

**Minutes of a Regular Meeting  
Pittsfield Charter Township Board of Trustees, December 14, 2011  
E.A. Jackson Morris Hall, The Robert A. Lillie Service Center  
6201 W. Michigan Avenue, Ann Arbor, Michigan 48108**

**Members Present:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**Members Absent:** Hunt.

**Others Present:** Janay Jenkins (Recording Clerk), Craig Lyon, Kurt Weiland, Talia Dessel, Allie Lang, Bridgett Williams, Roger Jackson, Patricia Jenkins, Adrienne Dessel, Peter Pasques, Stephen Berger, Christina Lirones, Randy Kopke, Paul Montagno, Dan Cooperrider, Matthew Harshberger, Gordon Schick, Sean Gleason.

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**1. Call Meeting to Order**

Supervisor Grewal called the meeting to order at 6:30 p.m. A quorum was present.

**2. Pledge of Allegiance**

Led by Supervisor Grewal.

**3. Roll Call**

Members Present: Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

Members Absent: Hunt.

Moved by Clerk Israel, supported by Trustee Krone to approve agenda with amendment 9.1 Winter Tax Report by Treasurer Scribner.

**MOTION CARRIED**

**4. Public Comment I**

None.

**4.1 Board Response to Public Comment I**

Supervisor Grewal comments:

- Welcomes Skyline High School Students & Staff; Talia Dessel, Allie Lang, Bridgett Williams, Patricia Jenkins, Adrienne Dessel, Peter Pasques.

Talia Dessel comments:

- A member of the Skyline High School Communication, Media and Public Policy Magnet program.
- In is attendance filming as a part of the Pittsfield Charter Township internship program.

Supervisor Grewal comments:

- Gave thanks to the Skyline Students for participation.

Allie Lang comments:

- A member of the Skyline High School Communication, Media and Public Policy Magnet program.
- In is attendance filming as a part of the Pittsfield Charter Township internship program and is very excited to participate.

Supervisor Grewal comments:

- Skyline Students will film tonight's Board of Trustees meeting.
- We will keep The Board of Trustees and the public informed of the work from the Skyline High School interns.

## **5. Approval of Minutes**

### **5.1 Approve Minutes of the Regular Meeting held on November 9, 2011.**

Moved by Trustee Krone supported by Clerk Israel to approve the Minutes of the Regular Meeting held on November 9, 2011.

**MOTION CARRIED**

## **6. Public Hearings/Presentations/Proclamations**

### **6.1 Public Hearing: Application for 12-Year Industrial Facilities Tax (IFT) Abatement Certificate of Tecumseh Products Company located at 5683 Hines Drive, Ann Arbor, MI 48108, in Industrial Development District #44 parcel number L-12-21-310-015 in the Saline School District.**

Supervisor Grewal opens public hearing at 6:35.

Roger Jackson representing Tecumseh Products Company comments:

- Operative Tax Abatements within the Township.
- Appreciation of Pittsfield Charter Township support with current Industrial Tax Facilities Exemption Certificate.
- Purchase of 49,000 sq. feet building on 5683 Hines Drive, Ann Arbor MI 48108.
- Longevity of Tecumseh Products in Pittsfield Township.
- Building usage of newly purchased building.
- Products in the refrigeration business.
- Eventually will be Global Headquarters location after consolidating other locations.

Supervisor Grewal comments is 5683 Hines Drive going to become the global headquarters for Tecumseh Products Company?

Randy Jackson comments:

- Devoting the newly purchased space as a headquarters to only North America at this location was the original plan.
- After further deliberation this location will become the global headquarters for Tecumseh Products Company.

Supervisor Grewal closes public hearing at 6:39 pm

**6.2 Resolution to approve application of Tecumseh Products Company for an Industrial Facilities Tax Exemption Certificate, Res #11-60. (See Attachment #1)**

Moved by Treasurer Scribner, supported by Trustee Krone to adopt Resolution #11-60; a resolution to approve application of Tecumseh Products Company for an Industrial Facilities Tax Exemption Certificate.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

Supervisor Grewal welcomes and thanks Tecumseh Products Company for being a part of Pittsfield Charter Township business community.

**6.3 Resolution of Appreciation to Margaret S. Burkheiser upon her retirement from Pittsfield Charter Township, Res #11-61. (See Attachment #2)**

Moved by Clerk Israel, supported by Trustee Yi to adopt Resolution #11-61; a resolution of Appreciation to Margaret S. Burkheiser upon her retirement from Pittsfield Charter Township.

Supervisor Grewal Comments:

- Marge S. Burkheiser couldn't be here tonight for various reasons.
- Contributed many years of service to Pittsfield Charter Township for more than a decade and we are in gratitude for that service.
- We wish her the very best in the future as she moves forward.
- Her certificate will be presented at another Township function.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.  
**NAYS:** None.  
**ABSENT:** Hunt.  
**ABSTAIN:** None.

**MOTION CARRIED.**

**7. Communications**

Moved by Clerk Israel, supported by Trustee Brown-Harrison to receive and file communications.

**MOTION CARRIED**

**8. Consent Agenda**

- 8.1 Approve payment of Payables**  
Check #75557 through #75643 in the amount of \$156,486.03  
Check #75644 through #75821 in the amount of \$158,944.18  
Check #75822 through #75891 in the amount of \$898,860.28  
Check #75892 through #75963 in the amount of \$681,454.68  
Check #75964 through #76041 in the amount of \$393,476.77
- 8.2 Approve payments from Tax Checking Fund**  
Check #20538 through #20547 in the amount of \$449,483.42  
Check #20548 through #20557 in the amount of \$207,290.81
- 8.3 Approve payments of payables through electronic transfer in the amount of \$1,148,140.79.**
- 8.4 Receive the Revenue/Expenditure Reports for October and November 2011.**
- 8.5 Receive the Activity Report from the Department of Public Safety for the period November 1, 2011 through November 30, 2011.**
- 8.6 Receive the November 2011 Activity Report from the Department of Building Safety.**
- 8.7 Receive the November 2011 Republic/Allied Waste Services rubbish collection report.**
- 8.8 Receive the December 6, 2011 Personnel Report.**
- 8.9 Receive the Environmental Recycling Activity Report for the periods October 1-31, 2011 and November 1-30, 2011**
- 8.10 Approve payment of the FY 2010 and 2011 Ypsilanti Meals on Wheels annual contributions towards the cost of meals delivered to homebound ill and disabled residents of Pittsfield Township.**

- 8.11 Approve the tuition reimbursement request from Michael Troy, for a class during the 2011 Fall semester at Columbia Southern University as he pursues an Associate of Applied Science in Fire Science.**
- 8.12 Approve the tuition reimbursement request from Sean Gleason, for a class during the 2011 Fall semester at Columbia Southern University as he pursues an Associate of Applied Science in Fire Science.**
- 8.13 Approve the enrollment request from Michael Chevrette, for a class during the 2012 Winter semester at Siena Heights University as he pursues a Bachelor of Science Degree in Public Safety.**

Moved by Clerk Israel supported by Trustee Yi to approve the consent agenda items 8.1 and 8.13.

**MOTION CARRIED**

**9. Items from the Treasurer**

**9.1 Treasurer's Winter Tax Report. (See Attachment #3)**

Treasurer Scribner presents Winter Tax Report:

- Winter taxes were issued December 1, 2011.
- Residents have until February 14, 2012 to make payment without interest or penalty.
- Holiday Closure was included in winter tax notice as a friendly reminder.
- By popular demand the complimentary payment services at all banks of Ann Arbor, two (2) TCF locations and online services will continue.
- Nearly 500 residents used the complimentary option to make tax payments.
- In past years tax cycles our office was able to input payments received during the closure in a timely fashion.
- Staff appreciation for Orna, Kris and Sara for going above and beyond to make a positive experience for our residents.

Moved by Clerk Israel, supported by Trustee Krone to receive and file the Treasurer's report on Winter Taxes.

**MOTION CARRIED**

### **10. Items from the Clerk**

#### **10.1 Resolution to affirm Pittsfield Charter Township Ordinance 239 the Lexington Pointe at Ann Arbor Tax Exemption Ordinance Res #11-62**

Moved by Clerk Israel, supported by Treasurer Scribner to adopt Resolution #11-62; a resolution to affirm Pittsfield Charter Township Ordinance 239 the Lexington Pointe at Ann Arbor Tax Exemption Ordinance. (See Attachment #4)

Clerk Israel gives background on Ordinance 239:

- Originally adopted on Second Reading March 23, 1999 and was left out of codification.
- No record of being codified and the Township is re-affirming that this ordinance is still in effect and wasn't rescinded.

Clerk Israel amends resolution language to state at a regular meeting.

#### **ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

#### **MOTION CARRIED.**

#### **10.2 Receive and file Specially Designated Distributor (SDD) Liquor License for Costco Wholesale Corporation to be located at Ellsworth Road and Airport Blvd. Ann Arbor, 48108.**

Moved by Treasurer Scribner, supported by Clerk Israel to receive and file Specially Designated Distributor (SDD) Liquor License for Costco Wholesale Corporation to be located at Ellsworth Road and Airport Blvd. Ann Arbor, 48108.

Clerk Israel gives background on Specially Designated distributor Liquor License:

- Item presented today in an information item only.
- Three (3) applicants applied for one SDD (1) license in which was granted to the Target Corporation on Waters Road.
- Target Corporation located on Carpenter Road & Costco Wholesale Corporation was both denied for this SDD license.
- The new Census determined that the Township now currently has one (1) SDD license available.
- Target Corporation located on Carpenter Road doesn't qualify for this license due to the being within 500 feet of another license.
- Corporations eligible can re-apply to the Liquor Control Commission for the SDD license.

Supervisor Grewal comments what is the timeframe on this SDD process?

Clerk Israel comments regarding Specially Designated Distributor:

- Applicants have to re-apply to become eligible for this SDD.
- The Township has notified the Corporations and it is up to them to file their application with the Liquor Control Commission.

**MOTION CARRIED**

**10.3 Receive and file Specially Designated Distributor (SDD) Liquor License for Target Corporation located at 200 Waters Road, Ann Arbor, MI 48103.**

Moved by Clerk Israel, supported by Trustee Krone to receive and file Specially Designated Distributor (SDD) Liquor License for Target Corporation located at 200 Waters Road, Ann Arbor, MI 48103.

**MOTION CARRIED**

**11. Items from the Supervisor**

**11.1 Authorize the Supervisor and Clerk to enter into an Agreement, subject to Township attorney approval, with A-1 Lawn Care, to provide parking lot salting and supplemental snow plowing on an as-needed basis.**

Moved by Clerk Israel, supported by Treasurer Scribner to authorize the Supervisor and Clerk to enter into an Agreement, subject to Township attorney approval, with A-1 Lawn Care, to provide parking lot salting and supplemental snow plowing on an as-needed basis.

Supervisor Grewal comments regarding winter maintenance:

- Consolidation of services within the Township.
- Utilities and Municipal Services, Public Safety, and Building Department are coordinating together to provide services in house.
- The contractor will be focusing on salting and no so much on snow-removal.
- Give thanks to the Departments that worked really hard during the winter seasons snow events.

Trustee Yi comments are there any plans for snow removal on the pathways within the Township?

Supervisor comment regarding winter maintenance on the pathways:

- Equipment set aside specifically for the pathways and greenways within the Township.
- We have signs posted stating 'Limited Winter Maintenance' throughout the Township park system, including our greenways.

Trustee Yi comments will the winter maintenance be done in-house?

Supervisor Grewal comments all winter maintenance for pathways will be done in-house.

### **MOTION CARRIED**

#### **11.2 Approve the listed supplemental renovation request to the facility improvement project of the Department of Public Safety, at a cost not to exceed \$23,710.29.**

Moved by Treasurer Scribner, supported by Trustee Yi to approve the listed supplemental renovation request to the facility improvement project of the Department of Public Safety, at a cost not to exceed \$23,710.29.

Supervisor Grewal comments regarding Public Safety renovation:

- This renovation request is an unexpected Part B to the Public Safety improvement that was previously presented to the Board of Trustees.

### **MOTION CARRIED**

#### **11.3 Approve the purchase of eleven (11) video cameras and a digital video recording (DVR) server for the Department of Public Safety from Erlich Protection Systems, Inc. Total cost of system and installation as outlined will not exceed \$27,185.**

Moved by Trustee Krone, supported by Trustee Yi to approve the purchase of eleven (11) video cameras and a digital video recording (DVR) server for the Department of Public Safety from Erlich Protection Systems, Inc. total cost of system and installation as outlined will not exceed \$27,185.

Trustee Krone comments is this video surveillance camera system strictly for inside the Public Safety building?

