

## **ARTICLE 3:**

### **GENERAL PROVISIONS**

#### **Section 3.0 – Purpose**

The provisions of this Article shall apply to all districts, except as noted herein. Where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.

#### **Section 3.1 – Application of Regulations**

Zoning affects every structure and use, and extends vertically. The following shall apply to all of Secord Township.

- A.** In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
- B.** No building shall hereafter be erected or altered to exceed the height limitations, or to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the district in which such building is located.
- C.** No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- D.** If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- E.** In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion.

### **Section 3.2 – Zoning Lots, Lot-Building Relationship and Access**

- A.** All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
- B.** Hereafter, every building erected, altered or moved shall be located on a zoning lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, industrial complexes and elsewhere in this Ordinance. There shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any zoning district. No building, structure or permanent accessory building shall be erected without first obtaining a zoning permit from the Zoning Administrator.
- C.** Every principal structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.

### **Section 3.3 - Unsafe Buildings and Barrier Free Modifications**

- A.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Secord Township/Gladwin County Zoning Administrator.
- B.** Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier free requirements and the Americans with Disabilities Act.

### **Section 3.4 - Continued Conformance with Regulations**

The maintenance of yards, open spaces, lot areas, height and area limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

### **Section 3.5 - Accessory Buildings and Structures**

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

- A.** Authorized accessory buildings or structures may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.
- B.** No more than four (4) detached accessory structures may be located on one parcel.
- C.** Where any accessory building or structure is attached to a principal building, such accessory building or structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.
- D.** A detached accessory building or structure shall conform to the lot setbacks of the district in which it is located.
- E.** No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes. Approved secondary dwelling units as a Special Use shall be the exception.
- F.** Truck bodies, school bus bodies, mobile homes, travel trailers, ice shanties or other items built and intended for other uses shall not be used as accessory buildings. Semi-trailers may be used as temporary (under 31 days) storage for commercial, industrial, or agricultural establishments.
- G.** MATERIALS: Accessory structures using non-rigid materials to serve as walls or roof shall not be permitted.
- H.** Swimming pools shall be considered an accessory structure and require a zoning permit in the R-1 and R-2 Districts.

### **Section 3.6 - Temporary Buildings During Construction**

- A.** Temporary buildings may be utilized during construction for the storage of construction materials, for construction offices, and for temporary residency during a construction period as permitted herein.
- B.** All temporary buildings and/ or construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Appropriate ongoing cleanup will also be required as per the inspection by the Township Zoning Official and Planning Commission directive. Failure or refusal to remove a temporary building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

- C. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units.
- D. Temporary Dwellings: For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:
1. The location shall conform to the provisions governing yard and setback requirements of standard dwellings in the district where located.
  2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection, construction and completion, but not to exceed twelve (12) months. One (1) additional six (6) month extension may be obtained from the Zoning Administrator upon expiration of the original zoning permit. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance. Failure or refusal to remove a temporary dwelling within the time frame specified constitutes a violation of this ordinance.
  3. A septic system and water well shall be constructed and maintained in accordance with the standards for materials, design and installation required by the District Health Department, and shall precede occupancy of the temporary dwelling. In the event the temporary dwelling unit has self-contained sanitary facilities, these facilities may be utilized in lieu of a traditional septic system and water well for the maximum of 90 days.
  4. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
  5. No additions shall be constructed to temporary dwellings.

### **Section 3.7 – Basement as a Dwelling**

Dwelling spaces contained in basements shall meet the requirements of the State of Michigan Residential Code.

### **Section 3.8 - Moving Buildings**

The moving of a building to a different location shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is moved. No building shall be moved either within or into the Secord Township without first obtaining a zoning permit from the Zoning Administrator.

### **Section 3.9 - Demolition of Buildings**

No principal structure shall be demolished until an inspection has been completed by the Gladwin County Building Official. The demolition shall be completed within such reasonable time period as shall be prescribed by the Gladwin County Building Official and under conditions that may be specified by the Gladwin County Building Official deemed necessary to protect the public health, safety and welfare. The Gladwin County Building Official is furthermore authorized to prescribe conditions relating to the filling of excavations, the proper termination of utility connections, and the manner in which demolition will be carried out in situations where asbestos is present.

### **Section 3.10 – Projections and Encroachments**

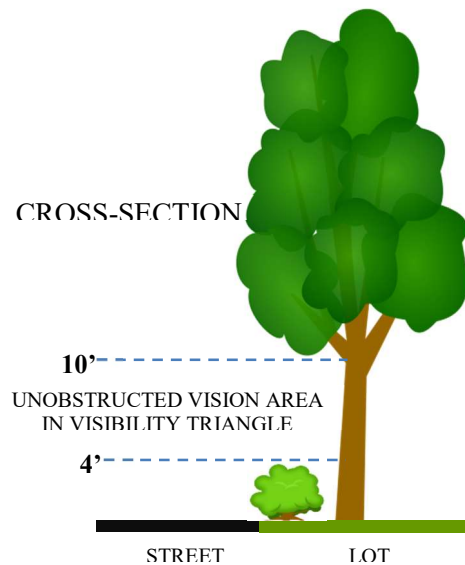
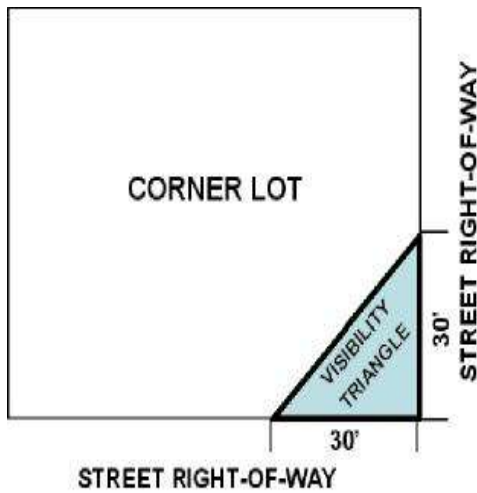
The following encroachments shall be permitted into the setbacks specified in all zoning district classifications:

- A.** Unattached terraces, patios, decks, and similar structures may project into the front or rear setback requirements provided that such structure be unroofed (no solid, slatted, or flexible roofing material allowed) and without walls or other continuous enclosures and the same is not constructed in the road right-of-way. All terraces, patios, decks, and similar structures shall maintain a ten (10) foot setback on one side for emergency purposes. Unattached terraces, patios, decks, and similar structures may have a four (4) foot high safety rail which may be no more than fifty (50) percent opaque.
- B.** Attached porches, terraces, patios, decks, and similar structure, shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof.
- C.** Eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24") inches.
- D.** Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the property line. Balconies must be totally cantilevered with no support within five (5) feet of the ground
- E. Driveways:** For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These driveways shall not be considered as structural violations in front and

side yards. Further, any sidewalk or other surface servicing a like function, and not in excess of four (4) inches above the grade upon which placed, shall, for the purpose of this ordinance, not be considered to be a structure, and shall be permitted in any required yard.

**Section 3.11 - Intersection Visibility and Street Rights-of-Way**

On any corner lot, no fence, wall, sign or other structure or planting shall obstruct vision between the heights of four (4) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of four (4) feet and ten (10) feet, measured above the elevation of the street center line, within ten (10) feet of any front property line.



**Section 3.12 - Essential Services**

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Secord Township in any use District, provided that the above meet the setback

and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. Electrical substations shall comply with the fencing provisions of **§3.20** of this Ordinance.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

### **Section 3.13 - Required Water Supply and Sanitary Facilities**

Buildings hereafter erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the District Health Department.

### **Section 3.14 – On Site Drainage and Runoff Requirements**

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.

### **Section 3.15 - Manufactured Homes on Individual Lots or Parcels**

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A.** Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B.** The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C.** Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled “Manufactured Home Installation Standards”, and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards”, being 24 CFR part 3280, as amended.

- D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- E. No person shall occupy a manufactured home as a dwelling within Secord Township until a certificate of compliance and occupancy with the HUD Code has been issued by the Gladwin County Building Official.
- F. No manufactured home shall be located or placed in Secord Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.
- G. Manufactured homes shall not be used as accessory buildings.
- H. No unoccupied manufactured home shall be stored on any lot or parcel in Secord Township.

**Section 3.16 - Recreational Vehicles and Travel Trailers**

**A. Overnight Camping:**

- 1. Overnight camping on private property shall be permitted in Districts R-1, R-2 and A-1 providing that the recreational vehicle or travel trailer shall carry a current state license plate and be suitable for highway travel.
- 2. Yard setback requirements for the Zoning District where the unit is located shall be met at all times.

**Set Backs:**

R-1 Districts: 10 feet from side property lines  
 40 feet from the water's edge  
 40 from the road right of way  
 40 feet from back and corner lines

R-2 Districts: 10 feet from side property lines  
 40 from the road right of way  
 40 feet from back and corner lines

A-1 Districts: 20 feet from side property lines  
 40 from the road right of way  
 40 feet from back and corner lines

- 3. A maximum of two (2) travel trailers or recreational vehicles may be on a parcel at any one time. If there is a travel trailer or recreational vehicle in storage on the parcel then only one additional travel trailer or recreational vehicle may be used.

