

ARTICLE 6 GENERAL PROVISIONS

SECTION 6.100 ACCESSORY STRUCTURES AND USES

Section 6.101 Accessory Structures.

The following shall apply to all new accessory structures in the Township, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. General Standards.

The following shall apply to accessory structures in all zoning districts:

1. **Timing of construction.** An accessory structure may be constructed or established on a parcel before or at the same time a principal building or use is being constructed or established on the same parcel of land.
2. **Zoning permit.** Accessory structures require approval of a zoning permit, unless specifically waived by the Zoning Administrator.
3. **Vehicle shelters.** Temporary or permanent carports and other vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Section.
4. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.

B. Attached Accessory Structures.

Accessory structures attached to a principal building shall conform with the minimum required yard setbacks specified in Article 4 (Dimensional Standards).

C. Detached Accessory Structures.

Accessory structures not attached to a principal building shall be subject to the following:

1. **Front and rear yards.** Detached accessory structures in any front or rear yard area in any zoning district shall conform with the following standards:
 - a. All detached accessory structures shall be prohibited within any minimum required yard setbacks from road rights-of-way, as specified in Article 4 (Dimensional Standards).

- b. A maximum of one (1) detached accessory structure that is greater than 200 square feet but less than 800 square feet in floor area (such as a private garage) shall be permitted within a non-required front yard area or area between the front of a principal building or dwelling and any road rights-of-way, subject to the following:
 - (1) The structure shall be located outside of any minimum required yard setback from road rights-of-way.
 - (2) Exterior finish materials on the detached accessory structure shall match or be coordinated with existing finish materials on the principal building or dwelling.
 - (3) Exterior finish materials, including siding and roofing materials, shall be integrated around the entire structure prior to use or occupancy.
 - (4) The width of the structure as viewed from abutting road rights-of-way shall not exceed fifty percent (50%) of the lot width.
- c. Sheds and similar detached accessory structures that are less than 200 square feet in floor area shall also be subject to the following:
 - (1) Such structures shall be prohibited within any yard area between the front of the principal building or dwelling and any road rights-of-way.
 - (2) Such structures shall also be prohibited within the required front and rear yard areas of a waterfront lot.
 - (3) For non-waterfront lots, a maximum of one (1) shed less than 200 square feet in floor area shall be permitted within a required rear yard area, provided that the structure shall be set back a minimum of six (6) feet from the rear lot line.
- 2. **Side yards.** Sheds and similar detached accessory structures that are less than 200 square feet in floor area shall be set back a minimum of six (6) feet from all side lot lines. All other detached accessory structures shall conform with the minimum required side yard setbacks specified in Article 4 (Dimensional Standards).
- 3. **Corner lots and double-frontage lots.** Also see Section 4.201 (Front Yards) to determine how to apply yard standards to accessory structures located on a corner lot or double-frontage lot.
- 4. **Additional setbacks for large accessory structures.** Where a detached accessory structure's gross floor area exceeds the principal dwelling's ground floor area, the accessory structure shall conform with all minimum required yard setbacks specified in Article 4 (Dimensional Standards).
- 5. **Height.** Height of detached accessory structures shall conform to the following:

MAXIMUM HEIGHT (feet)	
Sheds and other detached accessory structures less than 200 square feet in floor area	12.0
Any detached accessory structure with a flat-roof	12.0
Private garages and other accessory structures 200 square feet or greater in floor area	18.0

D. Temporary Accessory Structures and Uses.

Temporary accessory structures and uses shall comply with the use standards of Article 3 (Land Use Table), and the design standards of Section 6.707 (Temporary Uses).

E. Boathouses and Waterfront Structures.

Boathouses and waterfront accessory structures shall comply with the use standards of Article 3 (Land Use Table), and the design standards of Section 5.708 (Boathouses and Waterfront Structures).

F. Accessory Structures on Vacant Residential Lots.

In the R-1 (Single-Family Residential) District, a maximum of two (2) detached accessory structures shall be permitted on a vacant lot, as defined in Section 18.02 (Definitions). This provision shall not apply to any lot associated with a principal dwelling on an abutting lot or located across a road right-of-way from a waterfront lot, provided that such lots are under the same ownership.

