

Macon Township, Lenawee County, Michigan

Ordinance 2016-2

Blight

An ordinance to provide for the exercise of certain municipal powers of the Township of Macon to promote the health, safety, and welfare of persons and property in the township and to provide penalties for the violation of the provisions thereof.

THE TOWNSHIP OF MACON ORDAINS:

Section 1. Purpose.

Consistent with the letter and spirit of Public Act No. 344 of 1945 (MCL 125.71 et seq.), it is the purpose of this article to enhance and protect the health, safety and welfare of township residents by preventing, reducing or eliminating blight or potential blight in the township through the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

Section 2. Causes of blight or blighting factors.

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of the ordinance from which this article is derived, no person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the township owned, leased, rented or occupied by such person.

- a. In any area, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this section, the term "junk automobiles" includes any motor vehicle which is not licensed for use upon the highways of the state, and shall also include, whether so licensed or not, any motor vehicle which is inoperative.
- b. In any area, the storage upon any property of building materials unless there is in force a valid building permit issued by or for the township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinderblocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- c. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances

stored in the open, remnants of woods, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

- d. In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended.
- e. In any area, the existence of any vacant dwelling, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.
- f. In any area, the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the township and unless such construction is completed within a reasonable time.
- g. In any area, the painting, posting, or in any way affixing any notice, banner, poster, advertisement or other paper or device designed or calculated to attract public attention, to any utility post, tree, structure, object or improvement except as specifically authorized and approved by the township, or as may be authorized or required by other ordinance or law. Under no circumstances may any sign be erected on the public right-of-way, except for signs of a political subdivision of the state. The township may remove and destroy or otherwise dispose of, without notice to any person, any sign which is erected on the public right-of-way in violation of this section.

Section 3. Enforcement and penalties.

- a. Such persons who shall be so designated by the township board shall enforce this article. Except as to those signs in the public right-of-way which may be removed and destroyed or otherwise disposed of by the township, the owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in section 2 is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice upon him. Such notice may be served personally or by mail. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- b. *Penalties and Remedies for Violations.* Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in the Macon Township Civil Infractions Ordinance, plus the costs of prosecution.

Section 4. Enforceability or Mandatory Injunction

In addition to the penalties in Section 3, above, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

Section 5. Severability

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 6. Effective Date

This Ordinance shall become effective sixty (60) days after its publication.

YEAS: (4)
NAYS: (0)

ORDINANCE DECLARED ADOPTED ON 3-7, 2016.

Lee Wagner
Lee Wagner, Supervisor
Macon Township

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Beth Loesch, the duly elected Clerk of the Macon Township certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Macon Township on 3-7, 2016 and published in The Daily Telegram, a newspaper circulated in the Macon Township on _____, 2016.

Beth E. Loesch
Beth Loesch, Clerk
Macon Township

Municipal Civil Infractions Ordinance

An ordinance providing for municipal civil infractions of certain township ordinances and penalties pursuant thereto; establishing procedures relating thereto; authorization of which township officials can issue civil infraction tickets and appearance tickets; penalties; procedures relating to such matters and establishing a municipal ordinance violations bureau.

THE TOWNSHIP OF MACON, LENAWEE COUNTY, MICHIGAN, ORDAINS:

Section 1. Title

This Ordinance shall be known as the "Macon Township Municipal Civil Infractions Ordinance"

Section 2. Purpose.

This ordinance hereby establishes the authority for certain individual ordinances of the Township to be amended so as to convert criminal penalties into civil penalties pursuant to statute made.

Section 3. Definitions and Rules of Construction.

As used herein:

- 3.1 Act means Act No. 12 of the Public Acts of Michigan of 1994, as amended.
- 3.2 Authorized Township official means a police officer or other personnel of the Township authorized by this ordinance to issue municipal civil infraction citations.
- 3.3 Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- 3.4 Municipal civil infraction citation means a written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Section 4. Municipal Civil Infraction Action; Commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of a municipal civil infraction citation directing the alleged violator to appear in court.

Section 5. Municipal Civil Infraction Citations - Issuance and Service.

Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:

- 5.1 The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- 5.2 The place for appearance specified in a citation shall be the 2A District Court.
- 5.3 Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the Township and issued to the alleged violator as provided by section 8705 (MCL §600.8705) of the Act.
- 5.4 A citation for a municipal civil infraction signed by an authorized Township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- 5.5 An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and completely as possible, an original and required copies of a citation.
- 5.6 An authorized Township official may issue a citation to a person if:
 - A. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - B. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or Township attorney approves in writing the issuance of the citation.
- 5.7 Municipal civil infraction citations shall be served by an authorized Township official as follows:
 - A. Except as provided by Section 5.7b. herein, an authorized Township official shall personally serve a copy of the citation upon the alleged violator.
 - B. If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to

be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

Section 6. Municipal Civil Infraction Citations - Contents.

- 6.1 A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- 6.2 Further, the citation shall inform the alleged violator that he may do one of the following:
 - A. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - B. Admit responsibility for the municipal civil infraction "with explanation" by mail, by the time specified for appearance or, in person, or by representation.
 - C. Deny responsibility for the municipal civil infraction by doing either of the following:
 - i. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
 - ii. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- 6.3 The citation shall also inform the alleged violator of all of the following:
 - A. That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - B. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is

specified on the citation.

- C. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
 - D. That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - E. That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- 6.4 The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 7. Authorized Township Officials

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Macon Township ordinance, the following officials are hereby designated as the authorized Township officials to issue and serve municipal civil infraction citations for violations of Township ordinances which provide for a municipal civil infraction for a violation thereof:

- The Lenawee County Sheriff and all other deputy county sheriffs of said county
- The Township supervisor
- The Township building inspector
- The Township mechanical and electrical inspectors
- The Township zoning inspector
- The Ordinance officer
- Any certified officers of a private company or companies contracted with the township for enforcement purposes.

Section 8. Civil fines and Sanctions for Violations of Township Ordinances; Continuing Violations, Injunctive Relief

- 8.1 Unless otherwise specifically provided for a particular municipal civil infraction violation by an ordinance, the civil fine for a municipal civil infraction violation shall be as follows:
- A. \$100.00, plus the costs of prosecution for a first offense.
 - B. \$200.00 plus the costs of prosecution for a second offense committed by the same person for the same offense within any twelve (12) month period and for which the person admits responsibility or is determined to be

responsible.

