and capable of being conveyed and recorded.
- 15.105 Parent Parcel: Any parcel in existence prior to 1998.
- 15.106 Parking Space: An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access there to, and shall be fully accessible for the storage or parking of permitted vehicles.
- 15.107 Permit: A legal form provided by a governmental unit.
- 15.108 Planned Unit Development (PUD): Land development process to achieve integration of a land development project.

- 15.109 Plat: A map or chart of the subdivision of land.
- 15.110 Pond: A body of water either naturally formed or man made consisting of five (5) acres or less.
- 15.111 Porch: An area, usually covered by a roof, adjoining a dwelling unit, used for outdoor activity.
- 15.112 Portable Structure: The method of construction which allows for the movement from place to place of the structure.
- 15.113 Principal Use: The main use to which the premises are devoted, and the principal purpose for which the premises exist.
- 15.114 Private Road: A road which is not maintained by the Tuscola County Road Commission and which serves more than one(1) residential building sites and is not part of a subdivision created under Public Act 288, P.A. 1967, Public Act 591 of 1996, and Public Act 87 or 1997.
- 15.115 Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish, under Federal, State, or Municipal regulations to the public, such services as: gas, steam, electricity, sewage disposal, communications, telegraph transportation or water.
- 15.116 Quarter/Quarter Section: The northeast, northwest, southwest, or southeast quarter of a quarter section delineated by the United States government system of land survey and which is exactly or nearly 40 acres in size.
- 15.117 Recreational Area: A parcel which may include water bodies and incidental buildings to be used or intended for active or passive recreation, including, but not limited: to parks, playgrounds, golf courses, hunting preserves, nature trails, bridle paths, beaches, campsites, ski and snowmobile trails, canoe routes; and similar unenclosed activity areas.
- 15.118 Recreational R.V. Park: A parcel or tract of land under the control of a person on which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters recreational units.
- 15.119 Recreational Vehicle: A vehicle intended for recreational use which moves one (1) or more persons over the ground, air, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled.
- 15.120 Recycle Facility: A facility for the collection and temporary storage of used recyclable materials.
- 15.121 Refuse Facilities (Containers): The metal structures used for the disposal of solid waste, garbage, etc.
- 15.122 Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

- 15.123 River: A considerable natural stream of water flowing in a definite course or channel.
- 15.124 Road: A public thoroughfare, without limitation.
- 15.125 Service Business: A business oriented to the personal service needs of persons on a daily basis, such as barber and beauty shops, dry cleaners and similar uses.
- 15.126 Service Station: A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to public on premises; including sale of minor accessories and services for automobiles.
- 15.127 Setback: The distance required to obtain front, side, or rear yard open space provisions of the Ordinance.
- 15.128 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 located
- 15.129 Significant Natural Feature: A natural area as designated by the Planning Commission, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features.
- 15.130 Solar Energy Devices: A mechanism or series of mechanisms designed primarily to collect, convert, and transfer or store solar energy for future use.
- 15.131 Special Land Uses: Activities that require a review and recommendation by the Koylton Township Planning Commission and then approved by Township Board before the use is permissible, are of two (2) types:
1. Those uses which are unique because of peculiar characteristics which require detailed study in order to determine their effect on the public welfare and possible injury to adjacent property, even though the use will take place in an otherwise appropriately zoned district.
  2. Those uses which, though not designated for the specific district, are not incompatible with the activities of the district.
- 15.132 Stream: A small, usually regular, natural flow of water.
- 15.133 Subdivision: The partitioning or dividing of a parcel or track of land, by owner for the purpose of sale or lease, and whose activity is in full compliance with the current state statutes for the subdividing or division of land.
- 15.134 Tavern (Bar, Lounge): An establishment licensed to sell alcoholic beverages to patrons for consumption on the premises.
- 15.135 Temporary Use or Temporary Building: A use or building permitted by the Township to exist during a specified period of time.

- 15.136 Travel R.V. Or Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreational and/or vacation uses.
- 15.137 Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
- 15.138 Variance, Non-use: A departure from the provisions of the Zoning Ordinance relating to setbacks, side yards, frontage requirements, lot size, parking, signage, and other requirements of the applicable zoning district.
- 15.139 Variance, Use: A variance granted for a use or structure that is not permitted in the applicable zoning district.
- 15.140 Variance (Zoned Land Use): A modification of the literal interpretation of the Ordinance. It is granted when strict enforcement would cause undue hardship owing to circumstances, unique to the individual property, on which the variance is granted. The crucial points of a variance are undue hardship, and unique circumstances applied to the use of real property. A variance is not justified unless these elements are present in the case. A variance may be authorized by the Zoning Board of Appeals.
- 15.141 Waste Disposal: Includes recycling plant, scrap metal storage, settling ponds, and includes operations oriented toward the processing, storage or burial of waste.
- 15.142 Wind Energy: A method of utilizing naturally occurring wind to mechanically produce electrical energy by means of turning a electrical generating unit.
- 15.143 Wireless Communication Antenna (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antennas, satellite antennas, those which receive video programing, services via multi-point distribution services, which are one (1) meter (39 inches) or less in diameter in those which receive television broadcast signals.
- 15.144 Wireless Communication Facilities (WCF): All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham, amateur radio facilities, and satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition.
- 15.145 Wireless Communication Support Facilities (WCSF): A monopole, guyed, or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

- 15.146 Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:
1. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
  2. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
  3. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
- 15.147 Zoning Administrator: Official designated by the Township Board to administer and enforce the provisions of the Zoning Ordinance.
- 15.148 Zoning District: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements are established by this Ordinance.

# **Koylton Township Additional Ordinances**

# **ABANDONED VEHICLE ORDINANCE**

Koylton Township  
Tuscola County, Michigan

## **PREAMBLE**

An Ordinance to provide for the elimination of the parking and storage of certain vehicles.

## **ARTICLE I**

### **Section 1.**

That automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residential zoned property other than in a completely closed building.

### **Section 2.**

Any person, firm, or corporation which violates, neglects, or refuses to comply with any provisions of this Ordinance shall be fined upon conviction thereof not more than \$100.00 together with the costs of prosecution or shall be punished by imprisonment for not more than 90 days, per each offense, or may be both fined and imprisoned at the discretion of the Court.

Each day during which the violation continues, shall be deemed a separate offense. The imposition of any sentence shall not exempt any offender from complying with the provisions of this Ordinance.

## **ARTICLE II**

This Ordinance became law and took effect 30 days from date of publication.

The forgoing instrument was adopted at a regular meeting of the Koylton Township Board on the 13th day of September 1973.