**B. Storage:**



In R-1, R-2 and A-1 Districts, travel trailers and recreational vehicles may be stored subject to the following conditions:

1. The travel trailer or recreational vehicle shall carry a current state license plate. No more than one travel trailer or recreational vehicle may be stored on a parcel.
2. Yard setback requirements for the district where the unit is located shall be met at all times.
3. If the unit is stored inside a fully enclosed compliant structure then it does not count as "stored unit".

### **C. Holidays and Special Occasions:**

#### **1. Holidays:**

For the holidays of Memorial Day, 4th of July and Labor Day you may be able to get a special exemption to have up to four campers or RV's on your parcel.

- a. You may request to add additional units for a total of four units one time per year. The additional units may be on the parcel for up to 5 days.
- b. This must be approved by the Zoning Administrator and a no charge permit is required.

#### **2. Special Occasions:**

For family reunions, anniversaries, special birthdays etc. you may be able to get a special exemption to have up to four campers or RV's on your parcel.

- a. You may request to add additional units for a total of four units one time per year. The additional units may be on the parcel for up to 5 days.
- b. This must be approved by the Zoning Administrator and a no charge permit is required.

## **Section 3.17 – Ice Retardant Systems**

Any system or equipment installed to prevent ice damage to boat docks or other structures installed in Secord Lake shall meet the requirements of this section.

- A.** The terms and provisions of the ordinance shall be interpreted and applied as requirements for the promotion and protection of the public health, safety and general welfare and for the preservation of property values within the township.
- B.** Scope: Aerators, bubblers, or any device, equipment or any type of ice retardant system used within the lake or affects the lake surface so as to prevent the normal formation of ice on the lake surface.

- C. Safety Regulations: Anyone in Secord Township installing or operating an aerator, bubbler or any type of ice retardant system must have an approved permit from the Secord Township Planning Commission/Zoning Administrator for an Ice Retardant System.
1. Areas of free flowing water or air bubbles shall be clearly marked with orange reflecting fluorescent warning signs.
  2. Signs shall be a minimum size of 18" x 24" and placed such that they are clearly visible from any direction of approach to the open water.
  3. A minimum of four (4) warning signs must be installed and they must be readable from at least fifty (50) feet.
  4. A control system must be installed and in operation at all times to control the amount of open water. The maximum distance of open water shall be ten (10) feet in any direction from any part of the protected dock.
- D. General Requirements of Ice Retardant Systems: Anyone in Secord Township installing or operating an aerator, bubbler, or any type of ice retardant system shall comply with the following requirements:
1. All parts of the protected dock must be a minimum of ten (10) feet from the projection of the property owner's property lines into the lake.
  2. The installed system must not melt any ice beyond the projection of the property owner's property lines into the lake.
  3. The system must not make any objectionable noise or light.
- E. Any person or other entity who violates any provision of this Ordinance, including the property owner and person or entity in possession or control, is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus cost, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall any costs, of more than \$500.00 be ordered. In addition, all violations of this Ordinance or any part thereof are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance. Each day that a violation shall continue is to constitute a separate offense.

### **Section 3.18 - Waterfront Setback**

To provide minimum setback standards in the Zoning Ordinance to protect surface water resources and flood plains from adverse construction or alteration, these measures are deemed to be the minimum necessary in order to:

- Avoid structural encroachment of the natural waters and waterways, except in the situation of uses traditionally depending upon direct water access.

- Promote high water quality through the encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and to prevent erosion.
  - Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.
- A.** Any property which borders on or contains a natural river, stream, pond, or lake, which is identifiable on the U.S. Geological Survey Maps of Secord Township, shall be subject to waterfront setbacks for buildings and uses, as follows:
1. No fill or permanent construction shall occur in any floodway appurtenant to a natural river, stream, pond, or lake, which is identifiable on U.S. Geological Survey Maps of the 7' or 15' quadrangle series, and which is further identified as an area that is prone to annual flooding (i.e. a natural storage basin during high water levels). Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the natural floodway, and that such is documented by a Registered Professional Engineer or similarly qualified professional.
  2. Permanent structures, parking lots, and other impervious surfaces, except boat docks, boat slips, ramps, or marinas, or other water-dependent uses, shall observe a minimum setback of forty (40) feet from the shoreline in all Districts. Except for a potential interference in floodways, the setbacks of this paragraph shall not apply to drains or intermittent streams. An intermittent stream is one which holds water at some time during each year, but for not more than eight (8) months.
  3. Walkways or stairs necessary for water access may extend to the shoreline and shall be limited to a maximum width of five (5) feet. Decks and patios which are less than eighteen (18) inches above the natural grade at the deck building line may extend to the shoreline.

**B. Other Environmental Rules**

Any filling or construction within flood plains or wetlands, or other environmental areas protected by State Law, or other laws, shall require appropriate permits from the government unit or agency having jurisdiction.

**Section 3.19 - Home Occupations and Cottage Industries**

While Secord Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

**A. Home Occupations and Cottage Industries: General Standards**

1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
2. In cases where goods or products are sold on the premises to the public, the use is considered a Cottage Industry. Cottage Industries are permitted as a Special Land Use in any Zoning District in which single-family dwellings are allowed, subject to review and approval by the Planning Commission as a Special Land Use in accordance with Article 8 of this Ordinance. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
3. Home Occupations or Cottage Industries shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.
  - a. **Home Occupations or Cottage Industries in the Primary Dwelling:** No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home Occupation or Cottage Industry.
  - b. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building:** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.
4. Home Occupations or Cottage Industries shall be conducted by the person or persons occupying the premises as their principal residence. Not more than three (3) nonresident persons shall be employed at the place of the Home Occupation or Cottage Industry.
5. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.
6. Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
7. Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
8. Outdoor Storage and Outdoor Display

- a. **Outdoor Storage:** The outdoor storage of goods and/or materials of any kind is prohibited in the R-1 District. The outdoor storage of goods and materials may be permitted in all other districts on a case by case basis.
    - b. **Outdoor Display:** The outdoor display of merchandise for sale may be approved on a case by case basis.
  9. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
  10. Hours of operation for Cottage Industries shall be approved by the Planning Commission.
  11. The property must be maintained free of debris.
  12. There shall be no parking permitted within any setback areas. No Home Occupation or Cottage Industry shall require parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space at curbside on the street.
  13. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.
  14. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
  15. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Home Occupation or Cottage Industry permit.
  16. Signage shall conform to the requirements of **§3.35**.
- B. Home Occupations and Cottage Industries: Termination, Extensions, Revisions, and Inspections.**
1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
  2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
  3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
  4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the

standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity.

5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

### **Section 3.20 - Fences and Walls**

- A. Except for as provided in **§3.20.D** or unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District. The following standards shall apply:

1. R-1 and R-2 Districts:

- a. Height: Maximum of four (4) feet in Front Yards.
- b. Shall meet District setbacks for all Front Yards, Water Fronts and Road Sides.
- c. Notes: The Front Yard is the water side of water front property; it is the Road Side if not water front property.

The Front Yard begins at the front face of the dwelling or main structure.

The Setbacks from the road right of way or water's edge is always forty (40) feet.

The maximum height of the fence is six (6), except in front yards.

The maximum height of the fence in the Front Yard is four (4) feet.

2. C-1, C-2, and A-1 Districts:

- a. Height:
  - i. Front Yard: Maximum height of four (4) feet.
  - ii. Rear and Side Yards: Maximum height of eight (8) feet.
- b. For agricultural, commercial or industrial uses, side and rear yard fences may be a maximum of eight (8) feet.
- c. Setback:
  - i. Front Yard: Minimum forty (40) feet.

- ii. Side and Rear Yards: No required setback unless property is a corner lot.
  - iii. The Setbacks from the road right of way or water's edge is always forty (40) feet.
- B.** The height of a fence is measured vertically from the normal surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as beginning at the front of the primary structure to the front property line. Fences or walls installed or constructed in accordance with the provisions of this Ordinance shall not obstruct sight distances needed for safe vehicular traffic (see **§3.11**), nor create a hazard to traffic or pedestrians.
- C.** Subdivisions, Site Condominiums and Planned Unit Developments: Chain link fences shall not be used in the front yard in any platted subdivision, site condominium development, or planned unit development. The height of fences in any platted subdivision, site condominium or planned unit development shall not exceed six (6) feet in the side or rear yard. Front yard fence height and setback requirements shall be the same as in **§3.20.A.1**
- D.** Except for fences constructed for agricultural purposes in A-1 Districts:
- 1. All fences shall be finished on both sides.
  - 2. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
  - 3. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.
  - 4. Barbed wire and electrified fencing is prohibited in R-1 and R-2 districts unless the said party obtains a permit and approval from the Planning Commission.
  - 5. No fence shall be approved which:
    - a. constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
    - b. interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or
    - c. will constitute a hazard to street traffic or to pedestrians.

### **Section 3.21 - Landscaping and Buffering**

It is the intent of this section to require landscape screening to minimize visual impacts of commercial and industrial development along roadways and to provide for landscaping within

parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along roadways. It is also the intention of this section to provide for buffering between residential and non-residential uses.