Director Harshberger comments regarding the installation of Video Cameras:

- The cameras will surveillance the entrances, perimeter and some inside areas of the Department of Public Safety.

Trustee Krone comments the capacity exist to expand to other areas within the Township?

Director Harshberger comments:

- With this system the Township is able to use the network that Utilities that is currently use and also expand the system all on the same network.
- Public Safety system also has a Digital video recorder server to record our cameras.

Supervisor Grewal comments Erlich Protection Systems is also the company that is providing the hardware and software for 6201 W. Michigan Avenue.

## **MOTION CARRIED**

### **11.4 Authorize the Supervisor and Clerk to enter into a three (3) year agreement, subject to Township attorney approval, with Omega Group, Inc. for digital crime-analysis services at a cost to the Township not to exceed \$12,760.**

Moved by Krone, supported by Israel to authorize the Supervisor and Clerk to enter into a three (3) year agreement, subject to Township attorney approval, with Omega Group, Inc. for digital crime-analysis services at a cost to the Township not to exceed \$12,760.

Supervisor Grewal Comments gives background:

- Leveraging the grant funding of \$25,000 moving forward and making our Police and Fire services data driven.
- Appreciation to all the work and leadership from Pittsfield.
- One of three communities within the entire state that was awarded the grant funding for this database approach to ensure the safety of our residents.

Trustee Yi comments how does this program work and what kind of data will be analyzed with this program?

Director Harshberger gives background:

- The Township is tied into the Clemis Systems that runs out of Oakland County.
- Other municipalities in Oakland County, Washtenaw County, Livingston County, and parts of Wayne County participate in this Digital Crime analysis system.
- Traffic stops, arrests, crimes and etc are compiled into this database and it allows participating agencies to look at each other agencies data.
- This data storage systems crunches data and gives agencies information on where most crimes take place.

Trustee Yi comments will The Omega Group have a representative working hands on with this system?

Director Harshberger comments:

- The Omega Group will have a representative here for the initial installation.
- When the system is up and running the Township is responsible for maintaining the data system with Clemus.

Trustee Yi comments will there be any privacy issues since this police information is shared?

Director Harshberger comments:

- Information is only shared with law enforcement agencies that are tied into Clemus.
- This system is not a public system.
- Data that involves information on where crime takes place is public information.

Trustee Krone comments is this the same group that we have contracted to collect data for the Township earlier this year?

Director Harshberger comments yes, this is the same group the Township contracted with this year.

Trustee Krone comments will the Township just expand the crime data services we have?

Director Harshberger comments:

- The Omega Group provided very cheap very basic crime-mapping.
- Crime Analysis system provides data from all crimes/calls of services and extracting the information in ways we can use for problem solving.

## **MOTION CARRIED**

### **11.5 Approve the purchase of five (5) police patrol vehicles and one support vehicle, in keeping with Township's Vehicle Policy, for the Department of Public Safety at a cost not to exceed \$192,100.**

Moved by Trustee Brown-Harrison, supported by Trustee Yi to approve the purchase of five (5) police patrol vehicles and one support vehicle, in keeping with Township's Vehicle Policy, for the Department of Public Safety at a cost not to exceed \$192,100.

Trustee Krone comments is there any consideration in using a hybrid for the Department of Public Safety support vehicle?

Director Harshberger comments:

- Hybrid vehicles are more expensive than the vehicles we are looking to purchase.
- Purchasing the number of vehicles we are purchasing, we are trying to keep costs down as much as possible.
- If the Board of Trustees wants Public Safety to look into hybrid vehicles, we will most certainly do the following.

Supervisor Grewal comments:

- These Vehicle purchases are based on a fixed cost at this time.
- The Township has limited funds to contribute to these vehicle purchases.
- As the Township moves forward and more funds are available we will be able to take the hybrid approach.

Trustee Krone comments do you know whether hybrid vehicles will provide the kind of performance you would need for police work?

Director Harshberger comments:

- Hybrid vehicles would not provide the kind of performance needed for pursuit police work.
- Patrol operations, support services, and administrative use police work hybrid vehicles can accommodate these police services.

Trustee Krone comments at a point where cost is not a factor could we consider taking the hybrid vehicle approach?

Director Harshberger comments when cost is not a factor we can look into purchasing hybrid vehicles.

Supervisor Grewal comments:

- The cost is a major function when purchasing hybrid vehicles.
- The payback period will shorten as the cars are becoming more efficient.

Trustee Krone comments if we are holding on to these vehicles for at least 100,000 miles we would get our full use out of the vehicles.

Director Harshberger comments the administrative vehicles are not used as much as patrol operation vehicles.

## **MOTION CARRIED**

### **11.6 Approve the purchase of a handheld Scott Eagle Attack Thermal Imaging Camera from Argus-Hazco, at a cost not to exceed \$6,625.00, plus shipping.**

Moved by Clerk Israel, supported by Trustee Krone approve the purchase of a handheld Scott Eagle Attack Thermal Imaging Camera from Argus-Hazco, at a cost not to exceed \$6,625.00, plus shipping.

Supervisor Grewal comments I believe that this is our first thermal imaging camera for our Fire Department.

Director Harshberger comments this is our first handheld camera purchase; the Fire Department has helmet mounted cameras.

Supervisor Grewal comments:

- Commends all department heads within the Township for holding on tight all year on making purchases.
- The agenda has many purchase requests since Department's stayed within their budgets and have money left over to spend.
- These purchases will have a positive effect on the quality of service to residents.

### **MOTION CARRIED**

**11.7 Approve the purchase of five (5) US Armor Level 3 ballistic tactical vests, along with five (5) US Armor ballistic helmets and one (1) ballistic protective shield with LED light attachment for police services at a cost not exceed \$17,230.00.**

Moved by Trustee Yi, supported by Treasurer Scribner to approve the purchase of five (5) US Armor Level 3 ballistic tactical vests, along with five (5) US Armor ballistic helmets and one (1) ballistic protective shield with LED light attachment for police services at a cost not exceed \$17,230.00.

Supervisor Grewal comments:

- Public Safety addressed a problem at Walmart this past Thanksgiving that went really well.

### **MOTION CARRIED**

**11.8 Authorize payments to Verdeterre Contracting in the amount of \$10,558.32, and Tanner Excavating in the amount of \$11,270.00, for two (2) emergency water main break repairs.**

Moved by Trustee Krone, supported by Clerk Israel to authorize payments to Verdeterre Contracting in the amount of \$10,558.32, and Tanner Excavating in the amount of \$11,270.00, for two (2) emergency water main break repairs.

Trustee Krone comments these water main breaks occurred before we purchased the equipment to fix problems in house?

Director Lyon comments:

- These water main problems occurred before the purchase of the equipment.
- Water main breaks occurred in October and we purchased the equipment in November.

Trustee Krone comments what is your estimate on the cost on what these water main breaks would have cost the Township if we would have brought the equipment earlier?

Director Lyon comments:

- Depending on the area changes the estimate of how much a repair can cost.
- Roughly around \$1500.00 on the water main break repair that cost \$11,270.00 in the Greenbelt area within four hours.

Trustee Krone comments:

- The cost of the equipment the Township purchased for repairing Utility breaks.

Director Lyon comments:

- With the newly purchase equipment the Utilities Department can operate more efficiently.

### **MOTION CARRIED**

- 11.9 Authorize the Supervisor and Clerk to enter into an agreement with Beckett & Raeder, Inc. to design Interpretive Signage in alignment with the Michigan Department of Natural Resources (MDNR) Trust Fund grant procedures for procurement of signs for the Hickory Woods Park Phase 1b Project for a cost of \$5,800.**

Moved by Trustee Yi, supported by Treasurer Scribner to authorize the Supervisor and Clerk to enter into an agreement with Beckett & Raeder, Inc. to design Interpretive Signage in alignment with the Michigan Department of Natural Resources (MDNR) Trust Fund grant procedures for procurement of signs for the Hickory Woods Park Phase 1b Project for a cost of \$5,800.

Supervisor Grewal comments this project is moving along well and the tentative ground-breaking date of June 2012.

### **MOTION CARRIED**

- 11.10 Adopt resolution to Re-Appoint members of the Pittsfield Charter Township Road Committee Res #11-63. (See Attachment #5)**

Moved by Krone, supported by Trustee Yi to adopt Resolution #11-63; a resolution to Re-Appoint members of the Pittsfield Charter Township Road Committee.

Supervisor Grewal comment:

- This is a re-appointment of existing Road Committee members.
- All members wanted to serve another term.

Trustee Krone comments it is nice that the members are willing to serve on the Road Committee.

Supervisor Grewal comments:

- The Road Committee is a very productive committee.
- Positive feedback from there geographical region that they are representing.
- Positively affecting the road ways within the Township.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

**11.11 Adopt resolution to set the 2012 Regular Meeting Dates for the Pittsfield Charter Township Board of Trustees Res #11-64. (See Attachment #6)**

Moved by Treasurer Scribner supported by Trustee Brown-Harrison to adopt Resolution #11-64; a resolution to set the 2012 Regular Meeting Dates for the Pittsfield Charter Township Board of Trustees.

Clerk Israel amends resolution language to state at a regular meeting.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12. Unfinished Business**

**12.1 Second Reading: Amendments to Ordinance #295, Living Wage Ordinance, Section 21.01 – 21.50, particularly Section 21.03, Living Wages Required. (See Attachment #7)**

Moved by Clerk Israel supported by Trustee Brown-Harrison, to adopt on Second Reading Ordinance #295 Living Wage Ordinance, Section 21.01 – 21.50, particularly Section 21.03, Living Wages Required.

Trustee Krone amends the consistency of number convention.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.2 Second Reading: Ordinance #296, Police Service Contracts and Auxiliary Police Force, including revisions to Chapter 22, Public Safety, Article II, Police Department, amending Sections 22-31 through 22-34, and Article III, Request for Police Services, Sections 22-79 through 22-100. (See Attachment #8)**

Moved by Trustee Krone, supported by Clerk Israel to adopt on Second Reading Ordinance #296, Police Service Contracts and Auxiliary Police Force, including revisions to Chapter 22, Public Safety, Article II, Police Department, amending Sections 22-31 through 22-34, and Article III, Request for Police Services, Sections 22-79 through 22-100.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.3 Second Reading: Ordinance #297, Revisions to Chapter 8, Wetlands Protection Ordinance and Chapter 39, Conservation Easements. (See Attachment #9)**

Moved by Clerk Israel supported by Treasurer Scribner to adopt on Second Reading Ordinance #297, Revisions to Chapter 8, Wetlands Protection Ordinance and Chapter 39, Conservation Easements

Trustee Yi amends error on page 341 of the packet to state these goals are to be accomplished.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.4 Second Reading: Ordinance #298, Prohibited Vegetation and Natural Lawn Ordinance revisions to Chapter 38, Article II, Prohibited Vegetation, amending Sections 38.32 through 38.50. (See Attachment #10)**

Moved by Trustee Krone, supported by Clerk Israel to adopt on Second Reading Ordinance #298, Prohibited Vegetation and Natural Lawn Ordinance revisions to Chapter 38, Article II, Prohibited Vegetation, amending Sections 38.32 through 38.50.

Trustee Krone amends section 38-31 page 419 of the packet, sub paragraph 2 shall read on parcels of land along paved streets in common usage within the Township, to depth of 165 feet beginning at the road right of way, or the depth of the ownership, whichever is lesser.

Trustee Krone comments regarding the use of paved streets:

- The use of paved streets has a narrow definition and is open for disputes
- Road is a more broad use and it includes all streets.

Director Lyon comments:

- This shouldn't cause any controversy between the two but we will check with legal council to verify.
- The option to list streets versus drive.

Supervisor Grewal comments:

- The termination in future ordinance.
- The option to list streets versus drive.
- Making termination changes with the legal counsel.

Trustee Krone amends Section 38-56 pg. 423 of the packet, ordinance shall read appeal to the Utilities and Municipal Services Departments.

Trustee Krone comments:

- The denial would be made by the departmental process.
- Property owners may appeal to the Director of Municipal Services in writing.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.5 Second Reading: Ordinance #299, an Ordinance creating Historic District boundaries and establishing Historic District Commission procedures, maintenance, design review, application processes, appeal, demolition, penalties, and public acquisition of resources within Pittsfield Charter Township.**  
(See Attachment #11)

Moved by Treasurer Scribner, supported by Clerk Israel to adopt on Second Reading Ordinance #299, an Ordinance creating Historic District boundaries and establishing Historic District Commission procedures, maintenance, design review, application processes, appeal, demolition, penalties, and public acquisition of resources within Pittsfield Charter Township.