- C. \$400 plus the costs of prosecution for a third or offense committed by the same person for the same offense within any twelve (12) month period and for which the person admits responsibility or is determined to be responsible.
- 8.2 A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.
- 8.3 Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- 8.4 In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

Section 9. Applicability of the Act

If this Ordinance is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

Section 10. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 11. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, in particular Ordinance 94, being the Macon Township Municipal Civil Infractions Ordinance is repealed.

Section 12. Effective Date

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Macon Township.

This Ordinance was moved for adoption by Township Board Member _____ and was seconded by Township Board Member _____.

Yeas: 4
Nays: 0
Absent/Abstain: 1

ORDINANCE DECLARED ADOPTED ON 3-7, 2016.

Lee Wagner
Lee Wagner, Supervisor
Township of Macon

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Beth Loesch, the duly elected Clerk of the Township of Macon certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Macon on 3-7, 2016 and published in The Daily Telegram, a newspaper, circulated in the Township of Macon on _____, 2014.

Beth E. Loesch
Beth Loesch, Clerk
Township of Macon

Burning Ordinance

An ordinance to regulate the setting of fires and to provide penalties for the violation thereof and to provide a method for the collection of costs and expenses to the township caused by the setting of fires.

THE TOWNSHIP OF MACON ORDAINS:

Section 1. Applicability

This ordinance is adopted in the interest of public safety, and is intended to promote the general health, safety and welfare of the Township of Macon.

Section 2. Fires in Agricultural Zoning District

Any person wishing to burn any paper, branches, limbs, cut grass, leaves or weeds in any agriculturally zoned district, as defined in the Township Zoning Ordinance, may do so, without a burning permit as long notice is given to the appropriate fire department regarding the name of the person doing the burning and the location where the fire will be set.

Section 3. Fires in All Other Zoning Districts

- a. **Permit Required.** Any person wishing to burn any paper, branches, limbs, leaves, cut grass or weeds in a manner other than that specified in Section 3.b. below must first obtain a burning permit for such fire from the appropriate fire department as hereafter specified.
- b. **Permit Not Required.** Any person wishing to burn any paper, branches, limbs, leaves cut grass, or weeds may do so, without a burning permit so long as the fire is contained within a fire proof container constructed of metal or masonry with an approved spark arrestor with openings no larger than 3/4ths of an inch. Hours of burning shall be from sunrise to not later than 9:00 p.m. The approved fire proof container shall be located not less than 15 feet from any building and not less than 5 feet from any adjoining property line.

Section 4. Contents of Permit

Except for those fires governed by Section 2 of this Ordinance, no person shall set or caused to be set any fire on any lot or parcel of ground within the Township of Macon unless such person shall first obtain a burning permit for such fire from the

- a. Township of Clinton Fire Department if the burning is occurring in the area north of Pennington Road and west of Mills-Macon Road; or
- b. Township of Ridgeway Fire Department for the remainder of the Township.

Section 2. Contents of Permit

The burning permit referred to section 3 above shall state with particularity the name and address of the applicant, the location of the premises where the fire is to be set, the time contemplated for setting such fire and the materials to be burned. The granting of such a permit shall be solely within the discretion of the appropriate fire department authorized representative.

Section 3. Penalties

Any person who shall set or start a open fire contrary to the provisions of this ordinance or in violation of the terms contained in the fire permit shall be deemed responsible for a civil infraction.

Section 4. Civil Liability

The Township of Macon is authorized to institute the civil proceedings against any person violating the terms of this ordinance or the conditions contained in any fire permit for all costs incurred as a consequence of such violation, including but not limited to any and all costs incurred by the any fire department in responding to any fire call as a consequence of such violation and any and all attorney fees incurred in pursuing the suit for civil damages.

Section 5. Construction

Wherever the word "person" is used in this ordinance it shall also be deemed to include all firms, associations, organizations, partnerships, trust companies and/or corporations as well as individuals; wherever the singular is used it shall also include the plural; wherever the masculine is used it shall also include the feminine and neuter.

Section 6. Effective Date

This ordinance shall become effective 30 days after its adoption.

YEAS: (4) Lee Wagner, Julia DeJonghe, Beth Loesch, Edward Clark
NAYS: (0) _____
ABSENT: (1) Beth DeJonghe

Ordinance declared adopted on November 6th, 2017.

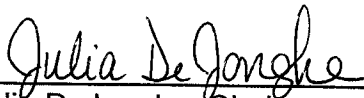
Lee Wagner
Lee Wagner, Supervisor
Township of Macon

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Julia DeJonghe, the duly elected Clerk of the Township of Macon certify that the

Adopted: 11-6-2017

ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Macon on and published in the Tecumseh Herald, a newspaper circulated in the Township of Macon on November 29, 2017.



Julia DeJonghe, Clerk
Township of Macon

ORDINANCE NO. 2018-02

Prohibition of Marihuana Establishments Ordinance

An Ordinance to prohibit marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act, Ballot Proposal of 2018.

THE TOWNSHIP OF MACON, LENAWEЕ COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Title.

This ordinance shall be known as the "Township of Macon Prohibition of Marihuana Establishments Ordinance."

Section 2. Prohibition.

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, Macon Township elects to prohibit marihuana establishments within its boundaries.

Section 3. Severability.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Repeal.

All ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 5. Effective Date.

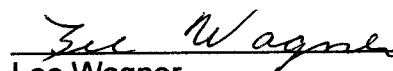
This ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Macon Township.

YEAS: Lee Wagner, Julia DeJonghe, Beth DeJonghe, Beth Loesch, Ed Clark

NAYS: None

ABSENT: None

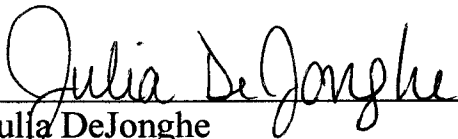
Ordinance declared adopted on November 5th, 2018.