#### **A. Application:**

These requirements shall apply to all uses for which site plan review is required under **Article 7** of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, Greenbelt buffers, and screening consistent with the requirements set forth in this ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

#### **B. Landscape Plan:**

A landscaping plan shall be submitted as either part of the required site plan or as a separate plan if permitted by the Planning Commission during site plan review. The Landscape Plan shall contain, at a minimum, the following:

1. The location, spacing, size, and root type [bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area;
2. An identification of existing trees and vegetative cover to be preserved:
3. The Identification of grass and other ground cover and the method of planting: and
4. The enumeration of a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

#### **C. Flexible Design Standards:**

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section. The provisions of this section shall be considered the minimum development standards and not a design goal.
2. The Planning Commission may approve variations from strict compliance with this section when an applicant can demonstrate that any of the following apply to a specific development site:
  - a. When topography, shape, size or other natural features make full compliance impractical or impossible.
  - b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the Township.



- c. When safety considerations warrant alternative compliance.
- d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.
- e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this section.

**D. Parking Lot Landscaping:**

Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

**E. Highway Landscape Buffers:**

- 1. A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street or major thoroughfare is required as a "highway landscape buffer". The highway landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 1/2) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. The area along the roadway proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.
- 2. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this section.

**F. Site Landscaping:**

- 1. In addition to any landscape areas and/or parking lot landscaping required by this ordinance, at least ten (10) percent of the site area, including existing thoroughfare rights-of-way, shall be landscaped.
- 2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area.

**G. General Landscape Development Standards:**

- 1. Minimum Plant Material Standards:
  - a) All plant material shall be hardy to Gladwin County, free of disease and insects and conform to the standards of the American Association of Nurserymen.

- b) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- c) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
- d) Minimum plant sizes at time of installation:

|                             |                  |
|-----------------------------|------------------|
| Deciduous Canopy Trees      | 2 1/2" caliper   |
| Deciduous Ornamental Trees: | 2" caliper       |
| Evergreen Tree:             | 6' height        |
| Deciduous Shrub:            | 2' height        |
| Upright Evergreen Shrub:    | 2' height        |
| Spreading Evergreen Shrub:  | 18" – 24" spread |

- e) Existing plant material, which complies with the standards and intent of the ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
- f) The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.
- g) The following trees are not permitted to be planted in required landscape areas as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

| <u>Common Name</u>    | <u>Horticultural Name</u>                  |
|-----------------------|--|
| Boxelder              | <i>Acer Negundo</i>                        |
| Ginkgo                | <i>Ginkgo Biloba (female only)</i>         |
| Honey Locust          | <i>Gleditsia Triacanthos (with thorns)</i> |
| Mulberry              | <i>Morus Species</i>                       |
| Poplars               | <i>Populus Species</i>                     |
| Black Locust          | <i>Robinia species</i>                     |
| Willows               | <i>Salix Species</i>                       |
| American Elm          | <i>Ulmus Americana</i>                     |
| Siberian Elm          | <i>U. Pumila</i>                           |
| Slippery Elm: Red Elm | <i>U. Rubra</i>                            |
| Chinese Elm           | <i>U. Parvifolia</i>                       |

**2. Minimum Standard for Berms:**

- a) Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
- b) Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.

- c) Berms shall be constructed in a way that does not alter the drainage patterns on site or on adjacent properties, nor shall it obstruct vision for reasons of safety, ingress or egress.

#### **H. Landscape Buffers and Protective Screening:**

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than 400 feet from an adjacent Residential District boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense Special Land Uses may be contained in **Article 9**.

1. **Width of landscape buffers:** Landscape buffers (Greenbelts) shall be ten (10) feet in width.
2. **Height of landscape buffers:** Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
3. **Height of protective screening (fences and walls):** Height of fences or walls shall be no less than six (6) feet.

#### **I. Installation and Maintenance:**

1. All landscaping and landscape elements shall be planted, and earth moving or grading performed according to accepted good planting and grading procedures.
2. The owner or occupant, if different from the owner of property required to be landscaped by this Ordinance, shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and accessible water supply.

### **Section 3.22 - Parking and Loading Space Requirements**

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

#### **A. Parking Requirements:**

1. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.

2. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport, or combination thereof, and shall be located on the premises they are intended to serve.
3. Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas may be revised and approved only in accordance with a site plan to be submitted to the Township Planning Commission in accordance with **Article 7** of this ordinance.
4. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
5. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.
6. Parking Lot Deferment: Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces between two uses where operating hours do not overlap, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
7. In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.
9. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
10. Parking Space Dimensions:

All required off-street parking spaces shall meet the following dimensional standards:

| Parking Pattern<br>(in degrees) | Maneuvering<br>Lane Width | Parking Space |          |
|---------------------------------|---------------------------|---------------|----------|
|                                 |                           | Width         | Length   |
| 0 degree (parallel parking)     | 12 feet                   | 8 feet        | 23 feet  |
| 30 to 53 degrees                | 12 feet                   | 9 feet        | 20 feet  |
| 54 to 74 degrees                | 15 feet                   | 9 feet        | 20 feet  |
| 75 to 90 degree                 | 20 feet                   | 10 feet       | 20 feet* |

- May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

**11. Vehicle Stacking Space:**

Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-through or similar service, but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.

**12. The number of off-street parking spaces shall be in accordance with the following schedule:**

| Residential Parking Requirements  |  |
|-----------------------------------|--|
| Use                               | Requirements   |
| One family and two family         | 2 for each dwelling unit   |
| Multiple family                   | 1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms  |
| Mobile homes                      | 2 for each mobile home site  |
| Housing for the elderly           | 1 for each 2 units, and 1 for each employee<br>Should units revert to general occupancy, then 2 spaces per unit shall be provided                    |
| Rooming houses and group quarters | 1 for each bed   |
| Group day care homes              | 2 for each home in addition to the 2 required for the residence<br>For this use only, such additional spaces may be located in the side yard setback |

| Institutional Parking Requirements |              |
|------------------------------------|--------------|
| Use                                | Requirements |

|  |   |
|--|---|
| Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly | 1 space for each 3 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees            |
| Nursery schools, day nurseries, or child day care centers  | 2 for each employee plus 1 space for each 8 children of licensed authorized capacity                          |
| Elementary, middle, and junior high schools  | 1 for each 1 teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater |

|   |   |
|---|---|
| Senior high schools                       | 1 for each 1 teacher, employee, administrator, and 1 for each 5 students; or the requirements of the auditorium, whichever is greater   |
| Colleges and universities                 | 1 for each teacher, employee, administrator, and 1 for each 10 students   |
| Government offices                        | 1 for every 1000 square feet of usable floor area   |
| Homes for the aged and convalescent homes | 1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift.                  |
| Hospitals                                 | 1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area.           |
| Private clubs or lodges                   | 1 for each 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes |

| <b>Business Parking Requirements</b>  |   |
|---|---|
| <b>Use</b>  | <b>Requirements</b>   |
| Professional offices of doctors, dentists, or similar professions   | 4 for every 1000 square feet of usable floor area   |
| Bank, business offices, or non-medical professional offices   | 1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window                                    |
| Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages | 1 for each 2 persons of seating capacity  |
| Food consumption services or drive in, drive through, or take out   | Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present. |
| Motel, hotel, or other commercial lodging Establishments  | 1 for each 1.5 occupancy unit plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code                |

|   |   |
|---|---|
| Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses | 1 for each 800 feet of useable floor area, plus 1 for each 2 employees  |
| Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA)   | 1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal |
| A. 1 to 15,000 square feet GLA  |   |
| B. 15,001 to 400,000 square feet GLA  | 3.0 spaces minimum, 3.75 maximum, per 1000 GLA  |

|  |   |
|--|---|
| C. 400,001 square feet GLA and higher                      | 3.5 spaces minimum, 4 maximum, per 1000 GLA   |
| Retail stores except as otherwise specified                | 1 for each 150 square feet of useable floor area  |
| Convenience store, with or without automotive fuel service | 4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel service  |
| Beauty parlor or barber shop                               | 2 spaces for each of the first 2 beauty or barber chairs, and 1.5 spaces for each additional chair  |
| Laundromats and coin operated dry cleaners                 | 1 for each 3 washing and/or dry cleaning machines   |
| Dry cleaners   | 2 for every 1000 square feet of gross leasable floor area   |
| Mortuary establishment                                     | 3 for each 100 square feet of useable floor area  |
| Auto service stations                                      | 2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces  |
| Automobile wash (self-service or coin operated)            | 3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall  |
| Motor vehicle sales and service                            | 1 for each 200 square feet of gross floor space of sales room and 1 for each 1 service stall.   |
| Marine sales and service centers, including RVs            | 1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable floor area of the sales room, but not less than 5 spaces with or without a showroom |
| Veterinary clinics or hospitals                            | 4 for every 1000 square feet of usable floor area   |
| Mini-warehouses, self-storage establishments               | 1 per 10 storage units, equally distributed throughout the storage area   |

| <b>Miscellaneous Use Parking Requirements</b> |                     |
|---|---------------------|
| <b>Use</b>                                    | <b>Requirements</b> |

|   |   |
|---|---|
| Wholesale establishments  | 5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater |
| Warehouse and/or storage building   | 5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater                            |
| Mini-Storage, Self-Storage facilities   | No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan.                |
| Dance Halls, Exhibition Halls, Halls, Billiard Parlors and Assembly Halls without fixed seats | 1 per every 2 persons allowed within the maximum occupancy load.  |

|                           |   |
|---------------------------|---|
| Golf Courses              | 1 per every 2 persons allowed within the maximum occupancy load.  |
| Industrial Establishments | One for every 1 1/2 employees based on the greatest number of persons employed at any one period during the day or night. |

|  |  |
|--|--|
| <b>Agricultural Tourism-Related Uses</b> |  |
| 1.                                       | The number of parking spaces required will be determined on a case by case basis taking into consideration such factors as building size, expected visitor numbers, seasonal or year-round use, and other factors determined by the Planning Commission.   |
| 2.                                       | Parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.  |
| 3.                                       | For uses permitted by Special Use Permit, parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand. |

Note: Any change of use shall be required to meet the parking requirements for the revised use, and obtain approval of such.