Supervisor Grewal comments:

- Give thanks to the Pittsfield Charter Township Historic District Commission and the Historical Study Committee for tremendous work.
- Pittsfield Charter Township's first Historic District.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

**13. New Business**

**13.1 Resolution to Amend the 2011 Building Safety Department Fund Budget and the Refuse Fund Budget Res #11-65. (See Attachment #12)**

Moved by Trustee Krone, supported by Clerk Israel to adopt Resolution #11-65; a resolution to amend the 2011 Building Safety Department Fund Budget and the Refuse Fund Budget.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

**MOTION CARRIED.**

**14. Liaison Reports**

Supervisor Grewal gives report:

- Pittsfield Charter Township receives Financial Award for its financial reporting.
- Continuing to take good care of our fiscal resources.

**15. Public Comment II**

None.

**15.1 Board Response to Public Comment II**

Supervisor Grewal gives thanks to Marge S. Burkheiser and presents certificate.

Marge Burkheiser comments:

- Moved to Pittsfield Township before employment.
- Enjoyed working for the Township

Supervisor Grewal comments Marge S. Burkheiser your service will be truly missed.

**16. Adjournment**

Moved by Clerk Israel supported by Trustee Krone to adjourn meeting at 7:30 p.m.

**MOTION CARRIED**

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Janay Jenkins, Department Assistant  
Recording Clerk  
Pittsfield Charter Township

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Alan Israel, Clerk  
Pittsfield Charter Township

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Mandy Grewal, Supervisor  
Pittsfield Charter Township

MINUTES APPROVED AS PRESENTED AT THE PITTSFIELD CHARTER TOWNSHIP  
BOARD OF TRUSTEES MEETING HELD JANUARY 11, 2012.

**PITTSFIELD CHARTER TOWNSHIP**  
**WASHTENAW COUNTY, MICHIGAN**  
**RES #11-60**  
**RESOLUTION TO APPROVE APPLICATION OF**  
**TECUMSEH PRODUCTS COMPANY**  
**FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE**

**December 14, 2011**

At a Regular Meeting of the Township Board of Pittsfield Charter Township, Washtenaw County, Michigan, held at the Township Administration Building located at 6201 W. Michigan Avenue, in said Township, on the 14<sup>th</sup> day of December, at 6:30 p.m.

Members Present: Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.  
Members Absent: Hunt.

The following preamble and resolution were offered by Treasurer Scribner and supported by Trustee Krone.

**WHEREAS**, Tecumseh Products Company 5683 Hines Drive Ann Arbor, MI 48108 has filed an application for an Industrial Facilities Tax Exemption Certificate with respect to new machinery and equipment to be acquired and installed within Industrial Development District #44 ; and

**WHEREAS**, before acting on said application, the Pittsfield Charter Township Board of Trustees held a hearing on December 14, 2011 at the Pittsfield Charter Township Administration Building, in Pittsfield Charter Township, at 6:30 p.m., at which hearing the applicant, the assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

**WHEREAS**, installation of new machinery and equipment had not begun earlier than six (6) months before September 20, 2011, the date of acceptance of the application for the Industrial Facilities Tax Exemption Certificate; and

**WHEREAS**, completion of the installation is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in Pittsfield Charter Township; and

**WHEREAS**, the aggregate SEV of real and personal property exempt from ad valorem taxes within Pittsfield Charter Township, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and

**NOW THEREFORE BE IT RESOLVED**, by the Board of Trustees of Pittsfield Charter Township that:

1. The Board of Trustees finds and determines that the granting of the Industrial Facilities Tax Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of Pittsfield Charter Township, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in Pittsfield Charter Township.

2. The application of Tecumseh Products Company 5683 Hines Drive Ann Arbor, MI 48108 for an Industrial Facilities Tax Exemption Certificate with respect to a new machinery and equipment to be acquired and installed on the following described parcel of real property situated within the Pittsfield Charter Township Industrial Development District #44, to wit:

LAND SITUATED IN THE TOWNSHIP OF PITTSFIELD, COUNTY OF WASHTENAW, STATE OF MICHIGAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**\*Legal Description Information for L-12-21-310-015:**

M.D. L3851 P749 OWNER REQUEST UNITS 8 & 9 STATE STREET BUSINESS PARK CONDOMINIUM COMBINED ON 11/27/2007 FROM L -12-21-310-009, L -12-21-310-008.

be and the same is hereby approved.

3. The Industrial Facilities Tax Exemption Certificate when issued shall be and remain in force and effect for a period of twelve (12) years for real property and twelve (12) years for personal property.

**NOW THEREFORE BE IT RESOLVED,**

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

***RESOLUTION DECLARED ADOPTED.***

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Alan Israel, Clerk  
Pittsfield Charter Township

DATED: December 15, 2011

## **CERTIFICATE**

I, Alan Israel hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Pittsfield Charter Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on December 14, 2011, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Alan Israel, Clerk  
Pittsfield Charter Township

DATED: December 15, 2011

**PITTSFIELD CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
Res #11-61  
A RESOLUTION OF APPRECIATION TO MARGARET S. BURKHEISER  
December 14, 2011**

At a Regular Meeting of the Township Board for Pittsfield Charter Township, Washtenaw County, Michigan, held at the Pittsfield Township Administration Building located at 6201 W. Michigan Avenue, in said Township on Wednesday the 14th day of December, 2011 at 6:30pm.

Members Present: Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.  
Members Absent: Hunt.

The following preamble and resolution were offered by Clerk Israel and supported by Trustee Yi.

- WHEREAS,** On May 11, 2000 Margaret S. Burkheiser began her career as a Department Assistant in the Pittsfield Charter Township Building Department; and,
- WHEREAS,** On January 22, 2001 Margaret S. Burkheiser transferred to the Planning Department as the Department Assistant in the Building Department; and
- WHEREAS,** On August 13, 2003 Margaret S. Burkheiser was promoted to Department Assistant II in the Building Department; and,
- WHEREAS,** Throughout her career, Margaret S. Burkheiser has provided a steadfast commitment to duty in all aspects of her positions, which has greatly benefited Pittsfield Charter Township and its residents; and,
- WHEREAS,** Having provided 11 years and 7 months of faithful and able service to Pittsfield Charter Township, Margaret S. Burkheiser has elected to retire on January 3, 2012 so as to enjoy the fruits of her labor; and,
- WHEREAS,** We know her presence will be greatly missed,

**NOW, THEREFORE BE IT RESOLVED,** that the Pittsfield Charter Township Board of Trustees expresses its sincere appreciation to Margaret S. Burkheiser, acknowledges her hard work and dedicated public service, and wishes her continued good health, happiness and success throughout her years of retirement.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.  
**NAYS:** None.  
**ABSENT:** Hunt.  
**ABSTAIN:** None.

**RESOLUTION DECLARED ADOPTED.**

---

Mandy Grewal, Supervisor  
Pittsfield Charter Township

DATED: December 15, 2011

## CERTIFICATE

**I, Alan Israel, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Pittsfield Charter Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on, December 14, 2011 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.**

---

Alan Israel, Clerk  
Pittsfield Charter Township

DATED: December 15, 2011

## **Winter Tax Bill – Update 12/14/11**

Winter Bills were issued on December 1<sup>st</sup> residents have until February 14<sup>th</sup> to make payments without interest or penalty.

We included the Holiday Closure in our notice.

“As a friendly reminder, please make a note that Pittsfield Charter Township offices will be closed from Friday, December 23, 2011 through Monday, January 2, 2012. We will re-open at 8:00 a.m. on Tuesday, January 3, 2012.”

By popular demand, the complimentary payment services at all Bank of Ann Arbor and two TCF Bank locations along with our online payment options will continue. Nearly 500 residents used these options to make their tax payments in the last tax cycle.

Last year after the closure our office was able to enter the payments received during the closure in a timely fashion and we anticipate that it will go even smoother this year.

I appreciate my staff, Orna, Kris, and Sara, who go above and beyond to make a positive experience for our residents.

**PITTSFIELD CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
RES # 11-62  
RESOLUTION TO AFFIRM PITTSFIELD CHARTER TOWNSHIP ORDINANCE 239  
THE LEXINGTON POINTE AT ANN ARBOR TAX EXEMPTION ORDINANCE**

**December 14, 2011**

At a Regular Meeting of the Township Board for Pittsfield Charter Township, Washtenaw County, Michigan, held at the Pittsfield Township Administration Building, located at 6201 W. Michigan Avenue, in said Township on Wednesday, the 14th day of December 2011 at 6:30pm.

Members Present: Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

Members Absent: Hunt.

The following preamble and resolution were offered by Clerk Israel and supported by Trustee Yi.

**WHEREAS**, Ordinance 239, known as the Lexington Pointe at Ann Arbor Tax Exemption Ordinance was adopted by the Pittsfield Charter Township board of Trustees on March 23, 1999; and

**WHEREAS**, The Pittsfield Township Code of Ordinances, as published does not include the language of Ordinance 239; and

**WHEREAS**, There is no record of the Board of Trustees specifically rejecting the tax exemption for Lexington Pointe; and

**WHEREAS**, A contract between the Township and Lexington Pointe was effectuated by the ordinance; and

**NOW THEREFORE BE IT RESOLVED THAT** the Pittsfield Charter Township Board of Trustees hereby affirms Ordinance 239, The Lexington Pointe at Ann Arbor Tax Exemption Ordinance and recognizes that it is, and has been since its adoption, in effect.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

***RESOLUTION DECLARED ADOPTED.***

---

Mandy Grewal, Supervisor  
Pittsfield Charter Township

DATED: December 15, 2011

## **CERTIFICATE**

I, Alan Israel, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Pittsfield Charter Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on December 14, 2011 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Alan Israel, Clerk  
Pittsfield Charter Township

DATED: December 15, 2011

**PITTSFIELD CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
RES #11-63  
RESOLUTION TO RE-APPOINT MEMBERS OF THE  
PITTSFIELD CHARTER TOWNSHIP ROAD COMMITTEE**

**December 14, 2011**

At a Regular Meeting of the Township Board for Pittsfield Charter Township, Washtenaw County, Michigan, held at the Pittsfield Township Administration Building, located at 6201 W. Michigan Avenue, in said Township on Wednesday the 14th day of December, 2011 at 6:30pm.

Present: Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

Absent: Hunt.

The following preamble and resolution were offered by Trustee Krone and supported by Trustee Yi.

**RE-APPOINTMENTS**

Paul Becker	Road Committee	Term Ending 12/31/12
Robert Bykowski	Road Committee	Term Ending 12/31/12
Ronald Connors	Road Committee	Term Ending 12/31/12
Scott Fisher	Road Committee	Term Ending 12/31/12
Eben Prabhu	Road Committee	Term Ending 12/31/12
Bradley Smith	Road Committee	Term Ending 12/31/12
Ronald Torrella	Road Committee	Term Ending 12/31/12
Thomas Zecher	Road Committee	Term Ending 12/31/12

**NOW THEREFORE BE IT RESOLVED**, that the Pittsfield Charter Township Board of Trustees confirms the aforementioned re-appointments.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

***RESOLUTION DECLARED ADOPTED.***

---

Mandy Grewal, Supervisor  
Pittsfield Charter Township

DATED: December 15, 2011

## **CERTIFICATE**

I, Alan Israel, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Pittsfield Charter Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on December 14, 2011 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Alan Israel, Clerk  
Pittsfield Charter Township

DATED: December 15, 2011

**PITTSFIELD CHARTER TOWNSHIP**  
**WASHTENAW COUNTY, MICHIGAN**  
**RES #11-64**  
**A RESOLUTION TO SET THE 2012 REGULAR MEETING DATES**  
**FOR THE PITTSFIELD CHARTER TOWNSHIP BOARD OF TRUSTEES**  
**DECEMBER 14, 2011**

At a Regular Meeting of the Township Board for Pittsfield Charter Township, Washtenaw County, Michigan, held at the Pittsfield Township Administration Building, located at 6201 W. Michigan Avenue, in said Township on Wednesday the 14th day of December 2011, at 6:30 PM

Members Present: Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.  
Members Absent: Hunt.

The following preamble and resolution were offered by Treasurer Scribner and supported by Trustee Brown-Harrison.