G. Carports and Vehicle Shelters.

The following additional standards shall apply to carports and vehicle shelters, including structures that are temporary in design or purpose:

1. Carports and vehicle shelters shall be securely anchored to prevent wind damage or displacement in a manner acceptable to the Zoning Administrator.
2. The internal structure and outer covering of carports and vehicle shelters shall be interconnected and secured in a manner acceptable to the Zoning Administrator.
3. Carports and vehicle shelters that are temporary in design or purpose shall not be electrified or climate-controlled.

Section 6.102 Fences.

All fences and similar enclosures shall conform to the following:

A. General Standards.

The following shall apply to fences in all zoning districts:

1. View obstructing fences over four (4) feet in height shall be set back a minimum of 25 feet from any road right-of-way.
2. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. Barbed or electric wire fences shall be permitted accessory to permitted Animal and Agricultural Uses in the A-1 (Agriculture-Conservation) District.
 - b. Barbed wire cradles may be placed on top of fences enclosing public utility and essential service uses in any zoning district.
 - c. The Zoning Administrator or Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, rotting lumber, pallets, trash or any materials capable of providing habitat for pests or vermin.
4. Walls and fences shall comply with the unobstructed sight distance standards of Section 4.304 (Corner Clearance Areas).
5. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
6. All fences regulated by this Section shall be located within the lot boundaries. Such fences shall be prohibited within any public or private road right-of-way, the improved travelway or paved area of any established road, and within any established ingress/egress easement.
7. All metal fence components in the R-1 (Single-Family Residential) District shall be galvanized, painted, or otherwise treated and maintained in a rust-free condition. Fences adjacent to the boundary of a lot or road right-of-way in the R-1 District shall be limited to chain-link, ornamental, privacy, rail, and similar types of fence as permitted by this Section.

B. Height.

Fences shall not exceed six (6) feet in height, except where the Planning Commission may approve a taller fence for security purposes as part of site plan review.

1. Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted.
2. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

C. Waterfront Lots.

On waterfront lots, it is the intent of this Section that the location, height, and design of fences shall not obstruct views of the water. For this purpose, fences within the front yard of waterfront lots or within 25 feet of the ordinary high water mark of the stream, river, pond, lake or other body of water shall be subject to the following:

1. Privacy fences and other fences that would block vision through the fence to an extent greater than fifty percent (50%) shall be prohibited.
2. Ornamental fences, rail fences, chain-link fences, and similar types of fences that do not block vision through the fence to an extent greater than fifty percent (50%) shall be permitted.

D. Maintenance.

Fences and walls shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired, or removed, and exposed surfaces shall be painted, stained or similarly treated.

Any fence or wall which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance, and the Zoning Administrator shall notify the owner of the property upon which the fence or wall is located of the existence of such a nuisance. Such nuisances shall be abated within 30 days after receipt of such notice.

E. Existing Fences.

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 16 (Nonconformities).

F. Permit Required.

Construction, alteration or relocation of fences in any zoning district shall be subject to approval of a zoning permit by the Zoning Administrator. It shall be unlawful for any person to construct or cause to be constructed any fence upon any property within the Township limits without having first obtained all necessary permits.

Section 6.103 Swimming Pools, Spas, and Hot Tubs.

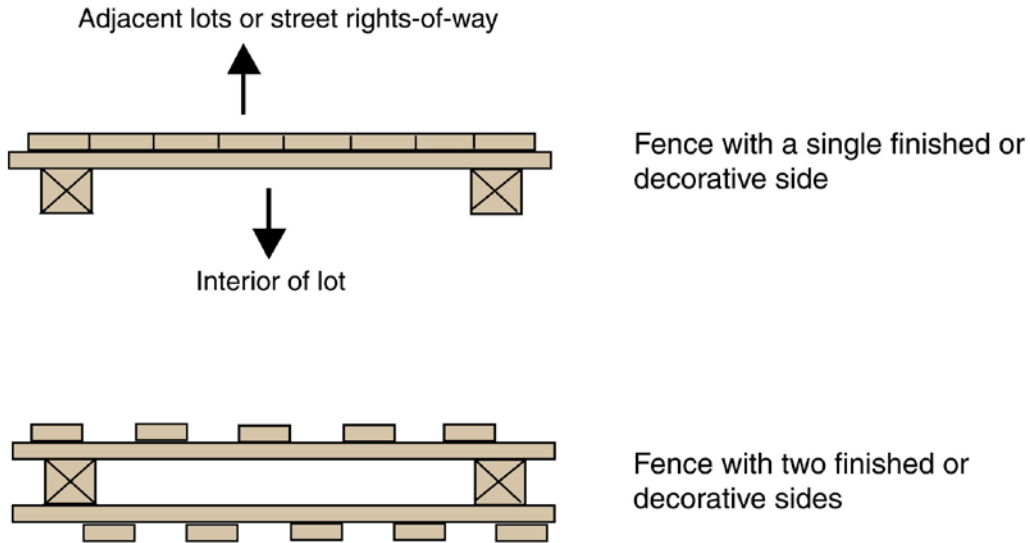
Wading pools, as defined in Section 18.02 (Definitions), shall be exempt from this Section and shall not require a zoning permit for installation. All other outdoor swimming pools, spas, and hot tubs constructed in, on or above the ground are permitted as an accessory use in all zoning districts subject to the following:

1. **Other requirements.** Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by Gladwin County.
2. **Yard and setback requirements.** An above-ground swimming pool shall be permitted within the required rear yard setback area of a non-waterfront lot, provided that:
 - a. A minimum six (6) foot setback shall be maintained from all lot boundaries.
 - b. Pool decks and similar structures shall be prohibited within the required rear yard area.

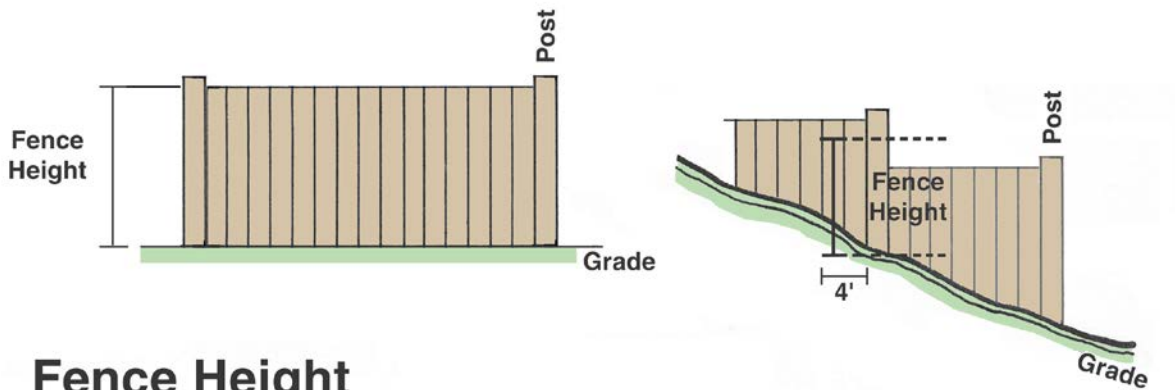
All other swimming pools, spas, and hot tubs, including those located on waterfront lots, shall conform with the minimum required yard setbacks specified in Article 4 (Dimensional Standards).

3. **Separation from principal building.** There shall be a distance of not less than four (4) feet between the outside pool wall and any principal building located on the same lot.
4. **Easements and rights-of-way.** No swimming pool shall be located in an easement or right-of-way.
5. **Secured enclosure.** To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate. Ladders or steps for above-ground pools shall be capable of being secured, locked or removed. The Zoning Administrator may waive this requirement upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.

ILLUSTRATIONS



Orientation of Finished Side - Top View



Fence Height

SECTION 6.200 LAND AND ENVIRONMENT

Section 6.201 Approval of Land Divisions.

All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Land Division Act (P.A. 288 of 1967, as amended), and shall conform with the dimensional requirements of this Ordinance, as specified in Article 4 (Dimensional Standards) for the zoning district where such land is located.

Section 6.202 Open Space Preservation Option.

This Section established provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

A. Purpose.

The intent of this Section is to provide optional open space preservation provisions for residential development, as required by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), for the purpose of preserving undeveloped land, prime farmlands, woodlots, wildlife areas, historic sites and structures, unique landforms, and scenic areas in the Township. The intent of this Section is to provide a means for grouping of dwellings in the most buildable portions of a development site, so that the remainder of the site can be preserved in an undeveloped state.

B. Scope.

Land in the A-1 (Agriculture-Conservation) or R-1 (Single Family Residential) Districts may be developed according to the standard conditions and requirements of this Ordinance, or in accordance with the open space preservation option of this Section.