James Clothier, Township Supervisor  
Winford Groner, Clerk



# **JUNK YARD ORDINANCE**

Koylton Township  
Tuscola County, Michigan

## **PREAMBLE**

An Ordinance to provide for the establishment, general operation, and to promote health, safety, morals and general welfare in the Township.

## **ARTICLE I**

### **Definition**

Scrap Materials, Waste and Junk Yard: A place where junk, waste, and scrap materials are sold, exchanged, stored, baled or packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A salvage, scrap materials, waste, and junk yard includes automobile wrecking yards and two or more inoperative, unlicensed vehicles shall be construed to be a salvage, scrap, materials, waste and junk yard.

## **ARTICLE II**

### **Compliance**

#### **Section 1:**

Proposed Junk Yard Application will come under Section 8.10 – Land Uses by Special Permit of the Koylton Township Zoning Ordinance.

#### **Section 2:**

All salvage, scrap materials, waste and junk yards should preferably be located in an industrial zone. Minimum size to be 5 acres. A solid fence or wall at least 10 feet in height and said shall be set back at least 50 feet from all property and street lines except in the case of residential areas where a 100 foot set back will be required. No stored materials shall be stacked above the height of the solid fence or wall.

#### **Section 3.**

A performance guarantee will have to be posted by the concerned parties when making application. The amount of the guarantee will be set annually by the Koylton Township Board according to the MCL 445.451.

## **ARTICLE III**

### **Penalties**

Any person, firm or corporation which violates, neglects, or refuses to comply with any provisions of the Ordinance shall be fined upon conviction thereof not more than \$100.00 together with the cost of prosecution or shall be punished by imprisonment for not more than 90 days, per each offense or may be both fined and imprisoned at the discretion of the Court.

Each day, during which the violation continues, shall be deemed a separate offense. The imposition of any sentence shall not exempt any offender from complying with the provision of the Ordinance.

## **ARTICLE IV**

This Ordinance became law and took effect 30 days from date of publication.

The foregoing instrument was adopted at a regular meeting of the Koylton Township Board on the 8th day of November, in the year 1979.

Terry F. Boyne, Township Supervisor  
Winford Groner, Clerk

# **TOWNSHIP OF KOYLTON**

Tuscola County, Michigan  
Granted to the Detroit Edison Company  
July, 1983

## **Section 1:**

Permission is hereby granted to the Detroit Edison Company, a Michigan corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Koylton, Tuscola County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission, transforming and distribution of electricity for the public and private use, subject, however, to all conditions and restrictions, hereinafter contained.

## **Section 2:**

The conditions of the foregoing grant are as follows:

1. The grantee shall do no injury to any street, highway, alley or other public place, or to any shade trees, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation.
2. The trimming of trees when necessary to make the lines safe and accessible, shall be done in compliance with all existing governmental laws, Ordinance, rules and regulations.
3. The construction of the said lines shall be in accordance with the rules and regulations of the Michigan Public Service commission or its successor.
4. The said grantee, before entering upon any street, highway, alley or other public place for the purpose of erecting and construction any poles, wires, pipes, mains, conduits, or other apparatus shall notify the Township or its representatives of the proposed construction, and shall, if the Township so requires, file with them a sufficient plan and specification, showing the nature and extent of the proposed erection and construction.
5. No street, highway, alley or public place shall be allowed to remain open or encumbered by the construction work of the said grantee for a longer period than shall be necessary to execute the said work, and the grantee shall at all times conform to all Ordinance of the Township, now or hereafter in force, relative to the fencing and lighting of obstructions and excavations.
6. The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrong doing or negligence of the said grantee in the erection and maintenance of said poles, mains, wires, and other apparatus or construction.
7. Said grantee shall make due provisions upon five (5) days notice in writing by raising its wires or otherwise, for the passage of any barn, building or other structure on or over any street, highway, or public place occupied by the poles, mains, wires, and other apparatus of said grantee.

## **Section 3:**

In consideration of the granting of this franchise, grantee agrees that its rates and charges for electric service in the Township of Koylton shall not exceed its rates and charges for like service elsewhere in its service area, as evidence by its uniform rate schedules at the time on file with and approved by the Michigan Public Service Commission. It is understood that the grantee is subject to regulation by the Michigan Public Service Commission and that any order, rule, or regulation by that Commission, or its successor, will prevail over any regulation herein contained or provided for in case of conflict.

**Section 4:**

This grant shall take effect, if said grantee shall, within fifteen (15) days from the date of the passage of this Ordinance, file with the Township Clerk its written acceptance of the terms of the same, and upon the confirmation of this grant, by the affirmative vote of a majority or the electors of said Township voting on the franchise at a special election to be held on Tuesday the 13th day September, 1983, as provided for by the Statutes and the State Constitution.

**Section 5:**

This Franchise and Ordinance shall be and remain in force for thirty (30) years after from and after the date of its confirmation by the electors of the Township of Koylton, Tuscola County, Michigan.

**Section 6:**

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

Dated the 14th day of July, 1983.

Terry Boyne, Township Supervisor  
Winford Groner, Township Clerk  
Ruth Beltz, Township Treasurer  
Allene McLaughlin, Trustee  
John Huhn, Trustee

**NOISE ORDINANCE**  
Koylton Township  
Tuscola County, Michigan

PREAMBLE

An Ordinance prohibiting unnecessary noises within the Township of Koylton.

**ARTICLE I**

**Section 1:**

It is found and declared that:

1. The making and creation of loud, unnecessary or unusual noises within the limits of the Township of Koylton is a condition which has existed for some time and the extent and volume of such noises is increasing.
2. The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Township of Koylton.
3. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter, contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Township of Koylton and its inhabitants.

**Section 2:**

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Township of Koylton.

**Section 3:**

It shall be unlawful for any person or persons to knowingly assist, abet, allow, permit or encourage any other person or persons to make, continue, or case to be made or continued any loud noise which either disturbs, injures or endangers the comfort, repose, health peace or safety of others, within the limits of the Township of Koylton.

**Section 4:**

The following acts among others, are declared to be loud, disturbing noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive namely:

1. Horns, signaling devices, etc: The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Township except as a danger warning. The creation by means of any such signaling device of any unreasonable loud or harsh sound, and the sounding of any such device for any unnecessary and unreasonable period of time. The use of any signaling device except on operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust, and the use of any such signaling device when traffic is for any reason held up.