**WHEREAS,** Pittsfield Charter Township is required by law (MCL42.7) to set the Regular Meeting dates by Resolution,

**NOW THEREFORE BE IT RESOLVED,** that the Board of Trustees for Pittsfield Charter Township adopts the attached schedule thereby setting the Regular Meeting dates for the 2012 Calendar Year.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

***RESOLUTION DECLARED ADOPTED.***

---

Mandy Grewal, Supervisor  
Pittsfield Charter Township

DATED: December 15, 2011

## **CERTIFICATE**

**I, Alan Israel, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Pittsfield Charter Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on December 14, 2011 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.**

---

Alan Israel, Clerk  
Pittsfield Charter Township

DATED: December 15, 2011

**CHARTER TOWNSHIP OF PITTSFIELD  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE No. 295  
LIVING WAGE ORDINANCE**

**SECOND READING  
December 14, 2011**

**AMENDING CHAPTER 21 LIVING WAGE**

AN ORDINANCE TO AMEND THE LIVING WAGE ORDINANCE TO BE IN ACCORDANCE WITH THE ANNUAL LIVING WAGE ADJUSTMENT OF WASHTENAW COUNTY, MICHIGAN.

THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

That Chapter 21, Living Wage, of the Pittsfield Charter Township Code is hereby amended by revising Sections 21.101 through 21.150, as follows:

**Section 21-101. Findings.**

The Township Board finds as follows:

- A.** Payment of higher wages is associated with greater business investment in employee training, higher productivity, and lower employee turnover, and this Ordinance is intended to promote better quality and reliability of services procured for the Township or provided to Township inhabitants by contractors and grantees by promoting higher productivity and increasing retention of employees working on Township contracts and grants;
- B.** The creation of jobs that pay wages high enough to support families above the poverty level promotes the prosperity and general welfare of the Township and its residents, increases consumer spending with local businesses, and improves the economic welfare and security of affected employees;
- C.** Jobs with Township contractors, recipients of tax abatements, or certain other grantees should pay wages that permit the employees of such contractors and grantees and their families to live above the poverty level and should include employee health care benefits whenever possible;
- D.** According to a report entitled "Michigan's Families: Poor Despite Work" issued in November 1998 by the Michigan League for Human Services, from the late-1970s through the mid-1990s, the State of Michigan experienced a 152% increase in the number of working families that were poor - exceeding increases in all other states - while nearly tripling the 48 percent increase experienced nationally;
- E.** The Michigan League for Human Services found in its April 1998 report, "Economic Self-Sufficiency: A Michigan Benchmark," that a family of three required at that time, on average, \$2,724 a month to pay for housing, food, child care, health care, transportation, clothing, household supplies, a telephone, and taxes and this was at the time equivalent to an hourly wage of \$15.83 for households with a single worker and \$7.92 for households with two workers;
- F.** The Michigan County Social Services Association found in its 2000 "market basket survey" that a "minimal needs" budget for a family of three (3) in Michigan required \$15,222 per year, while not including anything for health care benefit costs and assuming rent of only \$465 a month. According to

the U.S. Department of Housing and Urban Development, the fair market rent for a two bedroom apartment in Ann Arbor Metropolitan Statistical Area (which included Pittsfield Township) for 2000 was \$717 a month, and the fair market rent for a three-bedroom apartment was \$940 a month. This means that a family of three requires at least \$18,246 a year to meet a minimal needs budget in this area, not including health care. This converts to an hourly wage of \$8.77 for a full-time, full-year employee;

**G.** Federal and state minimum wages, currently set at only \$5.15 an hour, mean that a full-time, full-year minimum wage employee earns only \$206 a week, or \$10,712 a year, while the 2000 [1999] United States Department of Health and Human Services federal poverty [level] guideline was \$11,250 for a two-person family, \$14,150 a year for a three-person family, and \$17,050 a year for a four-person family and income near the poverty level is not a desirable standard of living sufficient to meet the subsistence needs of a family in Pittsfield Township and its surrounding communities;

**H.** Requiring manufacturers, outside service vendors/contractors, and certain other grantees that receive public dollars in the form of tax abatements, service contracts, and other grants of financial assistance to pay their affected employees a "Living Wage" will be in the best interest of the Township of Pittsfield, the affected employees and their families, as well as Washtenaw County and the State of Michigan, as a whole; and

**I.** This Ordinance is adopted pursuant to the Township's spending and procurement powers as authorized under Article 7 of the 1963 Constitution and it provides for payment of living wages only to employees of covered employers; further, this Ordinance does not establish any generally applicable Township minimum wage, or affect the wages paid by any business or individual that chooses not to provide services covered by this Ordinance to the Township, or does not accept Township tax abatements or grants falling within this Ordinance's terms.

Therefore, this ordinance is hereby ordained by the Township of Pittsfield to ensure that outside vendors/contractors and manufacturers who receive public monies through service contracts, tax abatements, and certain other grants of financial assistance pay their affected employees a "Living Wage" as defined herein.

**Section 21-102. Definitions.**

For the purposes of this Ordinance, the following definitions shall apply:

**A.** "Contractor/vendor" is a person or entity that has a contract with the Township of Pittsfield primarily for the furnishing of services (as opposed to the purchasing or leasing of goods or property) where the total amount of the contract or contracts exceeds \$10,000 for any 12-month period, including any subcontractors of such contractor.

**B.** "Grantee" is a person or entity that is a recipient of any financial assistance from the Township of Pittsfield in the form of any federal or state grant program administered by the Township, revenue bond financing, tax increment financing, tax abatement, tax credit, direct grant, or any other form of financial assistance, including any contractors, subcontractors, or leaseholders of the grantee at the subsidized site(s), that exceeds \$10,000 for any 12-month period.

**C.** "Grant" means any form of covered financial assistance as set forth under the definition of "grantee" as defined in Section ~~321-102(B)~~ of this Ordinance.

**D.** "Covered Employer" means a contractor/vendor or a grantee of covered financial assistance that has not been granted an exemption from this Ordinance pursuant to Section ~~8-21-107~~ of this Ordinance.

**E.** "Covered Employee" means an "Employee" as defined in F below, who is employed by a Covered Employer.

**F.** "Employee" means a person who is employed on a full-time basis (defined for purposes of this Ordinance as more than 21 hours per week) on a year-round (i.e. non-seasonal) basis, and not on a probationary basis. Also, for the purposes of this Ordinance, "Employee" does not include "on-call" public employees or persons otherwise exempted or excluded by other provisions of this Ordinance.

**G.** "Employee Health Benefits" or "Health Benefits" means providing health care benefits for employees (or employees and their dependents) at employer cost or making an employer contribution toward the purchase of such health care benefits for employees (or employees and their dependents), provided that the employer cost or contribution equals no less than \$1 an hour for the average work week of such employee, and provided further that any employee payment or contribution toward health care shall not exceed 50 cents an hour for the average work week for such employee.

**H.** "Living Wage" has the meaning provided in Section [521-104](#).

**I.** "Person" means one or more of the following or their agents, employees, servants, representatives, and legal representatives; individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint stock companies, trusts, unincorporated associations, trustees, trustees in bankruptcy, receivers, fiduciaries, and all other entities recognized at law by this State.

**Section 21-103.** Applicability.

**A.** This ordinance shall apply to any person that is a Contractor/Vendor or Grantee as defined herein that employs or contracts with five (5) or more individuals. Provided, however, that a non-profit contractor/vendor or non-profit grantee shall have at least 10 or more employees and a contract or grant that exceeds \$10,000 in any 12-month period in order for this Ordinance to apply to it.

**B.** The Ordinance shall apply to any grant, service contract, or subcontract or other form of covered financial assistance as provided by this Ordinance that is awarded or entered into after the effective date of the Ordinance. After the effective date of the Ordinance, entering into an agreement for an extension or renewal of any grant, contract, or subcontract or other form of financial assistance as defined herein shall be conditioned upon compliance with this Ordinance.

**Section 21.104.** Living Wages Required.

**A.** Subject to the provisions of this Section [421-104](#), every covered employer as defined in Section [321-102 D.](#), shall pay its covered employees a Living Wage as established in this Ordinance.

**1.** For a covered employer that provides employee health care to its employees, the Living Wage shall be at least \$11.05 an hour, or the adjusted wage established in paragraph B of this Section.

**2.** For a covered employer that does not provide health care to its employees, the Living Wage shall be at least \$12.96 an hour, or the adjusted wage established in paragraph B of this Section.

**B.** The amount of the living wage established in this Section shall be adjusted to reflect changes to the Living Wage established by the Washtenaw County Board of Commissioners. The adjustment shall occur and be published by the Township Clerk within 60 days of any adjustments to the Washtenaw County Living Wage.

**Section 21.105.** Employees Covered.

**A.** Any contractor/vendor receiving a service contract or contracts covered by this Ordinance and any grantee receiving financial assistance for providing services to the public (or a portion thereof) shall

pay any of its employees performing work on each such contract or grant a Living Wage as defined herein.

**B.** Any covered employer receiving a grant of financial assistance from the Township as defined in Section 21.103, including revenue bond financing, tax increment financing, tax abatement, tax credit, direct grant, or any other form of financial assistance, shall pay all employees working in the workplace or location that is receiving or benefiting from such grant a Living Wage as defined herein.

**Section 21.106.** Enforcement.

**A.** The Township of Pittsfield shall require, as a condition of any contract or grant covered by this Ordinance, that the affected covered employer agree to the payment of a Living Wage as a condition or entering into or renewal of said contract or grant. The affected covered employer shall agree to post a notice regarding the applicability of this Ordinance in any work place or other location in which employees or other person contracted for employment are working. The affected covered employer shall agree to provide payroll records or other documentation, as deemed necessary by the Township to the Township Clerk within ten (10) business days from receipt of the Township's request.

**B.** The Township of Pittsfield shall have the right to modify, terminate, and/or seek specific performance of any contract or grant with an affected covered employer from any court of competent jurisdiction, if it is determined after a public hearing, that based upon the preponderance of evidence, the affected covered employer has not complied with this Ordinance.

**Section 21.107.** Exemptions.

The Township Board, after conducting a public hearing, may grant a partial or complete exemption from the requirements of this Ordinance, if it determines one of the following:

**1.** The application of the Ordinance would violate federal, state or local law(s);  
and

**2.** The application of the Ordinance would cause economic harm to a non-profit contractor/vendor or grantee in a fashion that would result in the harm created by the application of the Ordinance clearly outweighing the benefits of applying the Ordinance, when the affected non-profit entity has provided a plan to come into conformity with this Ordinance within 3 years, and to the extent necessary to avoid any such harm.

**Section 21.108.** Other Provisions.

**A.** No affected covered employer shall reduce the compensation, wages, fringe benefits, or leave available to any covered employee or person contracted for employment in order to pay the Living Wage required by this Ordinance. No covered employer or potentially covered employer shall reduce the hours of work, other established working conditions, or terms of employment as previously practiced for any covered employee or potentially covered employee in order to avoid coverage under this Ordinance. Any action in violation of this paragraph shall be deemed a violation of this Ordinance subject to the remedies of Section [721-106 B.](#)

**B.** Nothing in this Ordinance shall conflict with or supersede any agreement regarding the provision of health care to Township employees.

**C.** No employee covered by a federal, state, or local law requiring the payment of prevailing wages shall be covered by this Ordinance.

**D.** This Ordinance shall not be construed to apply to any person or entity that is not a beneficiary of financial assistance under this Ordinance solely because the person or entity is a tax-exempt religious or charitable organization under state or federal law.

**E.** This Ordinance shall not be applicable to the establishment and/or continuation of the following if developed specifically for high school and/or college students:

1. A bona fide training program;
2. A summer or youth employment program; and
3. A work study program, internship, fellowship, or other similar program.

| **Sec. 21.109** Severability.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court with competent jurisdiction, it shall not affect any other portion of the Ordinance, except that part or portion affected by the court's decision.

| **Sec. 21.110** Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

| **Section 21-111: Publication and Effective Date**

This Ordinance shall be published in the manner as required by law. This ordinance shall take effect the day after the first publication of the ordinance (MCL 41.184).

| **Secs. 21.112 —21.150.** - Reserved

This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2011, and was ordered given publication in the manner required by law.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011

Dated: \_\_\_\_\_, 2011

First Reading: October 12, 2011

Posting of Notice: October 6, 2011

Publication of Notice: October 13, 2011

Publication with Revised Dates: October 27, 2011

Adoption: \_\_\_\_\_

Ordinance Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## CLERK'S CERTIFICATE

I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 295, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on \_\_\_\_\_, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held October 12 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member \_\_\_\_\_ moved for adoption of said Ordinance, and that Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance \_\_\_\_\_, and that the following Members voted against

adoption of said Ordinance \_\_\_\_\_, and that the following Members were absent or abstained from voting on the adoption of said Ordinance \_\_\_\_\_.