1. No portion of the development site shall have previously been part of an open space preservation option development.
2. If the open space preservation option is selected, such land shall be developed in accordance with the conditions and requirements of this Section, and other applicable standards of this Ordinance.

C. Development Review.

Applications for residential development approval under the open space preservation option of this Section shall be reviewed following the same procedures used for review and approval of a subdivision plat under the provisions of the Land Division Act (P.A. 288 of 1967, as amended), or a condominium subdivision (site condominium) development under Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).

D. Required Information.

Applications for approval of a residential development under this open space preservation option shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by the Township Board, for review of the proposed development plans.
2. **Project narrative.** The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the underlying zoning district regulations that would apply to the open space development plan.
3. **Parallel plan.** The number of dwelling units permitted within a residential development under this open space preservation option shall be determined through review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with the standards of this Ordinance, including minimum lot area, lot width, and setbacks. The parallel plan layout shall conform with all county and state requirements, and shall not impact wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
4. **Conservation easement.** Documentation of the proposed conservation easement(s), or similar irrevocable legal instrument that runs with the land, to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity.
5. **Development plan.** The development plan shall include all information required for subdivision plat approval in conformance with the Land Division Act (P.A. 288 of 1967, as amended), or condominium subdivision plan approval in conformance with Article 19 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended). The development plan shall further include the following:
 - a. A site features inventory identifying active agriculture areas, topography at two (2) foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils based upon U.S. Soil Conservation Survey, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site.
 - b. Documentation from the Central Michigan District Health Department, Michigan Department of Environmental Quality (MDEQ) or other agency with jurisdiction that each of the lots and dwellings can be adequately served by private well, septic or wastewater treatment systems; or documentation that the proposed dwellings will be served by planned public water or sanitary sewer services.
 - c. Any additional information requested by the Zoning Administrator or Planning Commission to demonstrate compliance with the development

standards of this Section, and the applicable requirements of this Ordinance.

E. Development Standards.

Every lot developed or to be developed with the open space preservation option shall comply fully with all of the following requirements:

1. **Permitted residential density.** The overall residential density of the open space development shall not exceed the number of dwellings shown on the approved parallel plan, nor that allowed in the zoning district per Article 4 (Dimensional Standards).
2. **Minimum yard setbacks.** The minimum yard setback standards of the zoning district, as specified in Article 4 (Dimensional Standards), shall apply to lots created under this open space preservation option.
3. **Minimum lot size.** The minimum lot size standards of the zoning district shall not apply to developments under this open space preservation. Lots created under this option shall contain adequate lot area, considering the dimensional standards of this Ordinance for residential lots, to provide for development of a principal dwelling and customary accessory structures without need for a variance.
4. **Minimum required open space.** A minimum of fifty percent (50%) of the gross lot area of the development site shall be retained and maintained in perpetuity as permanent open space.

F. Conservation Standards.

The conservation easement(s), or similar legal instrument to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity shall be subject to review and approval by the Township Attorney. At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization or other public body with authority and ability to ensure that the open space will remain undeveloped.

After approval by the Township, the applicant shall record the conservation easement(s) or similar legal instrument with the Gladwin County Register of Deeds office, and shall provide proof of recording and a copy of the recorded documents to the Township.

Section 6.203 Protection of Wetlands and Bodies of Water.

This Section is intended to establish minimum regulations necessary to protect and preserve the quality of surface waters and wetlands in the Township. Property owners and residents of parcels with frontage on Wixom Lake and the Tittabawassee River are encouraged to adopt additional water quality protection measures and techniques as may be recommended by the MDEQ or Wixom Lake Improvement Board.

A. Scope.

Lots lawfully existing prior to the date of adoption of this Ordinance shall be exempt from the requirements of this Section. The standards of this Section shall apply to:

1. All parcels proposed for development requiring review and approval of a site plan, condominium site plan, or planned unit development in accordance with this Ordinance;
2. All parcels proposed for development requiring review and approval of a subdivision plat or other land division approval in accordance with the Land Division Act (P.A. 288 of 1967, as amended) and any Township subdivision regulations; and
3. All lots created on or after January 1, 2005 (the date of adoption of this Ordinance).