2. Radios, Phonographs, etc: The using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
3. Loud speakers, Amplifiers for advertising: The using, operating or permitting to be placed, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
4. Yelling, Shouting, etc: Yelling, shouting, hooting, whistling, or singing on the public street, particularly between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m. or at any time or place so as to disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
5. Steam Whistles: The blowing of any locomotive steam whistles attached to any stationary boiler except to give notice of the time to begin or stop work, as a warning of fire or danger, or upon request of proper city authorities.
6. Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
7. Defect in vehicle or load: The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
8. Tire screeching: Intentionally or by the immoderate operation of a motor vehicle to cause the tire to screech.
9. Loading, Unloading, Opening boxes: The creation of a loud and excessive noise in connection within loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
10. Schools, Courts, Churches, Hospitals: The creation of a loud and excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital which unreasonably interferes with the functions of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
11. Hawkers, Peddlers: The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
12. Drums: The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale.
13. Metal rails, Pillars and Columns, Transportation thereof: The transportation of rails, pillars, or columns of iron, steel or other material over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

14. Pile Drivers, Hammers, etc: The operation between the hours of ten o'clock (10:00) 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 appliance, the use of which is attended by loud or unusual noise.
15. Blowers: The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

### **Section 5 Penalties:**

The person or persons who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$250.00 first offense, \$500.00 second offense including court costs, or by imprisonment.

### **Section 6 Separability:**

It is the intention of the Township of Koylton that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Township of Koylton that if any provisions thereof shall remain valid and enforceable.

### **Section 7 Effective Date:**

This Ordinance became effective after publication and expiration of the time prescribed by law.

This Ordinance 992 was adopted on November 9, 1992 and took effect immediately.

Albert Ruggles, Koylton Township Supervisor  
James Borek, Koylton Township Clerk

# **BLIGHT/DANGEROUS BUILDING ORDINANCE**

## Koylton Township Tuscola County, Michigan

An ordinance to regulate blight, blighting factors, and dangerous buildings; to provide an evaluation procedure; to repeal any other ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

### **Section 1. Title**

This ordinance shall be known and cited as the Koylton Township Blight/Dangerous Buildings Ordinance.

### **Section 2. Purpose**

The purpose of this ordinance is to regulate blight, blighting factors, dangerous buildings, and to provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards of evaluation and implementation of this blight/dangerous buildings Ordinance within the Township.

### **Section 3. Definitions**

1. Blight Structure: Any Structure or part of a structure which is in deteriorating condition which causes blighting influence on passersby or adjoining property due to one or more of the following:
  - A. Because of any natural cause or failure to maintain is no longer useful for the purpose for which it was originally intended; or
  - B. Because a non-farm structure is not weather tight, waterproof, vermin proof, or structurally sound for use; or
  - C. Because a structure is partially completed, whether being constructed under an expired building permit, or not; or
  - D. Because of other conditions which may include, but are not limited to, loose shingles, excessive peeling paint, crumbling stone, broken glass, and others as determined by the township enforcement officer.
2. Dangerous Building:
  - A. Any building or structure which has any of the following defects or is in any of the following conditions: wind, flood or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Township utilized Building Code for a new building or similar structure.
  - B. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to weather than is required by the Township utilized Building Code.
  - C. Whenever the building or structure or any part, has been structurally weakened because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion of the building or structure.
  - D. Whenever for any reason whatsoever the building or structure or any portion is unsafe for the purpose for which it is used.
  - E. Whenever any dwelling becomes vacant, dilapidated and open at a door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
  - F. An exposed basement or similar large hole that could present a danger is left on the site.
3. Deteriorating conditions may include, but are not limited to having broken glass.



4. Building Material: Items which are commonly used in the construction or repair of structures. These items may include, but are not limited to,,: lumber, brick, concrete, cinder block, plumbing material, electrical wiring or equipment, heating or cooling ducts or equipment, or roofing materials.
5. Enforcement Officer: The Township Zoning Administrator, or such person hired by the township board to enforce the zoning ordinance.
6. Junk: See Definitions in Koylton Zoning Book dated May 1999.
7. Junk Automobiles: Shall include any motor vehicle, exposed to public view, without current license, or inoperable for the reason it was originally intended for a period of more than 30 days.
8. Person: Any natural person, firm, association, partnership, limited liability

#### **Section 4. Cause of Blight or Blighting Factors**

Except as may be permitted by holding of a specific license, or other ordinance, it is hereby determined that one or more of the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods, and no person, firm or corporation of any kind shall maintain or permit to maintain any of the following causes of blight or blighting factors upon any property in the Township of Koylton owned, leased, rented, or occupied by such person, firm, or corporation.

1. No property shall be used for the storage or accumulation of junk, trash, rubbish or refuse, or other castoff material of any kind whether or not the same could be put to any reasonable use.
2. In any area the existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling or useful for any other purpose must be disposed of within one year.
3. Exposed storage of building materials for a period more than reasonably necessary for the immediate use of said materials.

#### **Section 5. Blight and Blighting Factors – Enforcement and Penalties**

The Township Zoning Administrator shall determine, in conjunction with existing county building code officials, and other contracted professionals, as required, whether specific conditions meet the requirements of this ordinance. This section shall be enforced by the Enforcement Officer, as so designated by the Township of Koylton. The owner and the occupant, if not one in the same, of any property upon which any of the causes of blight or blighting factors set forth in Section 4 hereof is found to exist shall be notified in writing by the Township of Koylton to remove or eliminate such causes of blight or blighting factors from such property. The owner must respond to the Township of Koylton within 15 days after the serving of the notice upon said person. Such notice may be served personally or by registered mail, return receipt requested. Additional time may be granted by the enforcement officer where actual efforts to remove or eliminate such causes of blight or blighting factors are in progress. Failure to comply with such notice by the owner within the time allowed pursuant to this ordinance shall constitute a violation of this section. Violation of this section shall be punishable upon conviction thereof by a fine not to exceed \$500.00 or by imprisonment not exceeding 90 days or by both such fine and imprisonment in the discretion of the court.

#### **Section 6. Dangerous Building - Enforcement and Penalties**

The Township Zoning Administrator shall determine, in conjunction with existing county building code officials, and other contracted professionals, as required, whether specific conditions meet the requirements of this ordinance.

This section shall be enforced by the Enforcement Officer, as so designated by the Township of Koylton.