I further certify that after its passage the Ordinance was published on \_\_\_\_\_, 2011, in accordance with P.A. 359 of 1947, as amended, by \_\_\_\_\_.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011

Effective Date: \_\_\_\_\_, 2011

**PITTSFIELD CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE No. 296  
POLICE SERVICE CONTRACTS AND  
AUXILIARY POLICE FORCE**

**SECOND READING  
December 14, 2011**

AMENDING CHAPTER 22 PUBLIC SAFETY, ARTICLE II, POLICE DEPARTMENT,  
AND ARTICLE III, REQUEST FOR POLICE SERVICES  
AN ORDINANCE TO AMEND THE PUBLIC SAFETY ORDINANCE TO BE IN  
ACCORDANCE WITH CURRENT DEPARTMENTAL ORGANIZATION, PROVIDE  
DIRECTOR OF PUBLIC SAFETY AUTHORITY TO ADD AN AUXILIARY POLICE  
FORCE, AND REVISE PROCEDURES FOR REQUEST FOR POLICE SERVICES.  
THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN,  
HEREBY ORDAINS:

That Chapter 22, Public Safety of the Pittsfield Charter Township Code is hereby amended by revising Article 2, Police Department, Sections 22-31 through 22-43 and Article 3, Request for Police Services, Sections 22-76 through 22-200 as follows:

**ARTICLE 2 - POLICE DEPARTMENT**

**22-31. – Police Force**

A. Created. There is hereby created a police force (the "police department"). The Township Supervisor is authorized to appoint, subject to the approval of the Township Board, a Director of Public Safety (Director), and such police officers as may be required to protect property and preserve the public welfare and safety within the Township, including auxiliary officers, part-time officers, animal control officers and other police officers having special or limited assigned duties. It shall be the duty of the Township Supervisor to see that all laws and Township ordinances are enforced.

B. Powers and duties of Director. Subject to the powers vested in the Township Supervisor and the Township Board, the police department shall operate under the command of the Director of Public Safety. Subject to the approval of the Township Board, the Director of Public Safety, who may also be called the Chief of Police, shall:

- (1) Be responsible for the proper and efficient operation and maintenance of the department and proper law enforcement.
- (2) Make and establish rules and regulations for the department, its employees, officers and detectives, and for the care and management of the motor vehicles, equipment, property and buildings pertaining to the department, and for the prescribing of the powers and duties of such employees, officers and detectives.
- (3) Recommend and administer an administrative policy for the selection and hiring of police officers and other personnel of the department.
- (4) Administer discipline to all members and employees of the department, including the right to suspend and/or terminate. Any disciplinary action by the Director of Public Safety may be appealed to the Township Supervisor, and the Supervisor's action in turn may be appealed to the Township Board, whose decision shall be final. The taking of

any such appeal shall not stay the disciplinary action taken; but if the appeal is successful, the member or employee shall be reinstated and compensated for such periods of lost time as shall be found to be unwarranted. Such discipline shall be administered in accordance with the terms of any collective bargaining agreement that applies.

(5) Create the chain of command within the department.

(6) The Chief may appoint and delegate such of his authority as he shall deem proper to any other officer of the department, to be exercised in the event of his temporary absence or inability to exercise his or her authority.

C. Acting Director. In the event that the Director becomes incapacitated to perform the duties of the position, in the opinion of the Supervisor, the Supervisor shall so certify in writing to the Township Clerk, and may then appoint an acting Director of Public Safety, subject to the approval of the Township Board, whose appointment shall cease upon formal action of the Township Board, or written certification by the Township Supervisor to the Township Clerk.

Sec. 22-32. – Powers of the police department.

Subject to the powers vested in the Township Supervisor and the Township Board and the provisions of law, the members of the police department shall have the power and it shall be its duty to:

- (1) Suppress all riots, disturbances and breaches of the peace;
- (2) Enforce the laws of the state and the ordinances of the Township;
- (3) Arrest any person found in the act of violating the laws of the state, or the ordinances of the Township, and to take such persons before the proper officer or magistrate for punishment;
- (4) Make complaints against persons known or believed by them to be guilty of having violated such laws or ordinances;
- (5) Arrest all persons fleeing from justice; and
- (6) Serve and execute all process directed or delivered to them in proceedings for the violation of the ordinances of the Township or laws of the state.

Sworn officers are hereby vested within the limits of the Township, with all the powers conferred by law upon sheriffs and constables for the preservation of quiet and good order and the enforcement of law. They shall have all the powers of sheriffs to make arrests of persons who have committed or who are suspected of having committed any crime or misdemeanor within the Township or who shall have escaped from the custody of the police department; and they shall have power to pursue, arrest and detain without the Township limits any such person as permitted by law. The Township Board shall have the authority to vest the police department with such additional powers as may be necessary for the good government and order of the Township.

Sec. 22-33. – Departmental rules.

A. The Director of Public Safety shall promulgate, subject to the approval of the Township Board, all necessary rules for the government of the department and its members. Such rules and regulations shall be entered in an appropriate book of the department. Rules and regulations may be so prescribed by incorporating by reference any provision of state law or any official or unofficial standard code, rules and regulations and orders, including those that are or have been prescribed or adopted by a law enforcement department or agency of

the federal or state government or governmental unit, provided that such shall be clearly identified in the prescribing rules and regulations and a copy entered into the department book.

- B. The rules and regulations shall include by reference the minimum standards for law enforcement officers as adopted by the state law enforcement officers training council in accordance with Public Act No.203, 1965 (MCL 28.601 et seq., MSA 4.450(1) et seq.), as amended, provided that additional employment standards not in conflict with that act may be included.
- C. The rules and regulations shall include the disciplinary action, and the procedure that may be taken against any member of the department charged with any violation of the department rules and regulations.

Sec. 22-34. – Monthly reports.

The Director of Public Safety shall report monthly to the Township Supervisor all arrests made and appearance tickets issued by the police department and shall provide other information as the Supervisor may require. A monthly summary of police activities shall be presented to the Township Board by the Director of Public Safety or his designated representative.

Sec. 22-35. – Equipment.

Equipment shall be issued to police officers as the Director of Public Safety shall deem necessary to enable them to carry out their duties described in this article. Such equipment may include badges, identification cards, whistles and firearms. The Director of Public Safety shall designate the uniform to be worn by all officers of the department.

Sec. 22-36. – Oath of police officers.

Prior to the commencement of duties set forth in this article, the Township Clerk shall administer to each police officer an oath of office by which such police officer shall undertake the duties and to observe the limitations set forth in this article and to abide by the police department rules and regulations.

Sec. 22-37. – Training.

All police officers must maintain certifications required by law and proficiencies in law enforcement related fields as specified in the police department rules and regulations.

Sec. 22-38. – Standards for employment.

Employment of police officers must conform with lawful standards adopted by the Michigan Commission on Law Enforcement Standards (or its successor agency/department). The Board of Trustees may adopt additional hiring standards upon the recommendation of the Director of Public Safety.

Sec. 22-39. – Functions.

The police work of the Township shall consist of the following functions:

- (1) The operation of the motor units or foot patrol for routine investigations and the general maintenance of law and order.
- (2) The maintenance of the central complaint desk at police headquarters, the maintaining and supervising of police records, criminal and noncriminal identification, property identification, custody of property and the operation of detention quarters.

- (3) The investigation of crimes, elimination of illegal liquor traffic and vice, and the preparation of evidence for the prosecution of criminal cases and offenses in violation of the ordinances of the Township.
- (4) The prevention and control of juvenile delinquency, the removal of crime hazards and the coordination of community agencies interested in crime prevention.
- (5) The control of traffic, traffic education programs, school patrols, and coordination of traffic violation prosecutions.

Sec. 22-40. – Custody and disposition of lost, abandoned or unclaimed property.

The police department shall dispose of lost, abandoned or unclaimed property in accordance with state law.

Sec. 22-41. – Auxiliary police force.

The Director of Public Safety may hereby establish an auxiliary police force of the Township, which shall be a division of and administered by the police department and shall consist of such members as may be determined by the Director, provided sufficient funds are available in the police department budget. Prior to the commencement of service, each auxiliary officer shall take an oath of office administered by the Township Clerk, by which such auxiliary officer shall swear to undertake the duties and to observe the limitations set forth in this article and to abide by the department rules and regulations. The equipment, training, qualifications and duties of auxiliary police officers shall be set forth in a departmental regulation promulgated by the Director of Public Safety. The auxiliary force may be identified or named as determined from time to time by the Director and Supervisor. The Township shall provide auxiliary police officers with Worker's Compensation and Liability Insurance, and other benefits and compensation as may be provided by resolution of the Township Board.

Secs. 22-42—22-75. - Reserved.

### ARTICLE III. - REQUEST FOR POLICE SERVICES

Sec. 22-76. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Additional Police Service* means those services requested by a property owner, in addition to or supplemental to those provided by the police department in the normal course of business.

*Director* means the person appointed by the Township Board to oversee the daily operations of the police department.

*Person* means an individual, sole proprietorship, partnership, corporation, association, municipality, this state, any instrumentality or agency of this state, the federal government, or any instrumentality or agency of the federal government, or other legal entity.

*Police department* means the Pittsfield Charter Township Police Department.

*Property* means a geographical area in the Township where Additional Police Service is requested to be performed.

*Requestor* means a person (as defined in this Article) requesting police services in addition to or supplemental to those provided by the police department in the normal course of business.

*Township* means those areas within the Township that are not within the corporate limits of another municipality.

*Township board* means the Pittsfield Charter Township Board of Trustees.

Sec. 22-77. – Procedure.

A. A person who desires to have Additional Police Service may submit to the Police Department a written request, signed by an owner or lawful occupant of the property, or their duly authorized agent, requesting Additional Police Service. The request shall provide the following information:

- (1) The name and address of each person who has a fee interest in the property.
- (2) The commonly known address of the property.
- (3) The reason for requesting Additional Police Service.
- (4) The type of Additional Police Service, i.e., number of police officers, hours, special equipment, etc., being requested.
- (5) Such other and further information as the Township deems necessary or proper to evaluate the request.

B. Except when directed otherwise by resolution of the Township Board, the Director is authorized to enter into contracts for Additional Police Services under this Article. Prior to granting or denying the request, the Director (or designee) shall consider the following factors:

- (1) The need for the Additional Police Services requested.
- (2) The type of Additional Police Services that would effectively meet the needs of the Requestor, the owner, or persons occupying or coming upon the property.
- (3) The duration such Additional Police Service should be provided.
- (4) The cost the Township would incur to provide the Additional Police Service.
- (5) The conditions under which Additional Police Services should be provided.
- (6) Such other and further analysis as the Director deems necessary or proper to approve or deny the request.

After evaluating the request, the Director (or designee), shall grant or deny the request. In granting the request, the Director may place conditions upon the rendering of such Additional Police Service that are reasonable to effect the Additional Police Service, protect the condition of the property, health, safety and welfare of persons who own, occupy or come upon the property, and to charge to the Requestor the costs incurred by the Township to provide the Additional Police Service.

Sec. 22-78. -- Service fee and contract.

A. In approving a request, the Director may establish a fee for the Additional Police Service in an amount to pay the Township for the costs it will incur to provide the service to include personnel, equipment, administration and processing the request.

B. The conditions under which the police service will be provided shall be embodied in a written document approved and subscribed to by the Township Supervisor, the Township Clerk, the Director, and the Requestor, or an authorized representative. The document shall provide for the rendering of police service, describe the property or location where services are to be directed, specify the duration of such services, cost and manner of payment for the services, and such other provisions as are mutually agreed to by the Director and the Requestor.

Sec. 22-79– Severability.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court with competent jurisdiction, it shall not affect any other portion of the Ordinance, except that part or portion affected by the court's decision.

Sec. 22-80 – Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

Section 22-81– Publication and Effective Date

This Ordinance shall be published in the manner as required by law. This ordinance shall take effect the day after the first publication of the ordinance (MCL 41.184).

Secs. 21-82 —22-100. - Reserved

This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2011, and was ordered given publication in the manner required by law.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011

First Reading: October 12, 2011

Posting of Notice: October 6, 2011

Publication of Notice: October 13, 2011

Publication with revised dates: October 27, 2011

Adoption: \_\_\_\_\_

Ordinance Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## CLERK'S CERTIFICATE

I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 296, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on \_\_\_\_\_, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held \_\_\_\_\_, 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member \_\_\_\_\_ moved for adoption of said Ordinance, and that Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance \_\_\_\_\_, and that the following Members voted against

adoption of said Ordinance \_\_\_\_\_, and that the following Members were absent or abstained from voting on the adoption of said Ordinance \_\_\_\_\_.