B. Setback Required.

The following minimum setback areas shall be required from wetlands and watercourses in the Township. Such setbacks shall be measured from the top of the bank or other defined edge, and shall not be subject to topography:

1. A minimum 50 foot wide setback area shall be maintained from the edge of any stream, pond, lake or other body of water, provided that no development shall be permitted within the 100-year floodplain.
2. A minimum 25 foot wide setback area shall be maintained from the boundary or edge of any wetland, open drain, or dedicated county drain easement.

C. Permitted Activities and Improvements.

Principal buildings and accessory structures shall be prohibited within the required wetland and watercourse setback area. Such setback areas may be landscaped, planted with grass or other groundcovers, or left in a natural state. Permitted activities and improvements within a required wetland and watercourse setback area shall be limited to the following:

1. Grading, filling, retaining wall construction, and similar improvements, provided that such work shall not create a nuisance or have a detrimental impact on the use or enjoyment of surrounding parcels. Groundcover vegetation shall be immediately restored, and soil erosion control measures shall be employed to minimize siltation of the watercourse or wetland.
2. Docks and similar waterfront structures, subject to Michigan Department of Environmental Quality (MDEQ) regulations and applicable Township ordinances.
3. Public utility improvements in accordance with an approved utility plan.
4. Trails, paths, boardwalks, and similar passive recreational improvements.

5. Detention or retention basins and similar stormwater management facilities, provided that appropriate replacement plantings are provided and maintained.

Section 6.204 Grading, Removal and Filling of Land.

Any excavation, filling or grading of land that would alter the established site elevations or drainage patterns, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, shall not be permitted in any zoning district except in accordance with an approved site plan.

1. This provision shall not apply to common household gardening, farming, general ground care of a residential or agricultural character or normal soil removal for basement or foundation construction.
2. All excavated overburden or other materials extending above the natural grade shall be leveled or removed, and the surface of the entire tract shall be restored to usable condition for development or agriculture. The excavated area shall be graded so that no gradient of the disturbed area has a slope greater than 1:3 [one (1) foot rise in three (3) feet of horizontal distance]. The graded area shall be seeded with an appropriate grass type and a vegetative cover shall be established to minimize soil erosion.
3. Open excavations, holes, pits or wells shall be protected against unauthorized access by a fence or other suitable means. All open and unprotected excavations, holes, pits or wells that constitute a danger or menace to the public health, safety, or welfare are hereby declared a public nuisance and a violation of this Ordinance.

Section 6.205 Health Department Approval Required.

Zoning permits shall not be issued under this Ordinance for the construction or establishment of buildings or uses requiring water or wastewater systems until an applicant provides copies of the appropriate well and septic permits issued by the Central Michigan District Health Department.

Section 6.206 Outdoor Storage and Waste Disposal.

All uses established or placed in operation in any zoning district after the effective date of this Ordinance shall comply with the following:

1. No materials or wastes shall be placed on the premises in such a form or manner that the materials may be carried off the property by natural causes or forces, such as by wind or water.
2. All materials or equipment shall not be allowed to accumulate on any property in such a manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

Section 6.207 Outhouses, Privies, and Outside Toilets.

Outhouses, privies, and pit toilets shall be prohibited in any residential zoning district, except within an approved and lawfully established campground licensed under the Michigan Public Health Code (P.A. 368 of 1978, as amended).

1. These provisions shall not prohibit the use of outside toilets (“porta-johns”) accessory to construction sites, permitted ANIMAL AND AGRICULTURAL USES or temporary uses as permitted by this Ordinance.
2. Outhouses, privies, and outside toilets shall comply with all requirements of the Central Michigan District Health Department.
3. Where permitted, the location of such facilities shall:
 - a. Conform to minimum zoning district setback requirements, as specified in Article 4 (Dimensional Standards). Such facilities shall also be set back a minimum of 50 feet from the edge of any stream, pond, lake or other body of water, and a minimum of 50 feet from dwellings on abutting lots; and
 - b. Be screened from abutting lots and RESIDENTIAL USES by a six (6) foot high privacy fence, berm or dense evergreen screen in accordance with Section 8.04 (Methods of Screening and Buffering).
4. Approval of a zoning permit shall be required for temporary use of such facilities in accordance with Section 1.08 (Zoning Permit).

SECTION 6.300 PERFORMANCE STANDARDS

Section 6.301 Performance Standards.