1. Notice Information

- A. Whenever the Township Zoning Administrator determines that the whole or part of any building or structure is a dangerous building as defined in Section 3-B, the Township Zoning Administrator shall issue a "Notice of the Dangerous and Unsafe Condition. "
- B. Such notice shall be directed to each owner or party of interest in the building in whose name the property appears on the last local tax assessment record.
- C. All notices shall be in writing and shall be served upon the owner or party of interest directly and personally, or in lieu of personal service may be mailed by certified mail-return receipt requested. Notice addressed to the owner or party of interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. A copy of the notice shall be posted upon a conspicuous part of the build or structure.
- D. The Township Zoning Administrator shall immediately with the Planning Commission a copy of the notice of the dangerous and unsafe condition.
- E. The notice shall specify the time and place of a hearing to be held before the Planning Commission on the condition of the building or structure, at which time and place of the person or persons to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

## 2. Hearing Information

- A. The Planning Commission shall take testimony from the Township Zoning Administrator, the owner of the property, and any interested party or other witness. The Planning Commission shall render its decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
- B. If it is determined by the Planning Commission that the building or structure should be demolished or otherwise made safe, or basement or hole filled-in and graded to the contour of the site, it shall be so ordered, fixing a time in order for the owner or party of interest to comply no longer than Ten (10) days after the date of the determination hearing.
- C. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Planning Commission shall file notice with the Township Board. A true and exact copy of all information shall accompany a request that that the Township Board duly give notice to all involved, schedule a hearing on the matter. The opportunity to show cause and give testimony prior to the Township Board decision being either to approve, disapprove or modify the order for the demolition or making safe of the building or structure.
- D. The cost of demolition or making the site safe shall be a lien against the real property and shall be reported to the Assessing Officer of the Township who shall assess the cost against the property on which the building or structure is located.
- E. The owner or party in interest of whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If the owner or party of interest fails to pay within Thirty (30) days after mailing by the Assessor of the notice of the amount due, the Assessor shall add the cost to the next tax roll of the Township and the amount due shall be collected in the same manner as provided by law for the collection of taxes by the Township.

### (1.)Judicial Review

- a. An owner or party of interest aggrieved by any final decision or order of the Township Board may appeal the decision or order to the Circuit Court by filing a petition for an Order of Superintending Control within Twenty (20) days from the date of the decision.

### (2.)Statutory Authority

- a. Section 6 is promulgated pursuant to Act 61 or the Michigan Publics Acts of 1969, MCLA 125.538 et MCLA 5.2891 et sea. and Act 359 of the Michigan Public Acts of 1947, MCLA 42.1 et seq. MSA 5.46(1) et seq.

**Section 7: Severability**

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

**Section 8: Repeal**

All previous Blight Ordinances affecting township properties in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinance. Building Code or other ordinance of the township which shall remain in full force and effect.

**Section 9: Effective Date**

This ordinance shall take effect on May 1, 2010 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

James Bond

Dated: May 1, 2010

**BURN ORDINANCE**  
Koylton Township  
Tuscola County, Michigan

PREAMBLE

An Ordinance which stipulates allowable and prohibited burning within the Township of Koylton.

**ARTICLE I**  
Purpose

**Section 1 :**

This Ordinance promotes the public health, safety, and welfare of those citizens within Koylton Township. Further, this Ordinance sets forth the conditions for both outdoor and controlled burning directly affecting the health, comfort, living conditions, safety, and welfare of citizens within Koylton Township by regulating the air pollution and fire hazards of outdoor, and controlled burning.

**ARTICLE II**  
Definitions

**Section 2 :**

1. Fire Chief means the Chief of the Fire Department contracted by the Township to be the primary fire service provider for the actual location of the desired burning.
2. Outdoor Burning means the burning of any material which is not inside an enclosed building and exhausts into the ambient air.
3. Controlled Burning is any burning that is performed inside a device specifically designed/constructed/manufactured to perform the controlled burning of any material. In such devices the exhausted fire shall not be allowed to pass through any opening larger than three-fourths  $\frac{3}{4}$ " of an inch.
4. Burning Permit means the actual and acknowledged permission permit granted by the Fire Chief or the Fire Chief's Designee.
5. Agricultural, forestry, and range or wildlife management practices, or control of disease or pests burnings shall be considered Controlled Burns. The Fire Chief's permitted permission and presence, Fire Chief or Fire Chief Designee, can be required at these burns. At the Fire Departments discretion their physical presence may be at these burns.

**ARTICLE III**  
Applicability

**Section 3:**

1. A burning permit is NOT required for grilling or cooking fires using charcoal, wood, propane or natural gas in cooking or grilling appliances which were created for that purpose.
2. A burning permit is NOT required for the burning and/ or use of:
  - A. Highway safety flares used in an actual emergency.

- B. Candles/Lanterns/Lamps/Bug repellent torches.
- C. Recreational/campfires located on private property in an approved burning container/receptacle specifically manufactured and sold for recreational burning or in a pit not exceeding three (3') feet in diameter and two (2') feet above ground level provided the following conditions are met:
  - (1.) The burning shall not be located within fifteen (15') feet from any structure and twenty (20') feet from any property line.
  - (2.) A responsible person at least eighteen (18) years of age is present at all times and until the extinguished ashes are cold.
  - (3.) Only clean non-toxic products are burned as defined in "Michigan Air Pollution Control Rules".
- 3. A burning permit is NOT required for Outdoor Solid Fuel Fired Furnaces. These free-standing accessory structures, function as a furnace, with a smokestack, used to provide heat or hot water to a building, other structure, swimming pool or hot tub, via air, liquid or other means shall be obeyed.
- 4. This Ordinance APPLIES to all other burning within Koylton Township.

## **ARTICLE IV** Permitting

### **Section 4:**

- 1. A request for a permit to burn shall be made by the owner of the property or person in control of the property upon which the burning is to occur.
- 2. The Fire Chief or Fire Chief Designee are the only authorities authorized to issue a burning permit.
- 3. The Fire Chief or Fire Chief Designee has the authority to revoke and order the cessation of permitted burning.

## **ARTICLE V** Liability

### **Section 5:**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

## **ARTICLE VI** Right of Entry and Inspection

### **Section 6:**

The Fire Chief or any authorized officer, agent, employee or representative of the Township, upon presenting valid credentials shall be allowed to inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

## ARTICLE VII

### Enforcement and Penalties

#### Section 7:

1. The Fire Chief is authorized to enforce the provisions of this Ordinance.
2. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance or fails to comply with a duly authorized Order issues pursuant to this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan State which shall be punishable by civil monetary fine determined by the Township.
3. The violator shall pay costs, which may include all expenses, direct and indirect, which the Township has incurred in connection with the infraction.
4. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

## ARTICLE VIII

### Severability

#### Section 8:

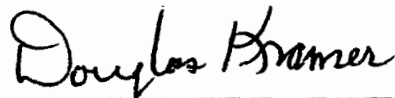
This Ordinance and various sections and provisions thereof are hereby declared to be severable. If any section or sub-section is adjudged to be unconstitutional or invalid, the same shall not affect the validity of the remainder of the Ordinance.