I further certify that after its passage the Ordinance was published on \_\_\_\_\_, 2011, in accordance with P.A. 359 of 1947, as amended, by \_\_\_\_\_.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011

Effective Date: \_\_\_\_\_, 2011

**CHARTER TOWNSHIP OF PITTSFIELD  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE No. 297  
REVISIONS TO CHAPTER 8, WETLANDS PROTECTION ORDINANCE  
AND CHAPTER 39, CONSERVATION EASEMENTS**

**SECOND READING**

**AN ORDINANCE TO AMEND THE TOWNSHIP CODE BY REVISING CHAPTER 8,  
WETLANDS, ARTICLE V, SECTIONS 8-200 THROUGH 8-213 AND  
CHAPTER 39, CONSERVATION EASEMENTS, SECTIONS 39-1 THROUGH 39-50  
OF THE CODE TO ELIMINATE THE NATURAL RESOURCES COMMISSION AND  
REALLOCATE RESPONSIBILITIES AND AUTHORITY.**

**THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY,  
MICHIGAN, ORDAINS:**

That Article V of Chapter 8, Sections 8-200 through 8-213 and Chapter 39, Section 39-1 through 39-50 of the Pittsfield Charter Township Code are amended to read as follows:

**ARTICLE V. - WETLANDS**

**Sec. 8-200. - Legislative Findings; Criteria to Be Considered in Administration of this Article**  
The Township Board of Pittsfield finds that:

- (1) Wetlands conservation is a matter of Township concern because a wetland in one area of the Township may be affected by acts on a river, lake, stream, or wetlands in other areas of the Township.
- (2) Wetlands are indispensable and fragile resources, which in their natural state provide many benefits to the Township. The loss of a wetland may deprive the people of the Township of the benefits to be derived from the wetland, including, but not limited to, the following:
  - (i) Flood and storm control by the hydrologic absorption and storage capacity of the wetland.
  - (ii) Wildlife habitat by providing breeding, nesting, and feeding grounds and cover for many forms of wildlife, fish, and waterfowl, including migratory waterfowl, and rare, threatened, or endangered animal and plant species.
  - (iii) Protection of subsurface water resources and provision of valuable watersheds and recharging ground water supplies.
  - (iv) Pollution treatment by serving as a biological and chemical oxidation basin.
  - (v) Erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
  - (vi) Sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
- (3) The loss of wetlands and corresponding loss of the benefits to be derived therefrom constitutes a threat to the public health, safety and general welfare of the Township and the environment.
- (4) Preservation of wetlands in an undisturbed and natural condition is necessary to maintain important physical, hydrological, aesthetic, recreational, and economic assets for existing and future residents of the Township.

~~(b)~~ The Township shall consider the findings and criteria provided in Section 8-200 in administering this Article, and in all actions taken or decisions made pursuant to this Article.  
Sec. 8-201. - Purpose and Intent

~~(a)~~ Based on the findings set forth in Section 8-200 of this Article, it is the purpose and intent of this Article to regulate all wetlands within the Township (including, but not limited to, wetlands less than 2 acres in size) to the fullest extent authorized by local, state, and federal laws and regulations, so as to:

(1) Prevent the people of the Township from being deprived of any of the benefits derived from wetlands as set forth in Section 8-200

(2) Provide the procedures and requirements to identify all wetlands within the Township, and to maintain an accurate and up-to-date inventory of all wetlands within the Township.

(3) Specify the activities that are prohibited in a wetland except as otherwise provided by this Article or by a permit obtained from the Township as required by this Article.

(4) Prevent a further loss of wetlands as provided by this Article.

(5) Specify the activities that are allowed in a wetland without a permit under this Article, subject to other local, state and federal laws and regulations.

(6) Require a permit for any use or development in a wetland that is not otherwise authorized without a permit as provided by this Article.

(7) Establish procedures and requirements to review Wetlands Use Permit applications (including, but not limited to, applications for Wetlands Use Permits involving the proposed use of a wetland that is less than 2 acres in size)- and impose conditions on Wetlands Use Permits, including mitigation.

(8) Establish all other procedures, requirements, standards, and conditions; financial assurance provisions; and fine, penalty, enforcement, and appeal provisions, as necessary and appropriate to accomplish the regulatory purposes and intent of this Article.

~~(109)~~ Provide incentives for wetlands protection and recognition of the value of stewardship for the care and protection of wetlands.

~~(b)~~ Further, based on the findings set forth in Section 8-200, the Township Board declares a goal of no net loss of wetlands within the Township and a long term goal of a net gain in wetlands within the Township. These goals are to be accomplished through the use of all means available to the Township as authorized by applicable local, state and federal laws and regulations, including, but not limited to, the implementation of the regulatory purposes and intent of this Article; the identification and review of degraded or destroyed wetlands in the Township; and the use of incentives, voluntary agreements, and other forms of cooperation between the Township and land owners to protect and restore wetlands to the greatest extent possible authorized under the law.

Sec. 8-202. - Definitions

As used in this Article, the following words and phrases shall mean as follows:

*Activity* means any human use, operation, development, or action (including, but not limited to, filling, dredging, placing, depositing, dumping, pumping, drilling, constructing, erecting, mining, grading, paving, or excavating of material, buildings, or structures) that may result in or cause any change to property or result in or cause any impact or effect on a wetland.

*Adverse Effect or Adverse Impact* means anything that would destroy, harm, impair, diminish or degrade the ability of a wetland to provide the benefits as set forth in Section 8-200.

*Contiguous* means any of the following:

1. A permanent surface water connection or any other direct physical contact with an inland lake or pond, a river or stream.
2. A seasonal or intermittent direct surface water connection to an inland lake or pond, a river or stream.
3. A wetland that is partially or entirely located within five hundred (500) feet of the ordinary high water mark of an inland lake or pond, a river or stream, unless it is determined by the MDEQ, pursuant to R 281.924(4) of the Michigan Administrative Code, that there is no surface water or groundwater connection to these waters.
4. Two or more areas of wetland separated only by barriers, such as dikes, roads, berms, or other similar features, but with any of the wetland areas contiguous under the criteria described in sections 1, 2 or 3 of this definition.

*Days* means calendar days, unless otherwise specified.

*Deposit* means to fill, place, or dump.

*Fill material* means soil, rocks, sand, gravel, clay, peat, debris, refuse, waste of any kind, or any other kind of material that displaces soil or water or reduces water retention potential.

*Inland lake or pond, a river or stream* means any of the following:

1. A river or stream which has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.
2. A natural or permanent artificial inland lake or impoundment that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is more than 5 acres. This does not include lakes constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.
3. A natural or permanent artificial pond that has permanent open water with a surface area that is more than 1 acre, but less than 5 acres. This does not include ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.

*MAC* means the Michigan Administrative Code.

*MDEQ* means the Michigan Department of Environmental Quality.

*Michigan Wetlands Protection Act (MWPA)* means NREPA Part 303 ("Wetlands Protection").

*Minor Drainage* includes ditching and tiling for the removal of excess soil moisture incidental to the planting, cultivating, protecting, or harvesting of crops or improving the productivity of land in established use for agriculture, horticulture, silviculture, or lumbering. To be considered "minor drainage," the drainage must be inconsequential to the wetlands.

*NREPA* means the Michigan Natural Resources and Environmental Protection Act (Act No. 451 of the Public Acts of Michigan of 1994, MCL §§ 324.~~30301-101~~ et seq., [as amended](#))

*Ordinance Enforcement Officer* means a person appointed by resolution of the Township Board to administer this Article and to carry out the duties as provided by this [Article.OwnerArticle](#).

*Owner* means any person who has dominion over, control of, title to and/or any other proprietary interest in wetlands and watercourse areas, or title to an obstruction, natural or otherwise, to wetlands and watercourse properties.

*Person* means an individual, sole proprietorship, partnership, corporation, association, municipality, this state, any instrumentality or agency of this state, the federal government, or any instrumentality or agency of the federal government, or other legal entity.

*Qualified consultant, engineer, contractor or other entity*. Where this Article requires a permit applicant or other person to use or retain a "qualified" consultant, engineer, contractor or other entity in connection with a wetlands delineation, mitigation or other wetlands matter, the

determination as to whether the consultant, engineer, contractor or other entity (hereinafter collectively referred to in this definition as the "consultant") is qualified for purposes of this Article shall be made by the Township based upon the Township's consideration of factors including, but not limited to, the following: The consultant's credentials, including the strength of the consultant's background, education, training, and professional experience in hydrology, soil science, ecology, and botany, as relevant to wetlands; the consultant's experience in dealing with other local governments or state and federal wetlands agencies with regard to wetlands issues; the consultant's knowledge of applicable local, state and federal wetlands laws and regulations; the consultant's references or other sources of information regarding the consultant's wetlands qualifications; and such other factors as determined relevant and appropriate by the Township.

*Restoration* means the reestablishment of wetlands characteristics and functions at a site where they have ceased to exist through the replacement of wetlands hydrology, vegetation, or soils.

*Township* means Pittsfield Charter Township, Washtenaw County, Michigan. As used in this Article, the term "Township" may also be used to refer generically to the Township body or designee of the Township (including the Township Board, the Township Planning Commission, the Township Ordinance Enforcement Officer, or the [Stormwater Management Committee](#)~~Natural Resources Commission~~) that reviews, decides, or takes other action with respect to particular applications for Wetlands Use Permits as specified by this Article: In the context of permit approvals required in conjunction with a site plan, plat or other proposed land use, references to decisions or actions by the "Township" means by the Planning Commission or the Township Board, as applicable. In the context of permit approvals submitted in conjunction with activities that do not require approval by the Planning Commission and/or the Township Board, references to decisions or actions by the "Township" means by the Ordinance Enforcement Officer. In the context of appeals of decisions made by the Ordinance Enforcement Officer, the Planning Commission or the Township Board regarding Wetlands Use Permits, references to decisions or actions by the "Township" means by the [Stormwater Management Committee](#)~~Natural Resources Commission~~. For purposes of issuing a notice of violation and order or municipal civil infraction citation or notice, "Township" means the Ordinance Enforcement Officer or other authorized local official as provided by this Article.

*Township Board* means the legislative body of Pittsfield Charter Township.

*Wetland* means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

1. Contiguous to a lake or pond, or a river or stream, regardless of size.
2. Not contiguous to a lake or pond, or a river or stream; and 2 acres or more in size.
3. Not contiguous to a lake or pond, or a river or stream; and less than 2 acres in size, if the Township determines that protection of the area is essential to the preservation of the natural resources of the Township from pollution, impairment, or destruction as provided by this Article.

*Wetland Less Than 2 Acres In Size* means (1) a non-contiguous, single wetland that is less than 2 acres in size; or (2) multiple wetlands within 100 feet of each other whose combined area totals less than 2 acres, whether these are on the same parcel or multiple parcels; provided, however, that "wetland less than 2 acres in size" does not include any single wetland that is less than 0.2 acre in size; or multiple wetlands within 100 feet of each other whose combined area totals less than 0.2 acre.

*Wetlands Use Permit* means a permit issued by the Township for activities in a wetland as provided by this Article.

*Wetlands Vegetation* means plants, including, but not limited to, trees, shrubs and herbaceous plants, that exhibit adaptations to allow, under normal conditions, germination or propagation and to allow growth with at least their root systems in water or saturated soil.

Sec. 8-203. - Construction

(a) The rules of construction provided by this Section shall apply in the interpretation and application of this Article by the Township, a reviewing court, or any other person. Consistent with regulatory purposes and intent of this Article and other applicable local, state and federal laws and regulations:

- (1) The provisions of this Article shall be construed and applied as liberally as possible in favor of the protection and preservation of wetlands located within the Township and of the benefits to be derived therefrom.
- (2) Conversely, the provisions of this Article shall be construed and applied as strictly as possible against authorizing, approving or allowing any action or activity in a wetland that could result in adverse effects on a wetland.
- (3) In the case of a difference of meaning or implication between the text of this Article and any caption or illustration, the text of this Article shall control.
- (4) In all cases, the Township's interpretation and application of the provisions of this Article shall control.

Sec. 8-204. - Applicability

- (a) The provisions and requirements of this Article, including, but not limited to, wetlands use prohibitions and wetlands use permit requirements shall apply to activities and operations proposed or carried out by any person.
- (b) The Township's authority to regulate wetlands within its boundaries as provided by this Article is supplemental to the Township's existing authority as otherwise provided by applicable laws and the state constitution.
- (c) The Township's jurisdiction and authority over the regulation of wetlands as provided by this Article is concurrent with, and for wetlands not regulated under state or federal law, in addition to, the jurisdiction and authority of the state and federal governments.
- (d) The issuance by the Township of a Wetlands Use Permit as provided by this Article shall not relieve any person from obtaining a permit for activities in a wetland that may be required under any state or federal law or regulation; nor shall a permit or any approval for activities in a wetland issued under any state or federal law or regulation (or under any other local law or regulation) relieve any person from obtaining a Wetlands Use Permit required by this Article.
- (e) Compliance with this Article shall not relieve any person of the obligation to comply with any other applicable local, state, or federal law or regulation.