Lee Wagner
Supervisor, Township of Macon

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Julia DeJonghe, the duly elected Clerk of the Township of Macon certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Macon on November 5th, 2018 and published in The Tecumseh Herald a newspaper circulated in the Township of Macon on November 7th, 2018


Julia DeJonghe
Clerk for the Township of Macon

ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE

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

The Township of Macon, Lenawee County, Michigan ordains:

Section 1. Agency Designated. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the of the Charter Township of Raisin, Lenawee County, Michigan is hereby designated as the enforcing agency to discharge the responsibility of the Township of Macon under Act 230, of the Public Acts of 1972, as amended, State of Michigan. . The Township of Macon assumes responsibility for the administration and enforcement of said Act and all construction services contemplated therein, including but not limited to enforcement of provisions relating construction, mechanical, plumbing, and electrical codes and the rules promulgated under each of them and as amended from time to time, throughout its corporate limits.

Section 2. Code Appendix Enforced. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

Section 3. Designation of Regulated Flood Prone Hazard Areas. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled the "Flood Insurance Study for Lenawee County, All Jurisdictions" and dated August 15, 2019 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26091C0085D, 26091C0095D, 26091C0125D dated August 15, 2019 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. Repeals. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. Publication and Effective Date. This ordinance shall be effective twenty days after legal publication.

This Ordinance was moved for adoption by Board Member
Edward Clark and was seconded by Township Board Member
Beth DeJonghe.

Yeas: Lee Wagner, Beth DeJonghe, Julia DeJonghe, Beth Loesch, Ed Clark
Nays: None
Absent/Abstain: None

ORDINANCE DECLARED ADOPTED ON AUGUST 5, 2019.

Lee Wagner
Lee Wagner, Supervisor
Township of Macon

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Julia DeJonghe, the duly elected Clerk of the Township of Macon certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Macon on August 5, 2019 and published in The Daily Telegram, a newspaper, circulated in the Township of Macon on August 10, 2019.

Julia DeJonghe
Julia DeJonghe Clerk
Township of Macon

TOWNSHIP OF MACON
CONSTRUCTION CODE ENFORCEMENT ORDINANCE NO. 2019-01

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Macon under the provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended.)

The Township of Macon ordains:

Section 1. Agency Designated. Pursuant to the provisions of the Michigan Building Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the building official of the Township of Macon or its designated agent under a local area agreement between the Township of Macon and the Charter Township of Raisin, Lenawee County is hereby designated as the enforcing agency to discharge the responsibilities of the

Township of Macon under Act 230 of the Public Acts of 1972, as amended. The Township of Macon assumes responsibility for the administration and enforcement of said Act and all construction services contemplated therein, including but not limited to enforcement of provisions relating construction, mechanical, plumbing, and electrical codes and the rules promulgated under each of them and as amended from time to time, throughout its corporate limits.

Section 2. Repealer. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall be effective twenty days after legal publication.

This Ordinance was moved for adoption by Board Member Beth DeJonghe and was seconded by Township Board Member Edward Clark.

Yeas: Lee Wagner, Julia DeJonghe, Beth DeJonghe, Edward Clark, Beth Loesch

Nays: None

Absent/Abstain: None

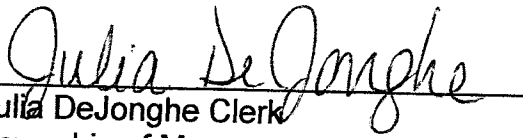
ORDINANCE DECLARED ADOPTED ON March 4, 2019.

Lee Wagner
Lee Wagner, Supervisor
Township of Macon

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Julia DeJonghe, the duly elected Clerk of the Township of Macon certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township

Board of the Township of Macon on March 4, 2019 and published in The Daily Telegram,
a newspaper, circulated in the Township of Macon on March 9, 2019.


Julia DeJonghe Clerk
Township of Macon

ORDINANCE NO. 2019.2

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the TOWNSHIP OF MACON, LENAWE COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MACON ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF MACON, LENAWE COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the TOWNSHIP OF MACON, LENAWE COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its gas distribution system within said Township, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous gas franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on March 24, 2019.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MACON, LENAWE COUNTY, MICHIGAN, on the 4 day of March, 2019.

Lee Wagner
Lee Wagner, Township Supervisor

Attest:

I, Julia DeJonghe, Clerk of the TOWNSHIP OF MACON, LENAWE COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, a gas franchise, was properly adopted by the Township Board of the TOWNSHIP OF MACON, LENAWE COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

Julia DeJonghe
Julia DeJonghe, Township Clerk

Dated: March 4th, 2019

MACON TOWNSHIP

ORDINANCE NUMBER: 2020-3

An Ordinance to designate an enforcing agency to discharge the responsibilities of Macon Township under provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended.)

Macon Township ordains:

Section 1. Agency Designation. Pursuant to the provisions of the Michigan Building Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the building official of Raisin Charter Township, under a local area agreement between Macon Township and Raisin Charter Township, Lenawee County is hereby designated as the enforcing agent to discharge the responsibilities of the Township of Macon under Act 230 of the Public Acts of 1972, as amended. Macon Township assumes responsibility for the administration and enforcement of said Act and all construction services contemplated therein, including but not limited to enforcement of provisions relating to mechanical and plumbing and the rules under each of them and as amended from time to time, through its corporate limits.

Section 2. All ordinances inconsistent with provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be effective twenty days after legal publication.

Lee Wagner
Lee Wagner
Supervisor

Dated: 5/4/2020

Julia DeJonghe
Julia DeJonghe
Clerk

Dated: 5/4/2020

This Ordinance adopted by Macon Township on the 4th day of May, 2020.

I further certify that member Julia DeJonghe moved adoption of said Ordinance and that member Beth Loesch supported the motion.

The following members voted for adoption of said Ordinance:

Lee Wagner, Julia DeJonghe, Beth DeJonghe, Beth Loesch, Edward Clark

Those voting against were:

EXHIBIT A

**MACON TOWNSHIP
TOWNSHIP BOARD**

ORDINANCE NO. 2022-01

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF BUILDING
PERMITS FOR SOLAR ENERGY FACILITIES**

Section 1: Definition. A “Solar Energy Facility,” for purposes of this moratorium, has the meaning set forth in the Macon Township Zoning Ordinance and includes large solar energy facilities (solar farms) and small solar energy facilities

Section 2. Purpose and Findings. The Macon Township Board has determined the following:

A. The Township has become aware of an increase of Solar Energy Facilities in the region, which is a more recent and emerging land use.