Note: Square footage refers to “Usable Floor Area”

**B. Loading Space Requirements:**

1. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial zoning district or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off street loading spaces in relation to floor area as follows:
  - a. Up to twenty thousand (20,000) square feet — one (1) space.



- b. Twenty thousand (20,000) to fifty thousand (50,000) square feet — two (2) spaces.
  - c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
  - d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
2. Each loading space shall be a minimum of (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

### **Section 3.23 - Water Supply and Sewage Disposal Facilities**

- A. All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies.
- B. Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the District Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

### **Section 3.24 – Storm Water Retention**

The property owner or developer is required to retain on site all storm water drainage in excess of natural conditions. This provision may require storm water retention ponds where appropriate. An exception can be made for water leaving the site via an existing storm water pipe, or through other storm water facilities which will be developed at the same time as the proposed new use. All storm water facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten years (ten year design storm).

### **Section 3.25 - Groundwater Protection and Hazardous Substances**

- A. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting

materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

- B. All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

### **Section 3.26 – Floating Docks and Ice Fishing Shanties**

Floating docks or ice shanties shall have light reflecting devices at each corner or side of the above said items that makes them clearly visible during night-time hours by boaters and snowmobilers. Floating docks must also have a three (3) inch by five (5) inch permanent sign or placard that conspicuously identifies the current lake property name and address of the owner. Ice shanties must be identified according to the DNR requirements, which state that the name and address of the owner must be on all sides of the shanty in legible letters at least 2 inches in height. The letters shall be readily visible and consist of material not soluble in water. The name and address must be on the shanty and may not be placed on a board or other material that is attached to the shanty.

### **Section 3.27 - Dumping of Motor Vehicles**

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township, except in a legally authorized junk yard. Nor shall any unlicensed or inoperable motor vehicle be stored on any property unless stored within a totally enclosed structure.

### **Section 3.28 - Dumping of Materials**

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or to create olfactory or visual pollution.

- A. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk, debris, or refuse is prohibited, except under the following circumstances.
  1. Such practices are a necessary accessory use to a permitted agricultural use.
  2. Such practices occur in a junk yard, landfill, recycling facility, or transfer station authorized under this Ordinance, and are included in the approved site plan.
  3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.

- B. Dumping of soil, sand and clay materials: The material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.
- C. Dumping of toxic materials and/or nuclear wastes shall not be allowed in Secord Township.

### **Section 3.29 - Outdoor Lighting**

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lenses, directing light on-site only, and shall be no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures.

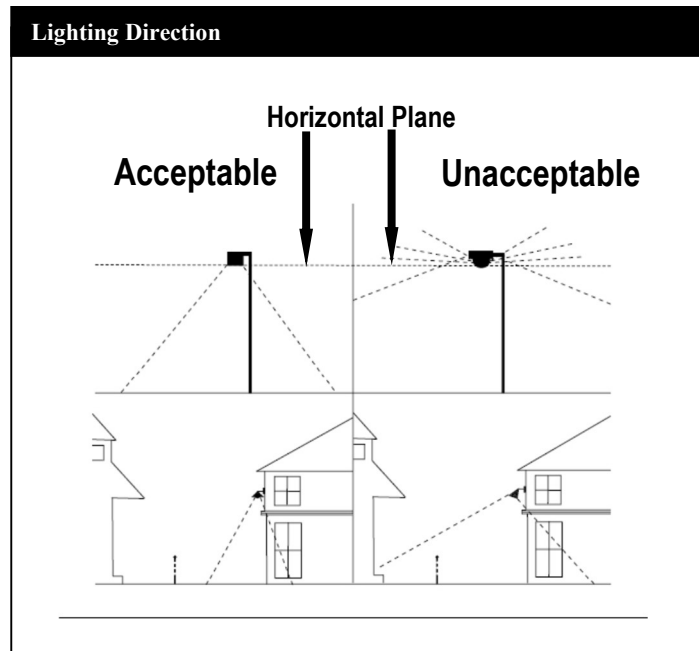
**A. Intent and Purpose:** The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

#### **B. General Standards:**

1. **Exempted Areas and Types:** The following types of outdoor lighting shall not be covered by this Ordinance:
  - a. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
  - b. Lights located within the public right-of-way or easement.
  - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
  - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.

- e. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.
  - f. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.
2. **Regulated Lighting:** The following types of lighting shall be regulated by this Ordinance:
- a. Private parking lot lighting and site lighting for commercial, industrial and institutional developments.
  - b. Multiple-family development parking lot lighting and site lighting.
  - c. Privately-owned street lighting.
  - d. Building facade lighting.
  - e. Security lighting, spotlights, and floodlights.
  - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity and/or glare to the foregoing.
  - g. Standards related to the lighting of signs are contained in **§3.30**.
3. **Standards:** Lighting shall be designed and constructed as per the following requirements:
- a. **Lighting Confined To Site:** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
  - b. **Lighting Directed Downward/Shielded:** Except for diffused globe-style walkway lights and the lighting addressed in **subsection c below**, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
  - c. **Upward Directional Lighting:** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.

- d. **Moving Lights:** All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.
- e. **Interference with Traffic Control Devices:** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- f. **Gas Stations:** Ceiling lights in gas pump island canopies shall be recessed.



**Section 3.30 - Outdoor Advertising Signs**

The use and erection of all outdoor advertising signs shall be subject to the following provisions:  
 All signs to be on common sign board constructed by twp.

## A. General Provisions for all Zoning Districts:

1. **Approval:** No sign, except residential name plates and those signs established by the Township, County, State or Federal governments, shall be erected or altered until approved by the Zoning Administrator and a Zoning Permit issued. A property owner may maintain, improve, or replace an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same.
2. **Signs which are in need of repair, obsolete, not affixed or obstructing/Signs affixed to other surfaces:** Signs, which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; or those that resemble official traffic signs; or obstruct official signs, are prohibited. No advertising sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects. No sign shall be affixed to a motor vehicle or other similar object not usually used for signage and put on permanent, non-mobile display for the purpose of advertising.
3. **Obstruction of Vision:** No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
4. **Signs in Right-of-Way:** Any sign except those established and maintained by Township, County, State or Federal governments shall not be erected in, nor project into, or overhang a street or road right-of-way.
5. **Directional Signs:** Directional signs required for the purpose of orientation, when established by Township, County, State or Federal governments shall be permitted in all zoning districts.
6. **Obstruction of/Confusion with Traffic Signals/Signs:** No outdoor advertising structure shall be erected in such a manner that the position, size, movement, shape or color may interfere with the view of or be confused with any public traffic sign or device.
7. **Glare/Flashing/Moving Signs:** Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises or residence(s). Illuminated signs shall not be of the flashing, moving or intermittent type unless approved by the Zoning Administrator or unless allowed elsewhere in this Ordinance, who shall find that the lighting is non glaring, does not interfere with traffic control devices, and further does not involve the principal notice or message carried on the sign; hence, all intermittent lighting elements shall be designed as accessory to the sign.
8. **Political Signs:** Temporary political signs may be located in any zoning district and shall be removed within fourteen (14) days following the election date. Other temporary signs shall be removed at the completion of the advertised event.
9. **Real Estate Signs:** Real estate signs shall be permitted only while said real estate is actually on the market for sale, rent or lease. Such real estate sign may be placed in the road right-of-way or waterfront, but not on the shoulder of the road and not nearer an

intersection than a sign indicating that there is a “stop sign ahead”. Two (2) real estate signs shall be permitted if said property fronts two (2) roads or streets. Off-premise signs pertaining to real estate developments located in the Township and designed to promote the sale of lots or homes within a subdivision located in the Township are permitted on a temporary basis in any zoning district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale.

**10. Free-Speech:** Signs which express non-commercial speech may be erected in any district. Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message. No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

**11. Multiple Uses on One Lot:** In cases where a lot contains more than one (1) use, the sign requirements contained in this section apply to each use on the property.