Sec. 8-205. - Prohibited Activities

- (a) Except as otherwise provided by this Article, or by a permit obtained from the Township as provided by this Article, a person shall not do any of the following (or cause any of the following to occur):
  - (1) Deposit or permit the placing of fill material in a wetland.
  - (2) Dredge, remove, or permit the removal of soil or minerals from a wetland.
  - (3) Construct, operate, or maintain any use or development in a wetland.
  - (4) Drain surface water from a wetland.

(5) Mowing, cutting, removing, or causing to be removed or damaged, native vegetation or trees from the wetland, except for the mowing of a walkable path not to exceed ten (10) feet wide, unless as an ecological restoration project or Nuisance Vegetation Maintenance Plan approved by the Article-Ordinance Enforcement Officer.

(b) The scope of activities that are prohibited in the absence of a permit as provided by this Section shall be construed and applied as broadly and liberally as possible, and any exemptions from or exceptions to the requirement of obtaining a permit shall be construed and applied as narrowly and strictly as possible, consistent with applicable local, state and federal laws and regulations.

Sec. 8-206. - Activities And Uses Not Requiring A Permit Under This Article

(a) Activities that require a permit under NREPA Part 325 ("Great Lakes Submerged Lands") or Part 301 ("Inland Lakes and Streams"), or a discharge that is authorized by a discharge permit under Sections 3112 or 3113 of NREPA Part 31 ("Water Resources Protection"), do not require a permit under this Article.

(b) The following uses are allowed in a wetland without a permit under this Article subject to other applicable local, state and federal laws and regulations and subject to the owner's regulation:

- (1) Fishing, trapping, or hunting.
- (2) Swimming or boating.
- (3) Hiking.
- (4) Grazing of animals.
- (5) Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetlands altered under this subsection shall not be used for a purpose other than a purpose described in this subsection without a permit from the Township.
- (6) Maintenance or operation of serviceable structures in existence on October 1, 1980 or constructed pursuant to NREPA Part 303 or former Act No. 203 of the Public Acts of 1979.
- (7) Construction or maintenance of farm or stock ponds.
- (8) Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:
  - (i) An existing private agricultural drain.
  - (ii) That portion of a drain legally established pursuant to the drain code of 1956, Act No. 40 of the Public Acts of 1956, being sections 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes.
  - (iii) A drain constructed pursuant to other provisions of NREPA Part 303 or former Act No. 203 of the Public Acts of 1979.
- (9) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(10) Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise expressly provided in this Article, a wetland improved under this subsection after October 1, 1980 shall not be used for nonfarming purposes without a permit from the Township. This subsection shall not apply to a wetland which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland that the Township has determined by clear and convincing evidence to be a wetland that is necessary to be preserved for the public interest, in which case a permit is required.

(11) Maintenance or improvement of public streets, highways, or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes, increasing the right-of-way, or deviating from the existing location of the street, highway, or road.

(12) Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of 6 inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(13) Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines, if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(14) Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980 or constructed pursuant to NREPA Part 303 or former Act No. 203 of the Public Acts of 1979.

(15) Construction of iron and copper mining tailings basins and water storage areas.

(c) An activity in a wetland that was effectively drained for farming before October 1, 1980 and that on and after October 1, 1980 has continued to be effectively drained as part of an ongoing farming operation is not subject to regulation under this Article.

(d) A wetland that is incidentally created as a result of 1 or more of the following activities is not subject to regulation under this Article:

(1) Excavation for mineral or sand mining, if the area was not a wetland before excavation. This exemption does not include a wetland on or adjacent to a water body of 1 acre or more in size.

(2) Construction and operation of a water treatment pond or lagoon in compliance with the requirements of state or federal water pollution control regulations.

(3) A diked area associated with a landfill if the landfill complies with the terms of the landfill construction permit and if the diked area was not a wetland before diking.

(e) Except as otherwise expressly exempted by Section 8-206, above, no person shall engage in any of the prohibited activities in a wetland as provided by Section 8-205 without first obtaining a Wetlands Use Permit from the Township as provided by this Article.

(f) The scope of activities and uses that are permitted in a wetland without obtaining a permit as provided by this Section shall be construed and applied as narrowly and strictly as possible, and any exemptions from or exceptions to the requirement of obtaining a permit shall be construed and applied as narrowly and strictly as possible, consistent with applicable local, state and federal laws and regulations.

Sec. 8-207. - Wetlands Use Permits for Activities Listed in Section 8-205

(a) Permit Required

(1) Except as otherwise provided by this Article, it shall be unlawful for any person to undertake or engage in any of the activities listed in Section 8-205 (or to cause any of those activities to occur) without first obtaining a Wetlands Use Permit as provided by this Article.

(2) An application for a Wetlands Use Permit shall be submitted to the Township and shall be reviewed and approved, approved with conditions, denied, or modified by the Township as provided by this Article.

(3) Before an application for a Wetlands Use Permit is submitted, it may be possible for the Ordinance Enforcement Officer (or other authorized Township designee) to determine the necessity of obtaining a permit by reference to the Township Wetlands Inventory Map.

(4) If a Wetlands Use Permit is required, the applicant may request a preliminary administrative meeting with the Township to review the proposed activity in light of the purposes, intent, standards and requirements of this Article, prior to submittal of the application to the final decision-making body.

(b) Submission of Complete Permit Application Required

(1) Each person applying for a Wetlands Use Permit shall apply directly to the Pittsfield Township Municipal Services Department as provided by this Section and other applicable provisions of this Article. The application shall be made on an application form supplied to the Township by the Michigan Department of Environmental Quality, and shall include or be accompanied by all information, documents, items and materials required by this Article.

(2) Upon receipt of an application and after determining that the application is complete the Township shall:

(i) Date stamp the application and notify the applicant in writing that the application is complete.

(ii) Advise the applicant of the applicant's obligation to post the subject property with a sign stating that an application for a Wetlands Use Permit for the property has been filed with the Township and the procedures and deadlines for submitting public comment. The sign shall be no less than ten (10) square feet and no more than eighteen (18) square feet in size; shall be placed at least ten (10) feet from other signs or obstructions to viewing the sign; shall include sufficient blank space to add the notice of the public hearing as required by subsection 8-207 (f) (2)(iii)(b) including the time, date, and place of the hearing; and shall be clearly visible and readable from the abutting streets.

(iii) Forward a copy of the application and supporting materials to the Township's wetlands consultant, as applicable, to confirm the boundaries of the wetlands and review the proposal in light of the purposes, intent, standards and requirements of this Article. Based on the wetlands consultant's review, the

wetlands consultant shall prepare and transmit a report and recommendation to the Ordinance Enforcement Officer.

(iv) Forward a copy of the application to the Michigan Department of Environmental Quality, along with any State fees that may have been submitted under MWPA Section 30306.

(v) Cause to be published a notice of the application and the date and time for submission of written public comments in a newspaper of general circulation in the Township.

(3) A permit application shall not be deemed complete for purposes of this Section until the Township has determined that it has received all information requested on the application form, the fully paid application fee, the full amount of any required escrow fee, and any other requested documentation or information necessary for the Township to adequately review the application and reach a decision as authorized by this Article. An application fee or escrow fee paid by check or money order, or in any form other than cash, shall not be considered received until the Township has confirmed that the full amount of the fee has been deposited in the Township's bank account.

(4) If the Township determines that an application is not complete, the Township shall provide written notice to the applicant specifying what the applicant must do to complete the application.

(5) The ninety (90) day period for approving, denying, or modifying an application as provided by this Article shall not begin to run until the Township has determined that the application is complete as provided by this Section.

(6) Where the Michigan Department of Environmental Quality forwards to the Township an application with respect to a wetland within the Township which was initially filed by the applicant with the MDEQ rather than to the Township, the Township, upon receipt of such application, shall proceed to determine whether the application has been officially received and is complete as provided by this Section. After the Township has determined that the application is complete for purposes of this Article, the Township shall then review and approve, deny, or modify the application as otherwise provided by this Article.

(7) The filing of a permit application with the Township shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Article.

(c) Permit Application Deemed Withdrawn If Information Not Timely Submitted

(1) An application may be considered withdrawn and the file for the application may be closed by the Township if an applicant fails to respond to any written inquiry or request from the Township for information, documents, items or materials requested in connection with the application within 30 days of the request, or within any longer period of time as needed by the applicant to provide the requested information, documents, items or materials if the Township and the applicant agree in writing that an extension of time is appropriate and the amount of additional time is set forth in the agreement.

(d) Permit Application Fees; Escrow Fees

(1) A non-refundable application fee shall be submitted to the Township with the initial submittal of the permit application form. The application fee shall be in the amount established by resolution of the Township Board.

(2) In addition, the applicant shall submit to the Township with the initial submittal of the permit application form an escrow fee in the amount determined by resolution of the Township Board for the estimated cost of consultants who may be retained by the Township in connection with the review of the application.

(i) If the cost of the services of the Township's consultants is less than the escrow fee, the Township shall refund the balance to the applicant.

(ii) If the cost of the services of the Township's consultants exceeds the amount of the escrow fee, the applicant shall provide to the Township an additional escrow amount equal to no less than one-half the original escrow amount. All review by the Township of the wetlands use permit application shall cease until such additional escrow amount is deposited with the Township, and the number of days during which all review of the wetlands use permit application ceases shall be deducted from the 90 day period within which the Township would otherwise be obligated to act upon the application.

(iii) A denial of an application for a Wetlands Use Permit shall not affect the applicant's obligation to pay the escrow fees required by this section.

(3) All fees shall be paid by cash, check or money order. All forms of payment other than cash shall be made payable to Pittsfield Charter Township.

(e) Permit Application - Required Information, Documents, and Materials

(+) The applicant for a Wetlands Use Permit shall submit to the Township all of the following information, documents, items and materials (in as many copies as specified by the Township):

(i) A completed application form (including all required maps, drawings, and project specific information prepared according to the instructions on the application form or as otherwise required by the Township).

(ii) An application fee in the full amount specified by the Township.

(iii) If requested by the Township, an escrow fee in the full amount specified by the Township.

(iv) A wetlands delineation including, but not limited to, the following information: dominant tree, sapling, shrub and herb vegetation; presence or lack of accepted wetlands hydrology indicators; analysis of soil including a description of the soil profile to at least 20 inches and comparison to Washtenaw County Soil Survey and maps of the wetlands mapped. Mapped data shall be represented in a manner that allows comparison to the Township's Wetlands Inventory Map.

(v) Soil drainage and storm water management plans.

(vi) An environmental assessment of the proposed use or development which shall include the impacts upon wetland benefits and the impacts upon the water quality, flow, and levels, and the wildlife, fish, and vegetation within a contiguous lake, river, or stream; and a detailed description of the mitigation efforts that will be taken to avoid or minimize such impacts if the permit is approved.

(vii) A cover letter signed by the applicant including the following information:

(a) The name of project and brief description (one or two paragraphs).

(b) The date upon which the activity is proposed to commence and the expected completion date (including proposed commence dates and expected completion dates for phases of a project, as applicable).

(c) A detailed written explanation with supporting documentation as to how and why the applicant believes that the proposed project will meet all required

determinations, criteria, standards and requirements that are prerequisite to permit approval as provided by this Article.

(d) A list of all federal, state, county or other local government permits or approvals required for the proposed project, including permit approvals, denials, or modifications already received, if any. Attach copies of all such approvals, denials or modifications, including all written findings supporting the action taken or conditions imposed, and copies of any permits which have been issued. If other required permits or approvals are still pending, indicate the status of the proceedings and an estimate as to when final action is expected for each.

(e) Identification of any present litigation involving the property.

(f) Identification of the person or persons financially responsible for the project, including names, addresses, daytime telephone numbers, and the names of any financial institution financing the project.

(viii) Such other documents, information, or materials as determined necessary by the Township to fully and adequately review and evaluate the application for purposes of this Article.

(f) Permit Application Review Procedures

(1) In General

(i) The Township shall review an application for a Wetlands Use Permit as provided by this Article and shall approve, approve with conditions, deny, or request a modification to the application within 90 days after receipt of the completed application. If the Township does not approve, approve with conditions, deny, or request a modification to the completed permit application within 90 days after receipt, the application shall be considered approved by the Township. Notwithstanding any other provision of this Article to the contrary, the 90 day review period within which the Township must act as provided by this Section and MWPA Section 30307(6) may be extended for any additional period of time as mutually agreed upon in writing by the Township and the applicant, or as otherwise specifically provided by this Article.