B. The integration of these Solar Energy Facilities within the Township’s existing land uses requires suitable regulations and controls for protection of the health, safety, and welfare of all of the Township’s residents.

C. Pursuant to the Michigan Zoning Enabling Act, 2006 P.A. 110, MCL 125.3101 *et seq.*, the Township has adopted a Zoning Ordinance, including amendments concerning Solar Energy Facilities.

D. The Township is a party to a circuit court appeal regarding its amendments to the Zoning Ordinance and a special land use permit issued for a Solar Energy Facility, *Montrief et al v Macon Township Board of Trustees*, Lenawee County Circuit Court Case No. 21-6712-AA (“Circuit Court Appeal”). The Circuit Court Appeal remains pending.

E. The Township wishes to maintain the status quo while the Circuit Court Appeal is pending and review the Zoning Ordinance with respect to Solar Energy Facilities to better protect the public health, safety, and welfare of Township residents.

F. Imposing a moratorium on building permits for Solar Energy Facilities, on a limited temporary basis, is reasonable and necessary to maintain the status quo and allow the Township to review its zoning regulations for Solar Energy Facilities.

Section 3: Moratorium. A moratorium is hereby imposed upon the issuance of any and all building permits for any property subject to or under the jurisdiction of the Township’s Zoning Ordinance for the establishment and use of Solar Energy Facilities, including Solar Energy Facilities for which special land use approval has previously been granted.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this ordinance remains in effect for six months. Before this moratorium expires, the Township may by resolution extend the moratorium for up to an additional six months. If an extension is adopted, the Township will publish notice of the extension.

Section 5. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 6. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. However, this Ordinance does not repeal or amend the Township Zoning Ordinance; rather, it is a temporary moratorium until such time as this Ordinance expires.

Section 7: Effective Date. This Ordinance takes effect immediately following publication.

EXHIBIT B

MACON TOWNSHIP TOWNSHIP BOARD

NOTICE OF ORDINANCE ADOPTION: AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR SOLAR ENERGY FACILITIES

On November 22, 2022, Macon Township (the "Township") adopted Ordinance No. 2022-0/An Ordinance to Impose a Moratorium on the Issuance of Building Permits for Solar Energy Facilities (the "Ordinance"). The following is a summary of the Ordinance. A true copy of the Ordinance is available at Township Hall, 8320 Clinton-Macon Rd., Clinton, MI 49236, during the Township Hall's regular hours.

Section 1. Definition. This section defines "Solar Energy Facility."

Section 2. Purpose and Findings. This section describes the purpose and findings of the Ordinance.

Section 3. Moratorium. This section imposes a moratorium upon the issuance of building permits for any Solar Energy Facilities on any property under the jurisdiction of the Township's Zoning Ordinance, so long as this Ordinance is in effect. This includes Solar Energy Facilities for which special use approval was previously granted.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this Ordinance remains in effect for six months. Before the moratorium imposed by this Ordinance expires, the Township Board may, by resolution, extend the moratorium for an additional six months.

Section 5. Validity and Severability. This section provides that if any portion of this Ordinance is found invalid for any reason, such holding does not affect the validity of the remaining portions of this Ordinance.

Section 6. Repealer Clause. This section provides that any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give the Ordinance full force and effect. Notwithstanding, this section further provides that the Ordinance should not be construed as a repeal or an amendment to the Township Zoning Ordinance.

Section 7: Effective Date. This section provides that the Ordinance takes effect immediately following publication.

**MACON TOWNSHIP
TOWNSHIP BOARD**

**RESOLUTION TO ADOPT AN ORDINANCE TO IMPOSE A MORATORIUM ON THE
ISSUANCE OF BUILDING PERMITS FOR SOLAR ENERGY FACILITIES**

At a meeting of the Township Board for the Township of Macon, Lenawee County,
Michigan, held on the 22nd day of November, 2022, at 7:00 p.m.

PRESENT: Dean Montrief, Julia DeJonghe Marshall, Beth DeJonghe, Joe Rine

ABSENT: None (One open trustee position)

The following preamble and resolution were offered by Joe Rine
and seconded by Julia DeJonghe Marshall.

WHEREAS, the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, authorizes Macon Township (the "Township") to adopt reasonable regulations to control the establishment and use of Solar Energy Facilities; and

WHEREAS, a "Solar Energy Facility," for purposes of this moratorium, has the meaning set forth in the Macon Township Zoning Ordinance and includes large solar energy facilities (solar farms) and small solar energy facilities; and

WHEREAS, the Township previously amended Article VII of its Zoning Ordinance to regulate Solar Energy Facilities; and

WHEREAS, the Township is a party to a circuit court appeal regarding the amendments to the Zoning Ordinance and a special land use permit issued for a Solar Energy Facility, *Montrief et al v Macon Township Board of Trustees*, Lenawee County Circuit Court Case No. 21-6712-AA ("Circuit Court Appeal"); and

WHEREAS, the Circuit Court Appeal remains pending; and

WHEREAS, the Township wishes to maintain the status quo while the Circuit Court Appeal is pending and review the Zoning Ordinance with respect to Solar Energy Facilities; and

WHEREAS, the Township finds that it is necessary and reasonable to establish a temporary moratorium upon the issuance of any and all building permits for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Solar Energy Facilities, including Solar Energy Facilities for which special land use approval has previously been granted, for six months; and

WHEREAS, the Township finds that adopting such a moratorium is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, the Township Board of the Township of Macon resolves as follows:

1. The Township adopts Ordinance No. 2022-01 An Ordinance to Impose a Moratorium on the Issuance of Building Permits for Solar Energy Facilities (the "Ordinance," attached as **Exhibit A**).
2. The Ordinance will be filed with the Township Clerk.
3. The Township Clerk must publish notice of adoption of the Ordinance (in substantially the form of **Exhibit B**) in a newspaper of general circulation in the Township.
4. Any prior resolution that conflicts with this Resolution is repealed upon the effective date of the Ordinance, but only to the extent necessary to give this Resolution and the Ordinance full force and effect.