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

A. Purpose and Scope.

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

1. **Scope.** No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.
2. **Submission of additional data.** Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

B. Noise.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.

1. **Noise disturbance examples.** Examples of noise disturbances include, but are not limited to:
 - a. **Sounds that exceed Ordinance limits.** Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.
 - b. **Loading and unloading.** Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.

- c. **Construction.** Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential district boundary or within a noise sensitive zone. This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.
 - d. **Vibration.** Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.
 - e. **Noise sensitive zones.** Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the specific limits set forth in this Section, provided that conspicuous signs are displayed indicating the presence of the zone.
2. **Exceptions.** The provisions in this Section shall not apply to the following uses and circumstances:
- a. **Emergency exceptions.** The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.
 - b. **Additional exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:
 - (1) Snow plowing and other public works activities.
 - (2) Agricultural uses.
 - (3) Church bells, chimes, and carillons.
 - (4) Lawn care and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.
 - (5) Licensed vehicles being operated on a road.
 - (6) Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety, welfare, or convenience.
 - (7) The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.

3. **Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

RECEIVING ZONING DISTRICT	TIME	AVERAGE SOUND LEVEL
Residential Districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

- a. **Correction for tonal sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b. **Correction for impulsive or impact-type sounds.** For any source of sound that emits an atypical impulsive or impact-type sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- c. **Planned development.** Where the receiving district is a planned development district, the applicable standards of this table shall be based on the types of uses within the planned development.

B. Surface Water Flow.

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

D. Odor.

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half ($\frac{1}{2}$) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

1. **Storage Tanks.** All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing one and one half (1.5) times the capacity of the largest tank so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

Below-ground bulk storage tanks that contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the State of Michigan in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.

2. **Detonable Materials.** The storage, utilization, or manufacture of the following detonable materials shall be subject to review and approval as hazardous materials storage, subject to the standards of Section 5.701 (Hazardous Materials Storage).
 - a. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.

- b. All high explosives such as TNT, RDX, HMX, PETN, and picric acid
- c. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
- d. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
- e. Blasting explosives such as dynamite and nitroglycerin.
- f. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
- g. Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.
- h. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

G. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Central Michigan District Health Department, and the U.S. Environmental Protection Agency.

H. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act, Public Act 451 of 1994, as amended, federal Clean Air Acts, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the *National Ambient Air Quality Standards*, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction:

GAS	MAXIMUM EMISSIONS LEVEL	SAMPLING PERIOD
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 µg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours

GAS	MAXIMUM EMISSIONS LEVEL	SAMPLING PERIOD
Beryllium	2.0 µg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes Related to Table:

- a. ppm = parts per million
- b. µg = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

I. Electromagnetic Radiation and Radio Transmission

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. Radioactive Materials

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

Section 6.302 Procedures for Determining Compliance.

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in Section 6.301 (Performance Standards), the following procedures shall be used to investigate, and if necessary, resolve the violation:

A. Official Investigation.

Upon receipt of evidence of possible violation, the Zoning Administrator or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for

continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.
2. A description of the existing or proposed machinery, processes, and products.
3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
4. Measurement of the amount or rate of emissions of materials purported to be in violation.

B. Method and Cost of Determination.

The Zoning Administrator or designated Township consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and spec equipment or instruments shall be secured to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

C. Appropriate Remedies.

If, after appropriate investigation, the Zoning Administrator or designated Township consultant determines that a violation does exist, the Zoning Administrator shall provide written notice of the violation to the owners or operators of the facility deemed responsible, and shall request that the violation be corrected within a specified time limit.

1. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, the Zoning Administrator shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.
2. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Zoning Administrator shall take such action as may be warranted to correct the violation. in accordance with the regulations set forth in this Section
3. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Zoning Administrator may grant an extension upon

determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.

4. **Reply requesting technical determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

D. Costs and Penalties Incurred

If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation.

If the bill is not paid within 30 days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

SECTION 6.400 OTHER PROVISIONS

Section 6.401 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 6.402 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 6.403 Voting Place.

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

Section 6.404 Essential Public Services and Required Utilities.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance.

Section 6.405 Water Supply and Sanitary Sewers.

Where public water or sanitary sewer service is available, all principal buildings shall be connected to such systems at the time of construction or expansion.