**12. Unsafe, Damaged and Illegal Signs:**

In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall within ten (10) days of receipt of a written notice from the Zoning Administrator make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

**B. Size Limitations:** Size limitations found in **Tables 3.30 A and B** apply to the sign face only, not the support structure.

| <b>Table 3.30A: ON-PREMISE SIGNS – RESIDENTIAL SIGN REQUIREMENTS</b> |                                      |   |   |
|--|--------------------------------------|---|---|
|  | <b>Single &amp; Two- Family Uses</b> | <b>Home-Based Business/Cottage Industry</b> | <b>Multiple Family, Subdivisions, Manufactured Housing Dev.</b> |
|  |                                      |   |   |

|                                     |                                  |                        |   |
|-------------------------------------|----------------------------------|------------------------|---|
| <b>Free-<br/>Standing<br/>Signs</b> | 1 Nameplate at 5 ft <sup>2</sup> | 1 at 5 ft <sup>2</sup> | 1 per entrance at 10ft <sup>2</sup> Height<br>= 6 ft with Planning<br>Commission approval |
| <b>Wall Signs</b>                   | 1 Nameplate at 5 ft <sup>2</sup> | 1 at 5 ft <sup>2</sup> | -----   |



| <b>TABLE 3.30B: ON-PREMISE SIGNS – AGRICULTURAL, BUSINESS &amp; INDUSTRIAL</b> |   |  |   |  |
|--|---|--|---|--|
|  | <b>Number &amp; Area</b>  | <b>Height</b>  | <b>Setback</b>  | <b>Other Regulations</b>   |
| <b>Ground Mounted Signs (Pylon Signs and Monument Signs)</b>                   | 2 at 64 ft <sup>2</sup>   | The top of any ground-mounted sign shall be not more than ten (10) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. (See Figure 3.30 A & B) | Shall not be located nearer to the front lot line than 1/2 the required front yard setback. | The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches.  |
| <b>Time &amp; Temperature Signs</b>  | 1 allowed   | n/a  | n/a   | Must be an integral part of principle sign – size does not count toward allowable square footage of principle.   |
| <b>Wall Signs</b>  | Can occupy maximum of 25% of wall area (of entire building).  | The sign shall not project above the edge of the roof of a structure.  | n/a   | Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches.   |
| <b>Projecting Signs</b>  | 1 at 10 ft <sup>2</sup>   | Minimum height of 8 ft   | n/a   | Sign supports and brackets shall be compatible with the design and scale of the sign.  |
| <b>Awning or Canopy Signs</b>  | No restriction.   | No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.   | n/a   | n/a  |
| <b>Cluster Signs</b>   | Up to six (6) signs in addition to the sign bearing the name of the complex.<br><br>Each sign in a cluster shall be no greater than 15 ft <sup>2</sup> in area. | 20 ft  | 10 ft from front lot line   | Cluster signs may only advertise a group of businesses located together which share an access to the primary road. Any business which has a sign in a cluster is allowed only one additional primary sign located on the lot on which the business is located. Cluster signs must be located near the access from which each business in the cluster is located. |
| <b>Message Boards (Static) &amp; Digital)</b>                                  | See Section 3.30C   |  |   |  |

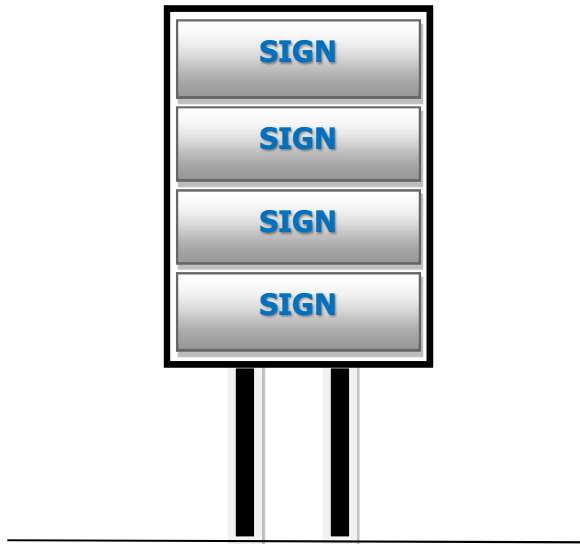


Figure 3.30A

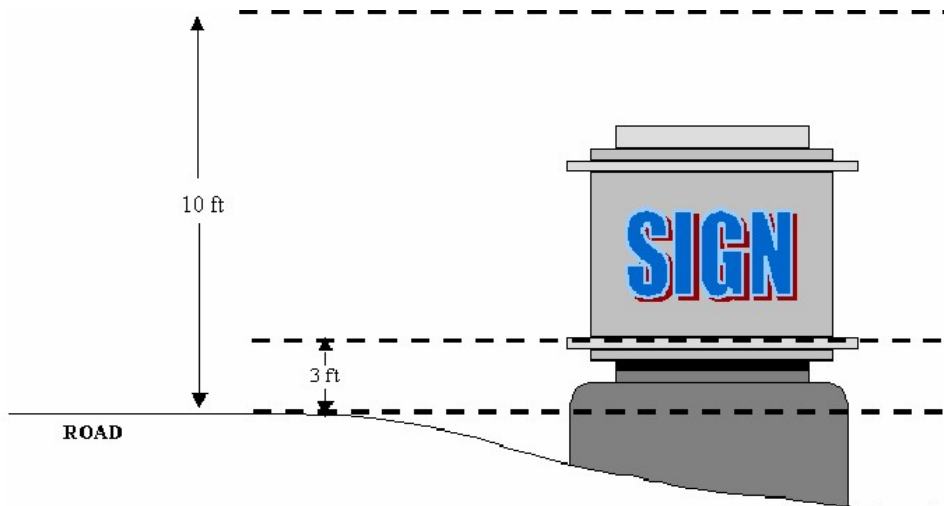


Figure 3.30B

### C. Message Boards:

1. **Static Message Boards:** Static message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units with permit. They will not be allowed in the R-1 and R-2 Residential Zoning Districts.
  - a. Static message boards are not allowed in the R-1 District.
  - b. Static message boards are not allowed in the R-2 District except in the case of nonresidential uses.
  - c. If the static message board is utilized as one of the allowable primary signs on the premises, then the static message board shall be no greater than sixty-four (64) square feet.
  - d. If the static message board is a part of the primary sign, then both the message board and primary sign together shall not exceed the total sign size allowed by district.
  
2. **Electronic Message Boards:** Electronic message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units. They will not be allowed in the R-1 and R-2 Residential Zoning Districts.
  - a. Electronic message boards are not allowed in the R-1 District.
  - b. Electronic message boards are not allowed in the R-2 District except in the case of nonresidential uses.
  - c. If the electronic message board is utilized as one of the allowable primary signs on the premises, then the electronic message board shall be no greater than sixty-four (64) square feet.
  - d. If the electronic message board is a part of the primary sign, then both the message board and primary sign together shall not exceed the total sign size allowed by district.
  - e. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
  - f. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
  - g. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
  - h. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

- i. Message boards may contain advertising for on-premise or off-premise establishments but shall contain advertising for on-premise establishments.
- j. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

**D. Off-Premise Signs (Billboards):**

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances, and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height and related characteristics of such signs.

1. **Off-Premise Sign Regulations:** Billboards may be established in Secord Township provided that they meet the following conditions:
  - a. Off-Premise Signs shall only be allowed on State highways and other Class A roads in Secord Township.
  - b. Not more than one (1) billboard may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Secord Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted.
  - c. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet. They will not be allowed in the R-1 and R-2 Residential Zoning Districts.
  - d. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
  - e. The surface display area of any side of a billboard may not exceed seventy-two (72) square feet
  - f. The height of a billboard shall not exceed ten (10) feet above the elevation of the centerline of the abutting roadway.
  - g. No billboard shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.

- h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- i. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- j. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated there under, as such may from time to time be amended.
- k. Digital Billboards:
  - i. Rate of Change: The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
  - ii. Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
  - iii. Digital billboards shall be configured to default to a static display in the event of mechanical failure.

2. **Permit Required:** No person, firm or corporation shall erect a billboard within Secord Township without first obtaining a permit from the Secord Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Secord Township Zoning Administrator confirming continued compliance with this ordinance and payment of the billboard permit fee. The amount of the zoning permit fee required hereunder shall be established by resolution of the Secord Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Secord Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

**E. Private Off-Premise Directional Signs (On Private Property):**

Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the Township shall be allowed on private property provided there exists a written agreement between the

property owner and the business/industry. Said agreement shall be filed with the Township.

- a. Off-premise directional signs shall be no greater than six (6) square feet.
- b. Off-premise directional signs must be located at intersections.
- c. Sign lettering may display the off-premise business name, address, and an arrow indicating direction.
- d. One (1) off-premise direction sign is permitted per non-residential zoning lot.
- e. Off-premise directional signs shall be readable and finished on all sides as viewable from all public approaches.