A vote on the above Resolution was taken and was as follows:

ADOPTED:

YEAS: Dean Montrief, Julia DeJonghe Marshall, Beth DeJonghe, Joe Rine

NAYS: None

STATE OF MICHIGAN)
) ss.
COUNTY OF LENAWEЕ)

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Macon, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a special meeting held on the 22nd day of November, 2022.

Julia DeJonghe Marshall
Julia DeJonghe Marshall, Township Clerk

MACON TOWNSHIP
LENAWEE COUNTY, MICHIGAN

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING ARTICLE VII OF THE MACON TOWNSHIP ZONING ORDINANCE TO REPLACE SECTION 7.03 REGARDING SOLAR ENERGY FACILITIES; AMENDING ARTICLE VIII AND XIII BY ADDING LARGE SOLAR ENERGY FACILITIES (SOLAR PROJECTS) TO THE LISTINGS OF SPECIAL LAND USES IN THE INDUSTRIAL (I) DISTRICTS; AMENDING ARTICLE XX BY REPLACING, DELETING, AND ADDING DEFINITIONS; AND AMENDING SECTION 4.08 OF ARTICLE IV TO PROHIBIT CARBON DIOXIDE SEQUESTRATION HOLES AND WELLS

The Township of Macon ordains:

Section 1. Amendment to Article VII

Article VII of the Macon Township Zoning Ordinance is amended by replacing in its entirety Section 7.03, Solar Energy Facility, which shall read as follows:

Section 7.03. SOLAR ENERGY FACILITY. Sunlight is utilized to generate energy through a facility consisting of one (1) or more solar devices under common ownership or operational control. Such a facility may include, but not be limited to, substations, cables/wires and other buildings and accessory structures whose main purpose is to supply energy on-site or to off-site customer(s):

A. **LARGE SOLAR ENERGY FACILITY (SOLAR PROJECT).** The purpose of this Subsection is to establish minimum requirements and regulations for the placement, construction, and modification of large solar energy facilities (Solar Projects), as defined in Section 20.01.78.25a, while promoting the safe, effective, and efficient use of such energy facilities as a special land use in specified zoning districts.

1 Location. All large solar energy facilities (Solar Projects) are limited to the Industrial (I) districts.

2 **REGULATIONS AND DESIGN STANDARDS.** All large solar energy facilities (Solar Projects) shall comply with the following minimum regulations and design standards.

a. **DESIGN STANDARDS.**

(1) **MINIMUM LOT SIZE.** No large solar energy facility (Solar Project) shall be erected on any Zoning Lot less than twenty (20) acres in size (as defined in Section 20.01.91).

(2) **LOT COVERAGE.**

(a) Ground mounted solar panels, including the mounted angle, shall not be calculated as part of

the overall lot coverage. The solar panel lot coverage should be measure by the length and width of the panel flat and horizontal to the ground and shall not cover more than 50% of the individual parcel of land it is located on.

- (b) All buildings, including substation buildings, shall be calculated as part of the overall lot coverage
- (3) **MAXIMUM HEIGHT.** The maximum height for a solar panel shall be fourteen (14) feet. The maximum height of any radio or communication towers shall not exceed seventy (70) feet. The maximum height of a Power Switchyard (as defined in Section 20.01.75.25.d) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the Solar Project is located, as listed in Article XV. The height of required lightning rods attached to the Power Switchyard or Solar Project related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the Power Switchyard and Solar Project equipment from lightning.
- (4) **SETBACKS.** Large solar energy facility (Solar Project) solar arrays and other structures shall be set back five hundred (500) feet from all lot lines and public road rights-of-way, or the district setbacks stated in Article XV, whichever is greater. In addition, large solar energy facility (Solar Project) solar arrays and other structures must be located at least ~~one~~ five hundred (4500) feet from all existing R-1 Single Family, R-2 Single Family, and RM Multiple Family and Manufactured Housing Residential District land and existing residences at the time the Solar Project is granted special land use approval, unless the zoning lot is comprised of a portion of the lot containing the residence.
- (5) **SAFETY/ACCESS.**
 - (a) Security fencing shall be installed around the Solar Project in conformance with the Section 4.12, with the following exceptions: (i) non-ornamental fencing is acceptable; (ii) perimeter fencing around the Solar Project shall not exceed seven (7) feet; and (iii) perimeter fencing around the Power Switchyard shall not exceed eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

- (b) Appropriate warning signage shall be placed at the entrance and perimeter of the large solar energy facility (Solar Project).
- (6) NOISE. No operating large solar energy facility (Solar Project) shall produce noise that exceeds any of the following limitations.
 - (a) Thirty (30) dBA, as measured at the lot lines of the project boundary.
- (7) VISUAL APPEARANCE.
 - (a) Large solar energy facility (Solar Project) buildings and accessory structures shall utilize materials, textures, and neutral colors customary with Solar Projects and that to the extent which is prudent and feasible will blend the facility into the existing environment.
 - (b) Landscaping and/or screening materials in the manner provided in this Section 7.03.A.2.a(68J(b)) shall be required to help screen large solar energy facility (Solar Project) buildings, solar panels, and accessory structures from adjacent lots and public right of ways. One hundred percent (100%) of the Solar Project perimeter shall be screened. The Solar Project shall be screened using 8 foot berms along all sides, with 8 foot trees on top of the berm. The berm shall be located on the exterior and directly adjacent to the perimeter fence. One hundred percent (100%) of vegetative screening shall be evergreen. Vegetation used to screen the Solar Project shall be planted every ten (10) feet on center at a planting height of eight (8) feet with a height at maturity of not less than thirty (30) feet and width not less than ten (10) feet. For any access points into the Solar Project, the berms and vegetative screening shall be installed in a staggered manner, so no buildings, equipment, or solar panels are visible from adjacent properties or right of ways. Berms shall be maintained and not violate the Noxious Weeds Ordinance. Any fence used to screen the Solar Project shall be at least fifty percent (50%) opaque and must meet the fencing requirements of Section 4.12.