## ARTICLE IX

### Effective Date

#### Section 9: Effective Date

This Ordinance shall take effect thirty (30) days after the date of publication in a newspaper of general circulation within the Township. The undersigned Supervisor and Clerk of the Township of Koylton hereby certify that this Ordinance was duly adopted by the Koylton township Board at a meeting held on the 8 day of Nov. 2012 and was published in the Tuscola county Advertiser on the 14 day of Nov 2012



Douglas Kramer, Township Supervisor



James Borek, Township Clerk

# **CEMETERY ORDINANCE**

## **Koylton Township Tuscola County, Michigan**

An Ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Koylton, Tuscola County, Michigan, to provide penalties for the violation of said Ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

### **Section 1: Title**

This ordinance shall be known and cited as the Koylton Township Cemetery Ordinance.

### **Section 2: Definitions**

The governing body of the Siple Cemetery is to be the Koylton Township Board who authorizes the Siple Cemetery Board to operate the cemetery business and maintain the cemetery.

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces, or as needed.

An adult burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

### **Section 3: Sale of Lots or Burial Spaces**

Hereafter, cemetery lots or burial spaces shall be sold to anyone for the purpose of burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Siple Cemetery Board, however, is hereby granted the authority to vary the aforesaid restriction on sales.

All such sales shall be made on a form approved by the Siple Cemetery Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Director of the Siple Cemetery.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Director of the Siple Cemetery, approved by said Director, and entered upon the official records of said Director. Upon such assignment, approval, and record, said Director shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

### **Section 4: Purchase Price and Transfer Fees**

The Cemetery fee structure will be defined by the Siple Cemetery Board.

### **Section 5: Grave Opening Charges**

The opening and closing of any burial space, prior to and following a burial therein, and including interment of ashes, shall be at a cost to be determined by the Siple Cemetery Board.

No burial spaces shall be opened and closed except under the direction and control of the Director of the Siple Cemetery. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

## **Section 6: Markers and Memorials**

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

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

Only one monument, marker or memorial shall be permitted per burial space.

The footing or foundation upon which any monument, marker, or memorial must be placed shall be constructed by the Siple Cemetery at cost to the owner of the burial site.

## **Section 7: Interment Regulations**

Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Sexton or the Director prior to interment. Where such permit has been lost or destroyed, the Director shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

All graves shall be located in any orderly and neat appearing manner within the confines of the burial space involved.

## **Section 8: Ground Maintenance**

No grading, leveling, or excavating upon burial space shall be allowed without permission of the Cemetery Sexton or the Director.

No flowers, shrubs, trees, or vegetation of any type shall be planted without the approval of the Sexton or the Director. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

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

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers thereof that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.



Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

### **Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces**

Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant for 40 years from the date of their sale shall automatically revert to the Siple Cemetery upon occurrence of the following events:

Notice shall be sent by the Director by first class mail to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Director within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Director from the last owner of record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

### **Section 10: Repurchase of Lots or Burial Spaces**

The Siple Cemetery will repurchase any cemetery lots or burial space from the owner for the original price paid the Siple Cemetery upon written request of said owner or his legal heirs or representatives.

### **Section 11: Records**

The Cemetery Director shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

### **Section 12: Vault**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

### **Section 13: Cemetery Hours**

The cemetery shall be open to the general public from the hours of dawn to dusk each day.

No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon the permission of the Township Board or the Cemetery Sexton.

### **Section 14: Penalties**

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

### **Section 15: Severability**

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

### **Section 16: Effective Date**

This ordinance shall take effect on 04-09-09. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

# **WIND ENERGY ORDINANCE**

Koylton Township  
Tuscola County, Michigan

## **A. PURPOSE AND INTENT**

The general purpose and intent of these regulations is to regulate the establishment of wind energy systems with regard to the development and siting requirements for on-site (generally small systems) and utility grid (generally large systems) On-site wind energy systems are sized primarily to serve the needs of a home, farm or small business, which are typically served by one wind turbine. Utility grid energy systems are sized to provide power to wholesale or retail customers using the electric utility transmission and distribution grid system and may include a dozen to even hundreds of wind turbines. It is the further purpose and intent of these regulations to:

1. Provide for the appropriate location and development criteria for wind energy systems within the Township, and
2. Allow and encourage the location of wind energy systems within certain zoning districts; and
3. Minimize the adverse effects of such facilities through careful design and siting criteria; and
4. Protect the character of individual properties throughout the Township from the effects of wind energy system facilities; and
5. Promote the public health, safety, and welfare.

## **B. DEFINITIONS**

**Anemometer Tower:** A freestanding tower containing instrumentation such as anemometers that are designed to provide present moment wind data (wind speeds and direction) for use by the supervisory control and data acquisition (SCADA) systems which is a temporary use to determine how much wind power a site can be expected to generate.

**ANSI;** ANSI means the American National Standards Institute.

**dB(A);** The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI, A method for weighting the frequency spectrum to mimic the human ear.

**Decibel;** The unit of measure used to express the magnitude of sound pressure and sound intensity.

**Height (Tower):** The height of a wind turbine is measured from the natural grade to the tip of the rotor blade at its highest point.

**IEC;** The International Electrotechnical Commission.

ISO: The International Organization for Standardization.

Unit Boundary: The boundary around property used for the purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower(s) and equipment is located. For purposes of required setbacks, the Unit boundary shall not cross public or private road rights-of-way.

On-Site Wind energy System: A wind project used for generating electric power from the wind which is intended to primarily serve the needs of the consumer at the site, i.e., agriculture, residential, commercial, industrial and public land uses.

Rotor: An element of a wind energy system that acts as a multi-blade airfoil assemble, thereby extracting through rotation kinetic energy directly from the wind.

Shadow Flicker: The alternating changes in light caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Sound Pressure: The average rate at which sound energy is transmitted through a unit area in a specific direction. The pressure of sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Utility Grid Wind Energy System: A commercial wind facility used for generating power by the use of wind at multiple tower locations in a community and includes accessory energy uses such as but not limited to electric substations and SCADA towers. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility transmission and distribution grid.

Wind Energy System: A land use for generating electrical power by the use of the wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. this does not include wiring to connect the wind energy system to the grid.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using the site for construction of a wind energy system.

### **C. ON-SITE WIND ENERGY SYSTEMS AND ANEMOMETER TOWER.**

An On-Site Wind Energy System shall be subject to the review and approval of the Planning commission as specified in the requirements of Section 8.10, Review and Approval of Special Uses of the Zoning Ordinance. In addition, On-Site Energy Systems shall be permitted, subject to the conditions hereinafter required and to any and all reasonable conditions which may be imposed in accordance with Section 504 (4) of the Michigan Zoning enabling Act, P.A. 110 of 2006, as amended:

1. On-Site Energy Systems: On-site energy systems are designed primarily to serve the needs of a home, farm, or small business.
2. Tower Height; The maximum tower height shall be governed by setback requirements as noted below, but in no case shall a tower exceed 120 feet above grade which is measured from grade to the tip of a blade in its vertical position.