**F. Signs Allowed Without a Permit:** The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

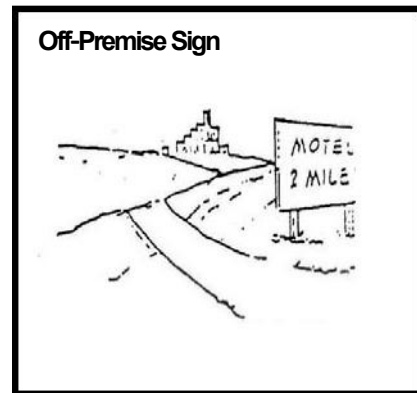
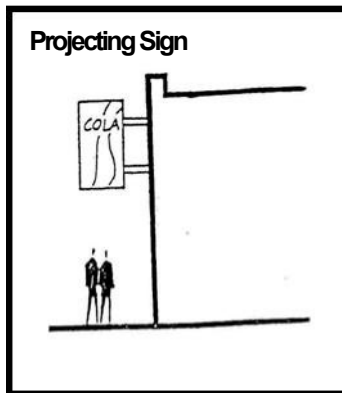
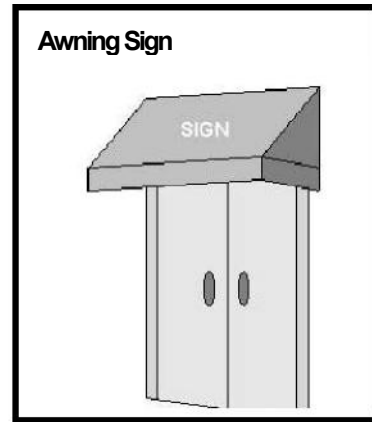
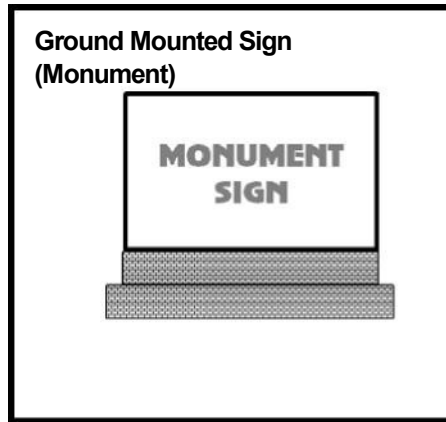
- 1. Residential Nameplates:**
- 2. Real Estate (Residential and Commercial):**
- 3. Political or Opinion Signs:** Temporary, non-illuminated signs supporting a political candidate or offering an opinion on an issue or subject.
- 4. Caution Signs:** Non-advertising signs erected to warn the public of dangerous conditions and unusual hazards.
- 5. Non-Advertisement Informational:** Informational signs not exceeding eight (8) square feet (2'X4') in area may be utilized for additional traffic regulation, including, but not limited to, loading dock, low clearance, garage, office, warehouse, and service signs.
- 6. Directional Signs:** Three (3) signs per parking lot not exceeding three (3) square feet and six (6) feet in height identifying the business and providing driving, ingress/egress, and parking information.
- 7. Memorial/Historical Signs:** Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building. Also includes signs designating the building as a historical structure.
- 8. Flags:** Flags bearing the design of a nation, state, municipality, educational institution, or noncommercial organization.
- 9. Point-of-Sale Signs:** Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, cost of product, and the methods of payment.

- 10. Noncommercial Designation Signs:** Signs not exceeding two (2) square feet each which contain only noncommercial messages including designation of restrooms, telephone location, restrictions on smoking, and door openings.
- 11. Affiliation Signs:** Business signs not exceeding one (1) square foot containing information on credit cards and business affiliations.
- 12. Yard/Garage Sale:** Temporary, non-illuminated signs advertising yard, rummage, garage, basement, porch, or deck sales and other such signs shall not exceed six (6) square feet in size, shall be permitted two days prior to the event and shall be removed within a period of 24 hrs.

**G. Removal of Signs in Violation of this Ordinance:**

The Zoning Administrator may order the removal of any sign that is abandoned or erected or maintained in violation of this ordinance. An abandoned sign shall not include a sign located on a lot on which the principal use structure is for sale. Thirty (30) days notice in writing shall be given to the owner of such sign, and to the owner of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance. The Zoning Administrator may cause the removal of the sign that remains in violation after such notice. The Zoning Administrator shall cause the removal of a sign immediately and without notice if, in the Zoning Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located. The Township aims at bringing all non-compliant signs into compliance or removal within 60 days of the adoption of this Zoning Ordinance.

## H. Sign Diagrams





### Section 3.31 - Pets and Livestock

- A. The sale, boarding, treatment, or breeding of more than two (2) dogs or three (3) cats or other household pets, other than animals under six months of age born to a female under the care, custody, or control of resident of the property, as a business will be considered a kennel and requires a zoning permit as such. No poisonous or dangerous reptiles, wild or dangerous animals, may be kept as an accessory residential use on any premises.
- B. The raising and keeping of livestock is prohibited in the R-1 District and is permitted by Special Use Permit in the R-2 District. In addition to the Special Use standards in §8.1, the following shall apply to livestock in the R-2 District:
1. Adequate space shall be provided for the clean and healthful keeping of such animals.
  2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
  3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.
- C. The raising and keeping of livestock is allowed in the A-1 District. In addition:
1. Adequate space shall be provided for the clean and healthful keeping of such animals.
  2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
  3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

### Section 3.32 - Driveways and Private Roads

- A. **Driveways:** Driveways that provide access to not more than four (4) parcels shall meet the following standards: Access to the principle structure(s) shall require a driveway which has fifteen feet (15') horizontal and twelve feet (12') vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles. A vehicle turn around area shall be provided within one hundred feet (100') of the principle structure(s) capable of handling thirty foot (30') vehicles (Minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. Gladwin County or Secord Township cannot be held responsible for non-maintenance of access.
- B. **Nonconforming Existing Private Roads:** In the case of private roads built prior to this ordinance, such roads may be utilized and improved and additional access points for new structures are permitted. However, emergency fire service will be provided at the discretion of the Fire Office. Secord Township bears no liability for emergency services on nonconforming private roads.

**C. Private Roads:** Private roads, providing access to five (5) or more parcels, are permitted provided they conform to the requirements of this section. No private road shall be constructed, after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. Application, review and approval of a proposed private road shall follow the same procedures as Special Uses.
2. The proposed private road shall meet the currently Gladwin County Road Commission design standards.
3. No structure or development activity shall be established within approved rights-of-way or easements.
4. No fence, wall, sign, landscape screen or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility.
5. No more than twenty (20) lots or parcels may gain access to a single private road if only one point of intersection is provided between the private road and a public road. No more than fifty (50) lots or parcels may gain access to a private road where two or more points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels are served, the road shall be a paved road built to County Road Commission standards.
6. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road.
7. Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.
8. Construction authorization from the Gladwin County Road Commission is required for connection to a road under the Commission's jurisdiction, and from the Michigan Department of Transportation if connected to a state trunk line. When applicable, a permit is also required from the County under Part 91 of the Natural Resources and Environmental Protection Act.
9. Intersections of private roads with public roads shall meet the current Gladwin County Road Commission standards.
10. Storm water runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed storm water runoff plan. Where storm water runoff is proposed to run into an existing county or state road storm water system, the storm water plan for the private road shall be submitted to the Gladwin County Drain Commissioner and the Gladwin County Road Commission, Michigan Department of Transportation, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.

11. Lots or parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district where located.

**D. Road Construction Approval Procedures:** No private road shall be constructed after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
  - a. Existing and proposed lot lines.
  - b. The location of existing and proposed structures.
  - c. The width and location of the private road easement.
  - d. A cross-section of the proposed road, showing the type of material the road base and surface will meet County road standards.
  - e. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic system, water lines or private wells and private utilities such as telephone, electric and cable service.
  - f. Proposed locations of driveways off the private road.
  - g. Any existing or proposed structures, trees or other obstruction within the proposed right-of-way.
  - h. Proposed road name.
2. All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads.
3. Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the Secord Township Clerk and the Gladwin County Register of Deeds providing for:
  - a. A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
  - b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
  - c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of lots or parcels on the private road for the improvements, plus an administration fee in the amount of twenty-five percent (25%) of the total costs.
  - d. No public funds of Secord Township will be used to build, repair or maintain the private road.

4. Road easement agreement signed by the proprietor(s) shall be recorded with the Secord Township Clerk and the Gladwin County Register of Deeds providing for:
  - a. Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.
  - b. A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and other bound to or returning from any of the properties having a need to use the road.
5. Application Review and Approval or Denial:
  - a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road and to MDOT if connected to a state trunk line for review and comment. The proposed road maintenance agreement and road easement agreement and covenants running with the land shall be sent to the Township Attorney for review and comment.
  - b. County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny or approve with conditions the application for a private road.
  - c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
  - d. The Zoning Administrator shall arrange for inspections during construction or, and upon completion of the private road.
6. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the County Road Commission, MDOT or the Township in its standards and specifications for road construction and development.
7. Issuance of Building Permits for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.
8. Posting of Private Roads: All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a Secord background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietor(s). The applicant shall check with the County Road Commission to avoid a duplication of names.

9. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
10. This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.
  - a. This notice is to make purchaser aware that this parcel of land has ingress and egress over this easement only.
  - b. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
  - c. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.
11. Fees: Before final approval, an application fee established by the Township Board and the cost for a qualified professional to review the plans and inspect the construction shall be paid by the proprietor(s).
12. Final Approval: The Planning Commission shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

### **Section 3.33 – Wells and Septic Systems**

The Buyer / Seller must obtain a certificate from the Central Michigan District Health Department certifying that the well and septic systems are in compliance with the Health Safety Sanitary Code in R-1, R-2, A-1, C-1 and C-2 Districts at the Point of Sale.

#### **A. Violation Procedures:**

1. A formal letter will be issued to the Buyer / Seller by the Secord Township Supervisor or designated representative, who shall be the enforcing agent if noncompliance is present.  
  