- (c) Lighting of the large solar energy facility (Solar Project) shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the Solar Project. A photometric study may be used to make this determination.
 - (d) No large solar energy facility (Solar Project) shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the Township Building Inspector, or such other person designated by the Township Board, to the owners of the Solar Project that glare from the Solar Project is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the Solar Project shall have a reasonable time (not to exceed three (3) months) from the date of such notice to remediate such glare.
 - (e) Perennial vegetative ground cover must be maintained or established in all areas containing solar arrays to prevent erosion and manage run-off. No increase in run off onto adjacent properties.
- (8) MEDIUM VOLTAGE CABLE. All medium voltage cable (as defined in Section 20.01.75.25.e) within the project boundary shall be installed underground at a depth not required to be greater than four (4) feet below grade, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for Power Switchyards (as defined in Section 20.01.75.25.d) or area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
- b. LOCAL, STATE AND FEDERAL PERMITS. A large solar energy facility (Solar Project) shall be required to obtain all necessary permits from the Michigan Department of Environmental Quality (see Section 7.03.A.4.b) and any applicable municipal/county or Federal permits.
 - c. AGREEMENTS/EASEMENTS. If the Zoning Lot (as defined in Section 20.01.91) on which the project is proposed is to be leased, rather than owned, by the owner of the Solar Project, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the

owner of the Solar Project and property owners must be in place prior to commencing construction, unless specified otherwise by the special land use permit.

- 3 PERMIT APPLICATIONS. An application for a special land use permit to establish a large solar energy facility (Solar Project) shall include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Section 7.03.A.2.a will be met. Supporting documentation for addressing the review criteria of Section 7.03.A.4 and Section 16.06 (required standards and findings for making a special land use determination) shall be provided. The planning commission and/or township board shall require any information necessary to determine compliance with this ordinance.

It is preferred that any related special land use permit applications for substations or new transmission lines be considered in conjunction with the special land use permit application for the large solar energy facility (Solar Project); however, if the details of those improvements are not available at the time of application for the large solar energy facility (Solar Project), they may be considered later, through subsequent special land use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the large solar energy facility (Solar Project).

The Planning Commission and/or Township Board shall have the authority to hire a third-party plan reviewer to verify completeness of the application, provide plan review comments to the applicant, and provide a report to the Planning Commission on whether the application complies with Section 7.03.A.2. and whether the application included documentation that addresses the standards set forth in Section 7.03.A.4 and Section 16.06. Applicant shall pay into its escrow with the Township all fees and costs incurred by the third-party plan reviewer in connection with its plan review.

Prior to issuance of the construction permit, the Township shall require as a condition of special land use approval that the owner of the Solar Project and Township enter into a decommissioning agreement setting forth a Decommissioning Plan as required by Section 7.03 A.4.h, secured by a bond to secure removal of the Solar Project in the event the use is terminated, abandoned, or falls below 49% of its generating capacity for a period of twelve (12) months. The amount of the bond shall be determined based upon the reasonable cost of land reclamation to seasonal grasses or to an agricultural ready condition, removal, and the salvage value of the Solar Project as determined by the engineering firm selected by the Township Board. The Decommissioning Plan shall be reviewed every three years by an engineering firm selected by the Township Board. The cost of the engineering firm review shall be paid by the owner of the Solar Project.

- 4 PROVISIONS FOR SPECIAL LAND USE PERMIT REVIEW. In addition to the standards set forth for special land use approval in Section 16.06, the Solar Project shall comply with the following standards:

- a. **SOLAR PROJECT DESCRIPTION.** The application for the Solar Project shall identify the Solar Project buildings and accessory structures, the time period to construct the Solar Project, the phasing of construction, if any, and the anticipated useful life of the Solar Project.
- b. **ENVIRONMENTAL SITING CONSIDERATIONS.** The applicant shall provide evidence of compliance with applicable State of Michigan statutes including, but not limited to: Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes, and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and such other applicable laws and rules in force at the time the application is considered by the Township Board.
- c. **SITE PLANS.** Site plans shall identify (1) all Zoning Lots in the Solar Project, and as to each Zoning Lot, existing, temporary, and proposed (a) buildings, (b) accessory structures, trailers, lay down yards and lighting (c) utilities, (d) transmission lines, (e) solar panels, (f) drainage ways, (g) grades, (h) topographical conditions, (i) vegetation (j) regulated wetlands, (k) regulated floodplains, (l) regulated and endangered species, and (m) regulated lakes, streams, or ponds; (2) required setbacks; (3) access routes to Zoning Lots that are a part of the Solar Project; (4) proposed road improvements; (5) any lots within three hundred (300) feet of a large solar energy facility (Solar Project); (6) proposed transmission lines to and from Power Switchyards and/or between Zoning Lots; (7) proposed signage; and (8) methods for dust and erosion control. All maps and visual representations need to be drawn at an appropriate scale and in accordance with Section 17.05 (required data for detailed site plan).
- d. **ENVIRONMENTAL INFORMATION.** The applicant shall provide evidence of compliance with the Environmental Siting Conditions as required in this Section.
- e. **HAZARDOUS WASTE.** As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.
- f. **TRANSPORTATION PLAN FOR CONSTRUCTION AND OPERATION PHASES.** Prior to the commencement of construction of the Solar Project, an agreement with the County Road Commission, and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project is required.

- g. OTHER REQUIRED STANDARDS. Proof of compliance with the "required standards and finding for making determination" found in Section 16.06 must also be provided.
 - h. DECOMMISSIONING PLAN. Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the large solar energy facility (Solar Project), including evidence of proposed commitments with property owners to ensure proper final reclamation of the Solar Project with seasonal grasses or to an agricultural ready condition if required by the property owner, repairs to roads for damage caused by the Solar Project, if any, and within twelve (12) months from the notice of abandonment issued by the Township to complete decommissioning and land reclamation. Removal of all construction material down to 12 feet from original grade.
- B. SMALL SOLAR ENERGY FACILITY. Notwithstanding other provisions of this Section of the Ordinance, Small Roof-Mounted or Ground-Mounted Solar Energy Facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A Small Solar Energy Facility (as defined in Section 20.01.78.25b) shall be required to have appropriate building permits.
 - 1 All Small Solar Energy Facilities are subject to the following minimum requirements:
 - a. A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - b. A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to Macon Township acknowledging and approving such connection.
 - c. A roof-mounted facility may be mounted on a principal building or accessory building. A roof mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof.
 - d. A ground mounted facility shall not exceed a height of fourteen (14) feet.
 - e. The surface area of a ground mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

- f. A ground mounted facility or facility attached to an accessory building shall not be located within the required front yard setback.
- g. The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district.
- h. All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:
 - (1) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen. In lieu of a planting screen, a decorative fence meeting the requirements of Section 4.12 and that is at least fifty percent (50%) opaque may be used.
 - (2) Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
 - (3) Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.
- i. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- j. All power transmission lines from a ground mounted small solar energy facility to any building or other structure shall be located underground.
- k. A small solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign regulations.
- l. The design of the small solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility

shall be taken into consideration when applying for a small solar energy facility permit.