3. TOWERS; Wind Energy System Towers may include mono-pole, lattice and guy tower designs
4. Location Requirements: Freestanding On-Site Energy Systems shall be expressly prohibited from locating in a front or side yard and are permitted only in a rear yard. Roof top and/or structure installations may be allowed providing the applicant can demonstrate that such an installation meets building code requirements for wind loads and weight. Furthermore, the integrity of the structure for such an installation need to be verified by having documentation from a licensed architect or engineer as to the suitability for a roof top and/or structure installation.
5. Property Setback: The distance between freestanding On-Site Wind energy System and the owner's property lines and the owner's residential dwelling shall be equal to one and one-half (1 ½) times the height of the wind energy system. Required setbacks are designed to insure safety to the on site dwelling and adjacent properties in case of a tower or rotor failure, and from preventing sound levels and shadow flicker from impacting adjacent properties. Roof top and/or structure locations for wind energy systems shall be setback from the owner's property lines by a distance equal to one and one-half (1 ½) times its height with its height being the distance measured from grade to the tip of the rotor blade in its vertical position.
6. Sound Pressure Level: On-Site Wind Energy Systems 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
7. Construction Codes and Other Regulations: On-Site Energy Systems, including towers, shall comply with all applicable construction and electrical codes and building permit requirements. On-site wind energy systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
8. Safety: An On-Site Wind energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding of the rotor blades. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grad shall be 20 feet for a wind energy system employing a horizontal axis rotor. Mono-pole tower on-site wind energy systems shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. Lattice type towers, including guy towers, shall have the base of the tower enclosed by a six (6) foot high security fence. Guy wires for guy towers shall be well marked and provided with protective devices on the guy wires to a height of eight (8) feet above the ground.
9. System Maintenance: The applicant shall maintain the on-site energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security.
10. Abandonment/removal Requirements; Any on-site energy system which has reached the end of its useful life or has been abandoned shall be removed. An on-site energy system shall be considered abandoned when it fails to operate for a period of one (1) year. Upon a notice issued by the Zoning Administrator, the on-site energy system owner shall have thirty (30) days to provide sufficient evidence that the system has not been abandoned or the Township shall have the authority to enter the owner's property and remove the system at the owner's expense.

11. Permit Process and Requirements; Upon gaining Site Plan Approval, the owner shall obtain the applicable zoning, building and electrical permits which shall be required prior to the installation of an on-site energy system. The building permit application shall be accompanied by deliverables including the following:

- A. An approved site plan showing location, dimensions, and types of existing structures on the property including any overhead utility lines.
- B. Wind energy systems specifications, including manufacturer and model, rotor diameter, tower type, height and manufacturer.
- C. Tower foundation blueprints or drawings prepared and signed by a professional engineer licensed to practice in the State of Michigan or by the manufacturer's foundation specifications for the tower being proposed for installation.

#### **D. UTILITY GRID WIND ENERGY SYSTEM AND ANEMOMETER TOWERS;**

A Utility Grid Energy System shall be subject to the review and approval of the Planning Commission as specified in the requirements of Section 8.10, Review and Approval of Site Plans, Review and Approval of Special Uses of this Zoning Ordinance. In addition, On-Site Energy Systems shall be permitted, subject to the conditions hereinafter required and to any and all reasonable conditions which may be imposed in accordance with Section 504 (4) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended:

- 1. Utility Grid Energy Systems: Utility Grid Energy Systems are designed primarily to provide power to wholesale or retail customers using the electric utility transmission and distribution grid to transport and deliver the wind generated electricity.
- 2. Tower Height: The maximum tower height shall not exceed 300 feet above grade which is measured from grade to the tip of a blade in its vertical position.
- 3. Towers: Wind Energy System Towers shall be limited to a mono-pole design with lattice and guy towers being expressly prohibited.
- 4. Location Requirements: Utility Grid Energy Systems shall be located on parcels of land (owned or leased) that at a minimum, meets the required setbacks for all towers on the site, which also includes any other structures located on the site, i.e. operations and/or maintenance building, substations, etc. Said locations shall be limited to the dimensional area required per tower specification.
- 5. Property Setback; The distance between a Utility Grid Wind Energy System tower and the owner's property lines, including leased land boundaries, shall be equal to one and one-half (1 1/2 ) times the height of the wind energy system tower. Operations and maintenance office building, substations, or ancillary equipment shall comply with property setback requirements of the respective zoning district

in which they are located. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utility providers.

6. Sound Pressure Level: Utility Grid Wind Energy Systems shall not exceed 55 dB(A) at the property line or leased boundary line closest to the wind energy system. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day.
7. Construction Codes and Other Regulations: Utility Grid Energy system, including towers, shall comply with all applicable construction and electrical codes and building permit requirements. Utility grid wind energy systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service commission and Federal energy Regulatory Commission standards. Utility Grid wind Energy Systems shall comply with applicable utility, Michigan Public Service, and Federal Energy Regulatory Commission interconnection standards
8. Safety: A utility Grid Wind energy System shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding of the rotor blades. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. Utility grid wind energy systems (towers) shall be designed to prevent unauthorized access to electrical and mechanical components by fully enclosing and securing the subject site by a six (6) foot high chain link fence with lockable gates that are to be kept locked at all times when service personnel are not present. All buildings on the site are to be kept secured and locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site. A sign(s) shall be posted near the tower (s) or operations and/or maintenance building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about potential danger from electrical equipment and falling ice.
9. System Maintenance; the applicant shall maintain the Utility Grid Energy System in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security.
10. Abandonment/Removal Requirements: Any Utility Grid Wind Energy System which has reached the end of its useful life or has been abandoned shall be removed. An on-site energy system shall be considered abandoned when it fails to operate for a period of one (1) year. Upon a notice issued by the Zoning Administrator, the utility grid system owner/operator shall have thirty (30) days to provide evidence that the system has not been abandoned or the Township shall have the authority to enter the owner's/operators site and remove the system at the owner's/operators expense. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed. More specifically, decommissioning shall consist of:
  - A. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
  - B. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
  - C. Stabilization or re-vegetation of the site necessary to minimize erosion.