Buyer / Seller to have this completed by closing to obtain inspection from Central Michigan District Health Department and comply with current well and septic regulations, including, completion of final inspection of any modifications.
2. Existing System Evaluations by the Central Michigan District Health department will be reviewed by the township, if evaluation has been done in past 5 years.
3. Non-Compliance and Violations Penalties shall be in effect according to of **§10.8** of this Ordinance.
4. The Buyer / Seller have the Right of Appeal according to of **§10.5** of this Ordinance.

5. Land Contracts and quit claim deeds are considered a transfer of interest and are subject to this Ordinance.

**B. Exceptions: The following are exempt:**

1. A sale, transfer or conveyance of premises containing buildings or structures, all of which are to be immediately demolished and not occupied after the sale, transfer or conveyance. With no building requiring a well or septic.
2. A sale, transfer or conveyance of premises containing a new home that has not been previously occupied or lived in for which a satisfactory final inspection was issued by the Central Michigan Health Department within the last 24 months.
3. A sale, transfer or conveyance of premises that The Central Michigan District Health Department has inspected and certified acceptable within the past 5 years.

**C. Other Actions:**

If a system is suspect or reported to be in violation of County Health Department code, the Township shall have the right to demand an inspection of said system at the cost of the property owner.

### **Section 3.34 – Classification of Unlisted Uses**

When the proposed use of land or use of a structure is not specified in this Ordinance, the Planning Commission shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Planning Commission shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the Secord Township Master Plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Planning Commission.

### **Section 3.35 – Site Condominiums**

**A. Intent:**

The purpose of this section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other state and federal laws and regulations.

**B. General Requirements:**

- 1. Compliance with Federal, State and Local Laws:** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
- 2. Zoning Requirements:** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
  - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.
  - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
  - c. Required yards shall be measured from the boundaries of the site condominium unit.
- 3. Site Plan Review:** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with Article 7 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
  - a. Application:**
    - (1) An application for site plan approval shall be filed for review as per the requirements of Article 7 of this Ordinance. All procedures and standards of Article 7 shall apply to site condominium projects.
    - (2) All condominium site plans shall include the information required in Section 66 of the Condominium Act.
    - (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
    - (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.
  - b. Deed Restrictions, Master Deed, By-Laws.**

(1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.

(2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

**c. Performance Guarantees:**

As a condition of approval of the site plan, the Planning Commission shall require performance guarantees by the developer in accordance with the provisions of §10.7, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

**4. Easements for Utilities:**

Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

**5. Additional Filings Required:**

Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

**Section 3.36 – Garage, Rummage and Yard Sales**

A maximum of three (3) garage, rummage and yard sales shall be allowed in any one year period. Each sale shall be no longer than seven (7) days in duration.



### **Section 3.37 – Rental Property**

The rental of property in Secord Township to permanent or transient renters requires a Rental Property Permit and a well and septic inspection by the CMDHD. The property owner must have the well and septic system inspected by the Central Michigan District Health Department and be in compliance with the current state well and septic regulations. An approved permit will be issued when all inspections have been completed, including completion and final inspection of any necessary repairs or modifications to the well and septic systems.

### **Section 3.38 – Tall Grass and Weeds**

An Ordinance enacted pursuant to the authority of MCL 41.181 et seq., to secure the public health, safety and general welfare of residents, property owners and persons within the Township of Secord, Gladwin County Michigan by the regulation of the height of tall grass and weeds in subdivided lands and upon lands along improved streets within the township and to prescribe the penalties for the violation thereof.

#### **A Title:**

This Ordinance shall be known and cited as the Secord Township Tall Grass and Weed Ordinance.

#### **B. Purpose:**

The Township hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. The purpose of this ordinance is to secure the public health, safety and general welfare of the residents and property owners of Secord Township by regulating the height that grass and weeds are allowed to grow in certain areas of the township in which people reside in close proximity.

#### **C. Land Subject to Regulations:**

1. This ordinance applies to the following:
  - a. Lots in a platted subdivision, site condominiums with a structure.
  - b. Vacant lots within plated residential subdivisions in which buildings have been erected upon 60 percent or more of the lots.
  - c. On parcels of land along improved streets in common usage within the township, to a depth of one hundred sixty five (165) feet or the depth of the ownership, whichever is the lesser.
2. This ordinance does not apply to:
  - a. Land used for agricultural purposes including weeds in fields devoted to growing

any small grain crops such as wheat, oats, barley, or meadows.

**D. Duty to Cut Grass:**

The owner and/or occupants of land to which this ordinance applies shall not allow tall grass or weeds to grow over eight inches (8") in height throughout the growing season, including grass and weeds in the right-of-way. And it shall be the duty of all owners and/or occupants of land located in Secord Township either to cut or otherwise destroy by lawful means all tall grass and weeds as defined in this ordinance, which are growing upon said property, before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.

**E. Unlawful Acts:**

It shall be unlawful for the owner and /or occupant of any lot or parcel of land to which this ordinance applies to allow or maintain upon any portion of such lot or parcel any growth of tall grass or weeds as defined herein, or to permit the deposit or accumulation upon any portion of such lot or parcel of land, of any brush, yard debris dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, or traffic hazard, or fire hazard. Growth of grass to a length greater than eight (8) inches shall be considered to be a nuisance for the purposes of this section.

**F. Enforcement:**

1. **Enforcement Officer:** This Ordinance shall be enforced by such persons who shall be so designated by the Township Board, who shall for purposes of this ordinance be the Secord Township Ordinance Enforcement Officer (OEO) or other designated persons by the Township Board.
2. **Right of Entry:** The Ordinance Enforcement Officer and his or her authorized representatives and lawn contractors are hereby empowered to enter upon any premises or land in Secord Township for the purpose of inspecting, removing of and/or destroying of tall grass and weeds prohibited under this ordinance. No person shall molest or interfere with such person or persons while they are engaged in carrying out the provisions of this ordinance.
3. **Violation Notice:** After inspection, if any property is determined to be in violation of this ordinance, a Violation Notice will be sent to the property owner and/or occupant of said premises in which the name appears in the last local assessment record of the Township. The notice shall be sent by Registered Letter and/or by posting a copy of said notice on the property. The notice shall give the property owner fifteen (15) days from the date of the notice to cut the tall grass and weeds.
4. **Failure to Comply:** If the tall grass and weeds are not cut within fifteen (15) days the OEO shall have the authority to enter upon the land and /or to cause the lawn to be mowed by an authorized representative who is hereby empowered to enter upon any premises or land in Secord Township for the purpose of mowing tall grass and weeds in violation of this ordinance even if the property owner and/or occupant failed to

actually receive said notice. The Township of Secord, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc., during the mowing of the property in violation of this ordinance.

- 5. Assessment of Costs:** All expenses of such cutting, to include equipment usage, transportation, man-hours involved, and overhead, including any and all cost incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements of this Ordinance shall be paid by the owners of such land plus an administrative fee of twenty five (25%) percent, thereof per residential parcel, per cutting. After having a lot mowed, the Township shall then submit a bill to the property owner for the cost of the mowing. If the property owner does not pay the bill within sixty (60) days of the date of the invoice the cost of such payment shall be charged against the premises and it shall become a lien created by general law for taxes, plus an additional delinquency fee of 10% per month until paid.

**G. Penalties:**

Penalties shall be as defined in Article 10: Administration and Enforcement

**H. Declaration of Nuisance:**

Any violation of any provision of this Ordinance is hereby declared to be a nuisance and the Township may seek enforcement of the Ordinance by suit for injunction, damages, or other appropriate legal action, as against a nuisance, at the expense of the property owner under MCL 600.2940(3), including reasonable attorney fees. Any such civil action shall be in addition to any prosecution for violations of this Ordinance as a Municipal Civil Infraction. Commencement of any such proceedings shall not constitute an election of remedies.

**I. Severability:**

The several provisions of this ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

**Section 3.39 – Peddler, Canvasser and Solicitors**

**A. Short Title:** Peddler, Canvasser and Solicitors Ordinance

**. Purpose:**

The terms and provisions of this ordinance is to prohibited uninvited entry, obstruction of public ways and areas, fixed stands, curb service and shouting or use of other devices to

attract attention and all use of temporary vending facilities per Attorney General Opinion 7266 of 2012

**C. Prohibited Acts:**

It shall be unlawful and is declared to be a nuisance for peddlers, solicitors, and canvassers of goods and services engaged in commercial business for profit to go in and upon private residences in the township not having been requested or invited to do so by the owners or occupants of such private residences for the purpose of disposing of or peddling goods, wares and merchandise or for the purpose of soliciting orders for the sale of goods, wares and merchandise to be delivered in the future and services to be furnished or performed in the future

**D. Licensing Requirements:**

No person covered by the Ordinance shall engage in the business of peddler, hawker, huckster, solicitor, transient merchant, itinerant merchant, and itinerant vendor in Secord Township without first obtaining a permit. No permit shall be granted except upon approval of the Township Board.

**E. Application for License:**

The license applicant, under the provisions of this Ordinance, shall furnish the following information:

1. Name of the applicant, including date of birth, social security number, and driver's license number.
2. Permanent home address and full local address of the applicant.
3. A brief description of the nature of the business and the goods to be sold.
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
5. The length of time for which the right to do business is desired.
6. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery and warranty provisions.
7. A photograph of the applicant, no less than two inches by two inches, taken within 60 days prior to the date of the filing of the application, showing the head and shoulders of the applicant in a clear and distinguishing manner.
8. The names of at least two reliable property owners of Secord Township, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefore.