All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Michigan.

- m. The small solar energy facility shall comply with all applicable Township ordinances and codes so as to ensure the structural integrity of such facility.
 - n. Before any construction can commence on any small solar energy facility the property owner must acknowledge that he/she is the responsible party for owning/leasing and maintaining the solar energy facility.
- 2. If a ground mounted small solar energy facility is removed, any earth disturbance as a result of the removal of the ground mounted facility shall be graded and reseeded.
 - 3. If a ground mounted small solar energy facility has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector. If the owner fails to remove or repair the defective or abandoned small solar energy facility, the Township may pursue a legal action to have the facility removed at the owner's expense.

- C. **SOLAR ACCESS.** The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

Section 2. Amendment to Article VIII

Article VIII of the Macon Township Zoning Ordinance is amended to add large solar energy facilities (Solar Projects) to the listing of Special Land Uses (Section 8.03) in the Industrial District, as follows:

- 36. Large Solar Energy Facilities (Solar Projects), subject to regulations contained in Section 7.03.

Section 3. Amendment to Article XIII

Article XIII of the Macon Township Zoning Ordinance is amended to add large solar energy facilities (Solar Projects) to the listing of Special Land Uses (Section 13.03) in the Industrial District, as follows:

6. Large Solar Energy Facilities (Solar Projects), subject to regulations contained in Section 7.03.

Section 4. Amendments to Article XX

- A. Section 20.01.49 of Article XX of the Macon Township Zoning Ordinance is amended and shall read in its entirety as follows:

Section 20.01.49. LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

- a. LOT, DEPTH: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.
- b. LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.
- c. LOT, INTERIOR: An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.
- d. LOT, WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

- B. Section 20.01.78.25 of Article XX of the Macon Township Zoning Ordinance is amended and shall read in its entirety as follows:

Section 20.01.78.25. SOLAR ENERGY FACILITY: An energy generating facility consisting of one or more solar panels and associated equipment including, but not limited to:

- a. LARGE SOLAR ENERGY FACILITY (SOLAR PROJECT). A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or various solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.
- b. SMALL SOLAR ENERGY FACILITY. Any photovoltaic or solar hot water devices that are accessory to and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

- c. PHOTOVOLTAICS (PV). A technology that converts light directly into electricity.
- d. POWER SWITCHYARD. The structure needed to tie the solar energy facility to electric transmission lines.
- e. MEDIUM VOLTAGE CABLE. 34.5 kV lines which provide electricity to homes.

C. Article XX of the Macon Township Zoning Ordinance is amended to add Section 20.01.91 and shall read in its entirety as follows:

Section 20.01.91. ZONING LOT. Provided that the owner(s) or lessee of any number of contiguous lots, or contiguous portions of lots, may have as many of said contiguous lots, or contiguous portions of lots, considered as a single Zoning Lot for the purpose of this Ordinance as the owner(s) or lessee so elects, and in such case the outside perimeter of said group of lots or portions of lots shall constitute the front, rear, and side lot lines thereof.

Section 5. Amendments to Article IV

Section 4.08 of Article IV of the Macon Township Zoning Ordinance is amended in its entirety and shall read as follows:

Section 4.08. EXCAVATIONS, HOLES, AND WELLS. The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency. No existing or proposed hole or well in any zoning district shall be used for carbon sequestration.

Section 6. Severability

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. Repealer

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

Section 8. Effective Date

This Ordinance shall be effective as provided by law.

MACON TOWNSHIP

ORDINANCE NO. 2024-03

**AN ORDINANCE AMENDING ORDINANCE NO. 2 NUISANCE AND JUNK
ORDINANCE**

THE TOWNSHIP OF MACON HEREBY ORDAINS:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to clarify the prohibition against growing noxious weeds and to regulate the height of grasses in the Township for the public welfare, health, and safety.

SECTION 2. AMENDMENT TO ARTICLE III OF ORDINANCE NO. 2

Article III of Ordinance No. 2, Nuisance and Junk Ordinance, is hereby amended to read as follows:

ARTICLE III GRASS AND NOXIOUS WEEDS

- A. It is unlawful for the owner, occupant, or any person in charge of any lot or parcel of land within the township to allow rag weed, Canada Thistles, burdocks, crab grass, quack grass, wild growing bushes, milk weeds, wild carrots, oxeyes, daisies or any other noxious weeds to grow on that lot or parcel of land. Presence of such vegetation upon any lot or parcel of land within the township is a public nuisance and is adverse to public health, safety, and welfare.
- B. Notwithstanding the prohibition in subsection A, any person who cuts, removes, or destroys such vegetation at least once every three weeks between May 15 and September 15 of each year shall be deemed to be in compliance with this Section.
- C. Grass areas of all properties in the township must be maintained by the owner and/or occupant at a maximum height of eight (8) inches or less.
- D. The following are exceptions to the grass height requirements of subsection B:
 - 1. The area in violation is actively used as agricultural land; or,
 - 2. The area in violation is a wetland as that term is defined in the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, being MCL 324.101, *et seq.*, as amended.

SECTION 3. SEVERABILITY.

If any provision of this Ordinance is declared invalid for any reason, that declaration does not affect the validity or all other sections of this Ordinance.

SECTION 4. REPEALER.