11. Permit Process and Requirements: Upon gaining Site Plan Approval (pursuant to Section 8.10) and Special Use Approval, the owner/operator shall obtain the applicable zoning, building and electrical permits which shall be required for the installation of a utility grid energy system. The building permit application shall be accompanied by deliverables including the following;
- A. An approved site plan prepared and signed by a professional engineer licensed to practice in the State of Michigan showing location, dimensions, and types of existing structures on the property including any overhead utility lines.
  - B. Wind energy systems specifications, including manufacturer and model, rotor diameter, tower type, height and manufacturer.
  - C. Tower foundation blueprints or drawings prepared and signed by a professional engineer licensed to practice in the State of Michigan.
12. Decommissioning: The applicant shall submit a plan describing the intended disposition of the Wind Energy System at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc. The bond shall be in favor of Koylton Township provided that any such instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

#### **E. Effective Date**

**This ordinance shall take effect thirty (30) days after the date of publication in a newspaper of general circulation within the Township. The undersigned Supervisor and Clerk of the Township of Koylton hereby certify that this Ordinance was duly adopted by the Koylton Township Board at a meeting held on the 8 day of November, 2012 and was published in the Tuscola County Advertiser on the 14 day of November, 2012.**

  
\_\_\_\_\_  
Douglas Kramer, Township Supervisor

  
\_\_\_\_\_  
James Borek, Township Clerk



# **LAND DIVISION ORDINANCE**

Koylton Township  
Tuscola County, Michigan

An Ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, and the Township Ordinances Act, Public Act 246 of 1945, as amended, being the Township General Ordinance Statute; to provide a procedure therefore; to repeal any other Ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

## **Section 1: Title**

This Ordinance shall be known and cited as the Koylton Township Land Division Ordinance.

## **Section 2: Purpose**

The purpose of this Ordinance is to carry out the provisions of the Land Division Act, Public Act 288 1967, as amended, formerly known as the Subdivision Control Act, to prevent the creation of parcels of property which do not comply with applicable Ordinances and said Act. to minimize the potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

## **Section 3: Definitions**

For the purpose of this Ordinance, certain terms and words used herein shall have the following meaning:

1. "Applicant" means a natural person, firm association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not
2. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable local ordinances.
3. "Exempt Split" or "Exempt Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
4. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
5. "Flag lot" means a parcel or tract of land which is developed under the conditions of this ordinance, which is accessed by a contiguous strip of land for the purposes of ingress and egress from a public right of way, is a minimum of 66 feet in width and provides adequate on-site access as determined by the applicable emergency service departments.

## **Section 4: Prior Approval Requirement for Land Divisions**

Land in the Township shall not be divided without the prior review and approval of the Township Supervisor or other official designated by the Township Board, in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement;

1. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
2. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.

### **Section 5: Application for Land Division Approval**

An applicant shall file all of the following with the Township Supervisor or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract or for building development;

1. A completed application form on such form as may be approved by the Township Board.
2. Proof of fee ownership of the land proposed to be divided.
3. A boundary survey of the land proposed to be divided showing the boundary lines, dimensions and accurate legal descriptions of the existing parcel and each proposed parcel division(s), including the remainder parcel, the location of all existing structures and other land improvements and the accessibility of each parcel division for ingress/egress and public utilities. In lieu of such survey map, the applicant may submit a tentative preliminary parcel map drawn to scale showing the boundary lines and tentative dimensions for preliminary review by the land division officer prior to filing the final application. Said feasibility study is not a guarantee that the proposed land division will receive final approval as the legal boundary survey dimensions may vary.
4. Proof that all standards of the Land Division Act and this Ordinance have been met
5. Detailed information about the terms and availability of any proposed division right transfer.
6. A fee of \$100.00 plus \$50.00 per lot/parcel to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

### **Section 6: Procedure for Review of Applications for Land Division Approval**

1. The Township Board shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
2. The Supervisor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
3. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
4. The Township and its officers and employees shall not be liable for the approving a land division if the building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

### **Section 7: Standards for approval of Land Divisions**

A proposed land division reviewable by the Township shall be approved if the following criteria are met.

1. All parcels created by the proposed division(s) have a minimum width of 200 feet as measured at the required front setback line.
2. All such parcels shall contain a minimum of 2 acres, excluding the flag lot access strip.
3. The ratio of depth to width of any parcel of 10 acres or less does not exceed a four to one ratio exclusive of access roads, Flag Lot Strips, or non development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from abutting road right of way,

or the termination of the Flag Lot Access Strip, to the most remote boundary line point of the parcel from the point of commencement of the measure.

4. The proposed land division(s) complies with all requirements of this ordinance and the Land Division Act.
5. All parcels created and remaining have existing adequate accessibility for public utilities and emergency and other vehicles.
6. All parcels determined to be "Flag lots" shall not share ingress and egress with any other tracts or parcels. The contiguous strip of land for each such parcel shall be only for the single parcel intended.
7. The development of only one "Flag Lot" shall be allowed for all legal parcels with allowable division rights subject to the statutory act and this ordinance.

## **Section 8: Consequences of Noncompliance with Land Division Approval Requirement**

Any division of land in violation of any provision of this Ordinance shall be recognized as a land division on the Township Tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permits for any construction or improvements thereto.

In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00 along with the costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of neither less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law.

Pursuant to Section 267 of the land Division Act, and unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with and damages sustained by the purchaser, recoverable in an action at law.

## **Section 9: Severability**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion thereof.

## **Section 10: Repeal**

All previous Land Divisions Ordinances affecting unplatted land divisions in conflict with the Ordinance are hereby repealed, however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the township that shall remain in full force and effect notwithstanding and land division approval.

## **Section 11: Effective Date**

This Ordinance shall take effect on 4-9-09 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

# **MEDICAL MARIJUANA ORDINANCE**

Koylton Township  
Tuscola County, Michigan

An Ordinance to regulate the use and possession of medical marijuana and the operation of medical marijuana facilities within the Township.

## **Section 1: Findings, Intent and Purpose of Ordinance.**

The Township of Koylton adopts this Ordinance based on the following findings:

1. In 2008, the voters of the State of Michigan adopted by initiative election a statute authorizing the limited use, growing, and distribution of marijuana for certain medical conditions.
2. The stated intent of the statute approved by the voters was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, grow, use and distribute marijuana and to assist specifically registered individuals identified in the statute without fear or criminal prosecution under limited, specific circumstances.
3. Despite the provisions of the medical marijuana legislation, marijuana is still a controlled substance under Michigan and federal law.
4. Pursuant to the rules adopted (R333.125) under the Michigan Medical Marijuana Act, additional felony penalties apply to any patient or caregiver who is convicted of selling marijuana to someone not allowed to use marijuana for medical purposes.
5. It is the intention of the Township that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow the use, possession, growing, distribution or consumption of marijuana for non-medical purposes that is otherwise illegal.
6. It is the purpose of this Ordinance to impose specific requirements for those individuals with the State of Michigan as “qualifying patients” or “primary caregivers” as those terms are defined by the Michigan Medical Marijuana Act so as to protect the public health, safety and welfare.