#### **F. Exemptions from Permits:**

If a peddler, solicitor, or transient merchants is exempt from the licensing provisions of this Ordinance, they shall still be required to complete and sign the permit and solicitor's application prior to peddling, soliciting or merchandising goods in the Township.

#### **G. Exempt Persons:**

The following shall be exempt from the licensing requirements of this chapter, but shall be subject to the other provisions hereof:

1. Farmers or truck gardeners selling or offering for sale, any products grown, raised or produced by them.
2. Persons under 18 years of age, when engaged in peddling or soliciting on foot in the neighborhood of his or her residence under the direct supervision of an Gladwin County school and/or a recognized charitable or religious organization. Children under the age of 14 must be accompanied by a parent or adult. Accompaniment requires a physical presence within 100 feet of said child by the parent or adult.

#### **H. Prohibited Acts and Practices:**

The following conduct, in addition to any other prohibitions imposed by this Ordinance, shall be prohibited and shall be punishable as a violation of this Ordinance.

1. Entering a private residence under pretenses other than for soliciting or peddling.
2. Remaining in a private residence or on the premises thereon after the owner or occupant thereof has requested any such person to leave.
3. Going in and upon the premises of a private residence by such person to solicit or peddle when the owner or occupant thereof has displayed a "no soliciting" or "no peddling" sign on such premises.
4. Soliciting or peddling at a private residence prior to 10:00 a.m. or after official sunset time, or at any time on a Sunday, or on a state or national holiday.

#### **I. Obstruction of Public Ways and Areas:**

No person covered by the Ordinance shall, in the sale of goods, wares and merchandise, obstruct any street, alley, sidewalk or driveway, or remain, barter, sell, offer or expose for sale any goods, wares, merchandise or set off any fireworks in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of such property. No person covered by the Ordinance shall engage in peddling on any street, alley or public place after having been requested to desist by any police officer of the Township because of congested or dangerous traffic conditions.

**J. Fixed Stands:**

No person covered by the Ordinance shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer wishing to buy. Any person covered by the Ordinance using a vehicle, trailer or any sort of conveyance, when stopped, shall place his vehicle parallel to and within 12 inches of the curb and shall depart from such place as soon as he has completed sales with customers actually present

**K. Curb Service**

No person covered by the Ordinance shall operate or maintain any stand, vehicle, store or place of business on or near any highway in such a manner that the customers of or traders with such person occupy or congregate within the limits of any street, highway or public place within the Township. No person covered by the Ordinance shall be permitted to use the streets, alleys or public places of the Township for the service of customers or for the transaction of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting the business, to stand in the right of way of any streets, highways, alleys, or public places of the Township

**L. Shouting or Use of Other Devices to Attract Attention:**

No person covered by the Ordinance shall shout or cry out his goods or merchandise, nor blow any horns, or use any other similar device to attract the attention of the public

**M. Violations and Penalty:**

See Article 10: Administration and Enforcement of Ordinance, Section 10.8 Violation and Penalties

**N. Severability:**

Should any provision or part of the Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of enforceability of the balance of this Ordinance which shall remain in full force and effect.

**Section 3.40 – Fire and Rescue Run Emergency Services Charges**

An Ordinance to establish charges for fire department services under Michigan Public Act 33 of 1951, as amended (MCL 41.801 etc.) and to provide methods for the collection of such charges and exemptions there-from.

**A. Short Title:** Section 3.40: - Fire and Rescue Run Emergency Services Charges

**B. Purpose:**

This Ordinance is adopted for the purpose of providing financial assistance to the Township in the operation of a fire department from those receiving direct benefits from fire protection

or emergency services. It is the further purpose of the Ordinance to provide for a portion of the costs incurred by the Secord Township Fire/Rescue Department for certain emergency services provided.

### **C. Charges:**

Charges shall hereafter be imposed upon responsible parties. The Township Treasurer shall bill by first class mail with postage fully paid to the person, persons or entity which received, required, necessitated or caused to be rendered the service, and the bill shall be due and payable to the Township within 90 days of the mailing of said bill. Charges shall be made for, but not limited to, replacement costs related to disposable personal protective equipment, extinguishing agents, environmental cleanup and time committed by Fire Department personnel. Charges shall be allowable any time Secord Fire and/or Rescue personnel are required to be physically involved in responding to an emergency situation within their jurisdiction. Should Secord Fire and Rescue be called for Mutual Aid in another jurisdiction, there shall be no charge, even if Secord is first on scene. Specific charges for services rendered shall be posted at the Secord Township Hall and at the Secord Fire Hall. Any default of payment shall be collectible through proceedings in district court or in any other court of competent jurisdiction as a matured debt.

### **D. Appeal:**

Any party aggrieved by a charge authorized in this Ordinance may appeal the charge as follows:

1. Within the time period for which a bill is payable, the party shall file a written request with the Township Clerk setting forth specific reasons why the charge is improper.
2. The Clerk shall notify the aggrieved party, in writing, of the time, place and date the Appeals Board will hold a hearing on the issue.
3. The Appeals Board may grant relief on appeal if it finds good cause and sufficient proof to satisfy the Board.
4. The Appeals Board may extend the time for payment for a reasonable period, not to exceed one (1) year.

### **E. Appeals Board:**

The Appeals Board shall consist of the Township Supervisor (or designee) and two other members of the Township Board. (or their designees). The Secord Township Fire Chief or Assistant Chief shall be available whenever the Fire Charge Appeals Board meets.

### **F. Exemptions:**

The following properties and services shall be exempt from the foregoing charges:

1. False alarms and

2. Fires involving Township buildings, grounds and/or property

**G. Collection of charges:**

The Township may proceed in district court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

**H. Multiple property protection:**

When a particular service rendered by the Township Fire Department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service herein before outlined. The interpretation and application of this section is hereby delegated to the Township Fire Chief subject only to appeal, within the time limits for payment, to the Township Board and shall be administered so that charges only be collected from the responsible parties.

**I. Severability:**

Should any provision or part of the Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of enforceability of the balance of this Ordinance which shall remain in full force and effect.

**Section 3.41 – The Fireworks Ordinance**

An Ordinance enacted pursuant to the authority of MCL 41.181 et seq., to secure the public health, safety and general welfare of residents, property owners and persons within the Township of Secord, Gladwin County Michigan by the regulation of Fireworks within the township and to prescribe the penalties for the violation thereof.

**A Title:** Section 3.41: - The Fireworks Ordinance

This Ordinance shall be known and cited as the Secord Township Fireworks Ordinance.

**B. Purpose and Intent:**

The purpose of this ordinance is to permit the display and sale of fireworks in Secord Township in a manner that conforms to the requirements of the law as provided in PA 256 of 2011 and Michigan Fire Safety Act, MCL 28.451-28.471 and the International Fire Code (IFC). This ordinance also provides the minimum requirements necessary to promote an event that minimizes any risk to the community residents and display observers. While the ordinance requires a permit, the holder of the permit still bears the responsibility to ensure all activities are conducted in a manner that meets and /or exceeds the minimum criteria. Low impact fireworks are not included and do not require a permit.

**C. Ignition and Discharge:**

Consumer-grade fireworks, 1.4 G, cannot be used from 12:00 A.M. to 8:00 A.M



Professional grade fireworks, 1.3 G, cannot be used from 12:00 AM. to 8:00 A.M.

**D. Permit Requirements:**

1. The permit form shall be obtained from the Township and be submitted at least sixty (60) days prior to display or sale to allow the Township and the Fire Department time to review and verify the application.
2. A copy of all required state and federal permits for the fireworks display or sale shall be submitted with the application along with the information as to the competency and qualifications of the operators, as required by (National Fire Protection Association) NFPA 1, 1123, 1124, 1126 and NFPA 1129 also MCL 750.243 b (5).
3. The site plan of the area where the fireworks display or sale is to be conducted shall be submitted with the application. The site plan must include complete detailed scale drawings of the entire effected area. A minimum safe area of 250 feet radius plus an additional 70 feet in radius for each inch by which the fireworks shell exceeds three (3) inches in diameter shall be required. However in no event shall the applicant fail to comply with requirement NFPA 1123.
4. The applicant shall cause the site of the fireworks display or sales area to be cleaned up within twenty four hours after the fireworks display or sale has ended.
5. The approved Permit must be posted on the site.
6. Any unmanned free-floating devices like luminaires or sky lanterns, which require a fire underneath to propel it and is not moored to the ground while aloft, has an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk are prohibited.

**E. Insurance Requirements:**

The individual, organization or corporation sponsoring the event shall secure a liability insurance/property damage liability policy that identifies Secord Township as the co-insured entity. The insurance policy is required for 1.3 G Professional grade fireworks and shall be a minimum amount of \$10,000,000.00

**F. Operators:**

The operators or persons conducting the sale of Fireworks or igniting and discharging the pyrotechnic display shall follow (National Fire Protection Association) NFPA 1, 1123, 1124, 1126 and 1129 for fireworks and /or the Township requirement set forth herein, whichever are more restrictive.

**G. Severability:**

The several provisions of this ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