This Ordinance expressly repeals all township ordinances and parts of ordinances in conflict with this Ordinance to the extent necessary to give this Ordinance full force and effect. Notwithstanding, any pending cases seeking to enforce Ordinance No. 2 shall remain pending and enforceable under Ordinance No. 2 until final disposition, including all available appeals.

SECTION 5. EFFECTIVE DATE.

This Ordinance takes effect thirty (30) days after publication of this Ordinance or a summary of it as permitted by law.

YEAS: *Dean Montrieff, Julia DeJonghe Marshall, Beth DeJonghe, Joe Rine, Charles Downing*
NAYS:
ABSENT:

ORDINANCE DECLARED ADOPTED ON June 3, 2024.

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Julia Dejonghe Marshall, the duly elected Clerk of the Township of Macon certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Macon on June 3, 2024, and published in The Tecumseh Herald, a newspaper circulated in the Township of Macon on June 6, 2024.

Julia DeJonghe Marshall
Julia Dejonghe Marshall
Township Clerk

MACON TOWNSHIP
RESOLUTION NO. 2024-03

RESOLUTION TO ADOPT ORDINANCE NO. 2024-03
**AN ORDINANCE AMENDING ORDINANCE NO. 2 NUISANCE AND JUNK
ORDINANCE**

At a meeting of the Township Board of the Township of Macon (the "Township"), Lenawee County, Michigan, held on June 3, 2024, at the Township Hall at 7 P.M.

PRESENT: Dean Montrieff, Beth Dejonghe, Julia DeJonghe Marshall, Joe Rine,
ABSENT: Charles Downing

The following resolution was offered by Charles Downing and supported by
Julia Dejonghe Marshall

WHEREAS, Public Act 246 of 1945, MCL 41.181, *et seq.*, authorizes a township board to adopt and amend ordinances that regulate the public health, safety, and general welfare of persons and property and to codify such ordinances; and

WHEREAS, the Township desires to consider an Ordinance amending Ordinance No. 2 to regulate grass height and noxious weeds in the Township; and

WHEREAS, the Township has determined that adopting the Ordinance is in the best interest of the health, safety, and welfare of Township residents.

NOW, THEREFORE, the Township Board of the Township of Macon, Lenawee County, Michigan, resolves as follows:

1. Ordinance No. 202403 An Ordinance Amending Ordinance No. 2 Nuisance and Junk Ordinance, which is attached as Exhibit A to this Resolution, is hereby adopted.
2. The Ordinance shall be filed with the Township Clerk.

3. The Township Clerk shall post the Ordinance in the Township Clerk's office and shall publish a Notice of Adoption, similar to the sample attached as Exhibit B to this Resolution, in a newspaper of general circulation in the Township.

4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: Dean Montrieff, Beth DeJonghe, Julia DeJonghe Marshall, Joe Line,
Charles Downing

NAYS: _____

ABSENT: _____

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)

)

COUNTY OF LENAWEЕ)

I, Julia Dejonghe Marshall, the duly elected Clerk of the Township of Macon DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of the Township of Macon at a meeting held on the 3 day of June, 2024, at 7 P.M..

Julia DeJonghe Marshall
Julia Dejonghe Marshall
Township Clerk

EXHIBIT A

MACON TOWNSHIP

ORDINANCE NO. 2024-03

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- B. Notwithstanding the prohibition in subsection A, any person who cuts, removes, or destroys such vegetation at least once every three weeks between May 15 and September 15 of each year shall be deemed to be in compliance with this Section.
- C. Grass areas of all properties in the township must be maintained by the owner and/or occupant at a maximum height of eight (8) inches or less.
- D. The following are exceptions to the grass height requirements of subsection B:
 - 1. The area in violation is actively used as agricultural land; or,
 - 2. The area in violation is a wetland as that term is defined in the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, being MCL 324.101, *et seq.*, as amended.

SECTION 3. SEVERABILITY.

If any provision of this Ordinance is declared invalid for any reason, that declaration does not affect the validity or all other sections of this Ordinance.

SECTION 4. REPEALER.

This Ordinance expressly repeals all township ordinances and parts of ordinances in conflict with this Ordinance to the extent necessary to give this Ordinance full force and effect. Notwithstanding, any pending cases seeking to enforce Ordinance No. 2 shall remain pending and enforceable under Ordinance No. 2 until final disposition, including all available appeals.

SECTION 5. EFFECTIVE DATE.

This Ordinance takes effect thirty (30) days after publication of this Ordinance or a summary of it as permitted by law.

YEAS: Dean Montrief, Beth DeJonghe, Julia DeJonghe Marshall, Joe Rine, Charles Dowling
NAYS:
ABSENT:

ORDINANCE DECLARED ADOPTED ON June 3, 2024.

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Julia Dejonghe Marshall, the duly elected Clerk of the Township of Macon certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Macon on June 3, 2024, and published in The Tecumseh Herald, a newspaper circulated in the Township of Macon on June 6, 2024.

Julia DeJonghe Marshall
Julia Dejonghe Marshall
Township Clerk

EXHIBIT B

MACON TOWNSHIP NOTICE OF ADOPTION

On June 3, 2024, the Township of Macon adopted Ordinance No. 202403 An Ordinance Amending Ordinance No. 2 Nuisance and Junk Ordinance (the "Ordinance"). The following is a summary of the Ordinance. A true copy of the Ordinance is available for inspection at the Township Hall, 8320 Clinton-Macon Road, Clinton, MI 49236.

- Section 1. Purpose.** This section provides the purpose of the Ordinance.
- Section 2. Amendment to Article III of Ordinance No. 2.** This section amends Ordinance No. 2 by regulating the height of grasses and the presence of noxious weeds in the Township.
- Section 3. Severability.** This section provides that if any portion of the Ordinance is deemed invalid, then the remaining portions remain valid.
- Section 4. Repealer.** This section repeals all ordinances inconsistent with the Ordinance, but also provides that any pending cases seeking to enforce Ordinance No. 2 shall remain pending and enforceable under Ordinance No. 2 until final disposition.
- Section 5. Effective Date.** This section provides that the Ordinance will take effect 30 days after publication.

Date: June 3, 2024

Julia Dejonghe Marshall
Township Clerk
8320 Clinton-Macon Road
Clinton, MI 49236