## **Section 2: Definitions.**

The definition of words and terms used in this Ordinance shall be the definitions contained in the Michigan Medical Marijuana Act, MCL 333.26421 et seq.

In addition, for purposes of this Ordinance, a “medical marijuana facility” is defined as any location from which medical marijuana is grown or provided to legally qualified patients.

## **Section 3: Prohibited Conduct.**

1. Medical Marijuana Compensation restrictions:

No person shall receive or share in compensation for the costs associated with assisting a qualifying patient with the medical use of marijuana to a qualifying patient except for a registered caregiver who distributing marijuana to a qualifying patient that the registered caregiver is connected to through the Michigan Department of Community Health’s registration process and the transaction is otherwise in compliance with the Michigan Medical Marijuana Act. No qualifying patient shall receive compensation for costs associated with assisting other qualifying patients with the medical use of marijuana unless the qualifying patient providing the assistance is a registered primary caregiver connected to the qualifying patient receiving the marijuana through the Michigan Department of Community Health’s registration process and the transaction is otherwise in accordance with the Michigan Medical Marijuana Act.

## 2. Medical Marijuana Possession Limits.

No primary caregiver or qualifying patient shall possess marijuana or marijuana plants in excess of the amount he or she is allowed to possess under MCL 333.26424(b). No more than 5 patients shall be connected to or served by a single caregiver.

A The possession limits for a registered caregiver under the Michigan Medical Marijuana Act are as follows:

- (1) 2.5 ounces of usable marijuana for each qualifying patient that is connected to the caregiver.
- (2) 12 marijuana plants kept in an enclosed, locked facility, for each registered qualifying patient who has specified that the qualified caregiver will be allowed to cultivate marijuana for the qualifying patient.
- (3) Any incidental amount of seeds, stalks, and usable roots.
  - (a) The possession limits for a qualifying patient under the Michigan Medical Marijuana Act are as follows:
    - (1) 2.5 ounces of usable marijuana.
    - (2) 12 marijuana plants kept in an enclosed, locked facility provided that the qualifying patient has not specified that a primary caregiver will be allowed to cultivate marijuana for the qualifying patient.
    - (3) Any incidental amount of seeds, stalks, and unusable roots shall also be allowed under state law and shall not be included in this amount.

## 3. Entity Restrictions.

The following entities are expressly prohibited from receiving compensation for costs associated with assisting a registered qualifying patient in the medical use of marijuana: corporations, limited liability companies, partnerships, or any other entity other than an individual registered caregiver.

## 4. Common Facilities Prohibited.

It shall be a violation of this Ordinance for any person to participate as a registered primary caregiver in a facility where primary caregivers share building space which is used in common in violation of the separation requirements of the Michigan Medical Marijuana Act.

## 5. Restrictions Against Delegation of Caregiver Functions.

It shall be a violation of this Ordinance for a primary caregiver to delegate to an employee, a patient, or any other person not independently authorized by the Michigan Medical Marijuana Act to provide assistance with the medical use of marijuana to a qualifying patient.

## 6. Continued Illegality of Non-Medical Marijuana.

The sale, distribution, cultivation, possession and use of marijuana or marijuana plants is prohibited to the extent it is in violation of the Michigan Medical Marijuana Act or other state or federal statutes.

## 7. No medical marijuana caregiver or patient shall:

- A Undertake any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice.
- B Possess or engage in the use of medical marijuana:
  - (1) In a school bus.
  - (2) On the grounds of any preschool or primary or secondary school.
    - (a) Smoke marijuana in any public place.

(b) Operate or be in actual physical control of any motor vehicle, while under the influence of marijuana.

**Section 4: Medical Marijuana Facilities.**

It shall be unlawful for any "primary caregiver," as defined by the Michigan Medical Marijuana Act, to dispense or grow medical marijuana within any retail store, storefront, office building, manufacturing building, procession or residential apartment. A maximum of two (2) medical marijuana caregivers shall operate out of a single-family dwelling where the caregiver(s) resides. In no event shall a medical marijuana facility be located within one thousand (1,000) feet of any school property line or within five hundred (500) feet from the property line of any church, library, or licensed child daycare facility.

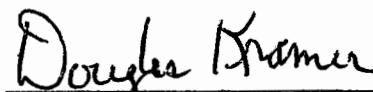
**Section 5: Severability.**

Sections of this Ordinance shall be severable. Should any provision of this Ordinance be declared invalid, it shall not affect the validity of the Ordinance as a whole or any part other than the part declared to be invalid.

**Section 6: Penalty and Enforcement.**

Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed responsible for violating a municipal civil infraction and shall, upon finding thereof, be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, plus court costs and costs of prosecution at the discretion of the Court. Each day that a violation occurs shall be considered a separate offense. The Township may also seek injunctive relief in which case the violator shall be responsible for all attorney fees, expert fees, and all other costs incurred by the Township in enforcing this Ordinance.

The undersigned Supervisor and Clerk of the Township of Koylton hereby certify that is Ordinance was adopted by the Township Board on the 9<sup>th</sup> day of JUNE, 2011 and was published in the Tascola County Adv. on the 15<sup>th</sup> day of JUNE, 2011. This Ordinance shall become effective thirty (30) days after said date of publication.

  
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Douglas Kramer, Township Supervisor

  
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James Borek, Township Clerk

# FLOODPLAIN ORDINANCE

Koylton Township  
Tuscola County, Michigan

An Ordinance to affirm an enforcing agency to discharge the responsibility of the Township of Koylton located in Tuscola County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

## **Section 1: AGENCY DESIGNATED.**

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the County of Tuscola is hereby designated as the enforcing agency to discharge the responsibility of the Township of Koylton under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Tuscola assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

## **Section 2. CODE APPENDIX ENFORCED.**

Pursuant to the Public Acts of 1972, as amended, Appendix G. of the Michigan Building Code shall be enforced by the enforcing agency within the Township of Koylton.

## **Section 3: Designation of Regulated Flood Prone Hazard Areas**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Koylton Twp and dated Nov. 22, 2011 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26157C-DFirm and dated April 3, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and to provide the content of the "Flood Hazards" section; of Table R301,2(1) of the Michigan Residential Code.

## **Section 4. REPEALS.**

All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

## **Section 5. PUBLICATION.**

This Ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

This ordinance duly adopted on March 8, 2012 at a regular meeting of the Koylton Township Board and will become effective on April 2012

Signed on March 8, 2012 by James Borek  
James Borek, Clerk of Koylton Township.

Attested on March 8, 2012 by Douglas Kramer  
Doug Kramer, Supervisor of the Township of Koylton.