(ii) The Township shall process Wetlands Use Permit applications in a manner that ensures that the same Township entity makes decisions on site plans, plats, and related matters, and wetland determinations, and that the applicant is not required to submit to a hearing on the application before more than one Township decision making body. This requirement shall not apply, however, to either of the following:

(a) A preliminary review by the Township Planning Department, Planning Commission, or Township planning consultant, prior to submittal of the application to the final decision-making body.

(b) An appeal process that is provided for appeal to the Township Board or other body designated by the Township to hear appeals.

(iii) To the fullest extent possible, the application and review procedures for Wetlands Use Permits shall be concurrent with the application and review procedures for any other necessary Township approvals.

(iv) For a Wetlands Use Permit approval required in conjunction with a site plan, plat, or other proposed land use, the applicant shall at the time of application elect to have the application processed under either subsections 8-207(f)(1)(iv)(a) or 8-207(f)(1)(iv)(b), as follows:

(a) The Wetlands Use Permit application shall be reviewed, either prior to or concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant, with the understanding that the land use review may not be completed at the time the decision is rendered on the Wetlands Use Permit application. Election of this alternative may require a reopening and reconsideration of the Wetlands Use Permit application, and possible revision of the permit, if the land use approval is inconsistent with the Wetlands Use Permit approval; or

(b) The Wetlands Use Permit application shall be reviewed and acted upon concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant, and the applicant shall agree in writing that the ninety (90)-day review period as provided by subsection 8-207(f)(1)(i) and MWPA Section 30307(6) shall thereby be extended accordingly.

(2) Wetlands Use Permit Decisions by the Planning Commission or the Township Board

~~(a)~~ The following procedures shall apply to Wetlands Use Permit decisions by the Township Planning Commission or by the Township Board:

(i) Wetlands Use Permit applications submitted in conjunction with a related land development activity shall be reviewed and decided by the same Township body that reviews and decides the related land development activity. The Planning Commission shall decide any Wetlands Use Permits in conjunction with special use permit applications and shall require that the delineation and Wetlands Use Permit application requests be submitted to the Township prior to the special use permit hearing so as to allow, to the fullest extent possible, timely, coordinated consideration of both matters. The Ordinance Enforcement Officer shall transmit application materials and the report and recommendation prepared by the Township's wetlands consultant to the Planning Commission or Township Board, as applicable.

(ii) After review and study of the completed application and the Township wetlands consultant's report and recommendation, the Township Planning Commission or Township Board, as applicable, shall hold a public hearing. The Wetlands Use Permit hearing shall be held in conjunction with a review of or hearing on any related land use requests. At the public hearing, the Planning Commission or Township Board, as applicable, may receive public comments regarding the application.

(a) Notice of the hearing shall be provided as follows:

(A) By posting at the Township administration building, and by publication in a newspaper of general circulation in the Township, not less than ten (10) days nor more than twenty (20) days prior to the date of the hearing.

(B) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, and to all owners of property, as listed on the most recent tax roll, within five hundred (500) feet of the boundary of the property in question or five hundred

(500) feet of the boundary ~~down stream~~downstream.  
Notice does not need to be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit shall receive notice. In the case of a single structure containing more than four (4) dwelling units, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(C) The notice shall indicate the place, time and subject of the hearing and the place and time the application for the Wetlands Use Permit may be examined.

(b) At least ten (10) days prior to the hearing, the applicant shall post a notice of the hearing stating that an application has been filed for a Wetlands Use Permit and the time, date, and place of the hearing. The notice shall be posted on the sign placed on the subject property pursuant to subsection ~~ection~~ 8-207(b)(2)(ii). The sign shall be removed by the applicant upon approval or denial of the permit application.

~~(+viii)~~ The Planning Commission or Township Board, as applicable, shall proceed to review the permit application (along with the Township consultant's report and recommendation and any public comments received at the hearing) and approve, approve with conditions, deny, or modify the application in accordance with the standards, requirements, determinations, criteria and procedures as otherwise provided this Article; provided that approval of a permit application by the Planning Commission or Township Board, as applicable, shall not be issued or become effective until ten (10) days following the date of the approval.

(iv) Upon approval, approval with conditions, denial, or modification of a permit application by the Planning Commission or Township Board, as applicable, the Township shall post the decision at the Township Administration Building, and send written notice of the decision to:

- (a) The applicant;
- (b) Owners of property within five hundred (500) feet of the subject property;
- (c) Any other person who has submitted a written request to the Township to receive notice of the decision; and
- (d) MDEQ.

~~a.~~ If the permit application has been denied or modified, the notice shall include a written statement of all reasons for the denial or modification.

(3) Wetlands Use Permit Decisions by the Township Ordinance Enforcement Officer

~~(a)~~ The following process shall apply to Wetlands Use Permit decisions by the Ordinance Enforcement Officer:

- (ii) Applications for Wetlands Use Permits that are submitted in conjunction with activities that do not require approval by the Planning Commission and/or

Township Board, shall be reviewed and decided by the Ordinance Enforcement Officer.

(iii) Notice that the Ordinance Enforcement Officer has received and will review an application for a permit shall be provided as set forth in subsections 8-207(f)(2)(iii)(a) (A) and 8-207(f)(2)(iii)(a)(A). The notice shall state the expected time frame for the Ordinance Enforcement Officer's decision, the place and time the application for proposed Wetlands Use Permit may be examined, and the procedures and deadlines for submission of public comments.

(iviii) Any person wishing to comment on the application must submit comments in writing to the Ordinance Enforcement Officer, by filing those objections with the Municipal Services Department, prior to the date and time set forth in the notice as provided by subsection 8-107(f)(3)(iii)

(iv) After review and study of the completed application, the Township wetlands consultant's report and recommendation, and any public comments received, the Ordinance Enforcement Officer shall proceed to and approve, approve with conditions, deny, or modify the application in accordance with the standards, requirements, determinations, criteria and procedures as otherwise provided in this Ordinance; provided that approval of a permit application by the Ordinance Enforcement Officer shall not be issued or become effective until ten (10) days following the date of the approval. If the Ordinance Enforcement Officer receives more than five (5) public comments on the application as provided by Section 8-107(f)(3)(iv), the Ordinance Enforcement Officer shall not take final action to approve, approve with conditions, deny, or modify the application until a public hearing has first been held by the Ordinance Enforcement Officer. Except for being held by the Ordinance Enforcement Officer rather than the Planning Commission or the Township Board, the public hearing held by the Ordinance Enforcement Officer shall otherwise comply with all requirements of ~~subsections~~ subsection 8-207(f)(2)(iii)

(vi) Any person wishing to receive notice of the Ordinance Enforcement Officer's decision must submit a written request to the Township.

(vii) Upon approval, approval with conditions, denial, or modification of a permit application by the Ordinance Enforcement Officer, the Township shall post the decision at the Township Administration Building, and send written notice of the decision to:

- (a) The applicant;
- (b) Owners of property within five hundred (500) feet of the subject property;
- (c) Any other person who has submitted a written request to the Township to receive notice of the decision; and
- (d) MDEQ.

(viii) If the permit application has been denied or modified, the notice shall include a written statement of all reasons for the denial or modification.

(g) Permit Application Approval; Issuance of Permit

(1) The Township may approve an application for a Wetlands Use Permit and issue a permit only if the Township finds that all of the following apply:

(i) The applicant has supplied complete information with the permit application and has otherwise submitted a complete application as provided by subsection 8-207(b).

(ii) The Township has made all of the determinations as specified in subsection 8-207(h)(2).

(iii) The applicant has borne the burden to show to the Township's satisfaction that all of the required conditions as provided by Subsection 8-207(h)(4) have been met.

(iv) For a wetland that is less than two (2) acres in size: the Township has determined that the wetland is not essential to the preservation of the natural resources of the Township as provided by subsection 8-207(i).

(v) The Township has determined that all other conditions required for approval of the application as provided by this Article or by state or federal laws and regulations have been met.

(2) Following approval of an application, a Wetlands Use Permit shall be issued upon determination by the Township that all other requirements of ordinance and law have been met, including site plan, plat or other land use approval, as applicable, and, if required under the MWPA, that a state permit has been issued by the MDEQ. If a wetlands permit issued by the state allows activities on a wetland not permitted by the Wetlands Use Permit approval granted under this Article, the more restrictive terms of the permit approval granted under this Article shall control, as consistent with applicable law.

(h) Permit Application Review; Required Determinations; Criteria for Review

(1) The provisions of this Section shall apply to the review by the Township of all permit applications, except as expressly provided by Subsection 8-207(i) regarding the additional procedures and criteria which apply to applications for a permit involving a wetland that is less than two (2) acres in size.

(2) A permit for an activity listed in subsection 8-205 shall not be approved unless the Township determines that:

(i) The issuance of a permit is in the public interest;

(ii) The permit is necessary to realize the benefits derived from the activity; and

(iii) The activity is otherwise lawful under all other applicable local, state and federal laws and regulations.

(3) In determining whether the activity is in the public interest, the benefit which reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect the Township's concern for the protection of natural resources from pollution, impairment, and destruction. The Township shall consider the following general criteria in making its decision:

(i) The relative extent of the public and private need for the proposed activity.

(ii) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

(iii) The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetland provides.

(iv) The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

- (v) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (vi) The size of the wetland being considered.
  - (vii) The amount of remaining wetlands in the general area.
  - (viii) Proximity to any waterway.
  - (ix) Economic value, both public and private, of the proposed land change to the general area.
  - (x) Whether the wetland (regardless of size) is essential to the protection of the Township's natural resources.
- (4) A permit shall not be issued unless the applicant shows to the Township's satisfaction that:
- (i) An unacceptable disruption will not result to the aquatic resources.
  - (ii) And also that either of the following conditions apply:
    - (a) The proposed activity is primarily dependent upon being located in the wetland.
    - (b) A feasible and prudent alternative does not exist.
- (5) In determining whether the applicant has adequately made the showings required by Subsection 8-207(h)(4), the Township shall consider the criteria set forth in Section 8-200 and Subsections 8-207(h)(3) of this Article. In addition, the following requirements and criteria shall apply to all permit applications:
- (i) A permit applicant shall completely define the purpose for which the permit is sought, including all associated activities. An applicant shall not so narrowly define the purpose so as to limit a complete analysis of whether an activity is primarily dependent upon being located in the wetland and of feasible and prudent alternatives. The Township shall independently evaluate and determine if the project purpose has been appropriately and adequately defined by the applicant, and shall process the application based on that determination.
  - (ii) The Township shall consider a proposed activity as primarily dependent upon being located in the wetland only if the activity is the type that requires a location within the wetland and wetland conditions to fulfill its basic purpose; that is, it is wetland-dependent. Any activity that can be undertaken in a non-wetland location is not primarily dependent upon being located in the wetland.
  - (iii) An alternative is feasible and prudent if both of the following provisions apply:
    - (a) The alternative is available and capable of being done after taking into consideration cost, existing technology, and logistics.
    - (b) The alternative would have less adverse impact on aquatic resources. A feasible and prudent alternative may include any or all of the following:
      - (A) Use of a location other than the proposed location.
      - (B) A different configuration.
      - (C) A different size.
      - (D) A different method that will accomplish the basic project purpose.
- ~~i-~~ The applicant shall demonstrate that, given all pertinent information, there are no feasible and prudent alternatives that have less impact on aquatic resources. In making this

demonstration, the applicant may provide information regarding factors such as alternative construction technologies; alternative project layout and design; local land use regulations and infrastructure; and pertinent environmental and resource issues.

This list of factors is not exhaustive and no particular factor will necessarily be dispositive in any given case.

(iv) If an activity is not primarily dependent upon being located in the wetland, it shall be presumed that a feasible and prudent alternative exists unless an applicant clearly demonstrates that a feasible and prudent alternative does not exist.

(v) Unless an applicant clearly demonstrates otherwise, it shall be presumed that a feasible and prudent alternative involving a non-wetland location will have less adverse impact on aquatic resources than an alternative involving a wetland location.

(vi) An area not presently owned by the permit applicant that could reasonably be obtained, used, expanded, or managed in order to fulfill the basic purpose of the proposed activity is a feasible and prudent alternative location.

(vii) An alternative may be considered feasible and prudent even if it does not accommodate components of a proposed activity that are incidental to or severable from the basic purpose of the proposed activity.

(viii) An alternative may be considered feasible and prudent even if it entails higher costs or reduced profit. However, the Township shall consider the reasonableness of the higher costs or reduced profit in making its determination.

(6) The permit applicant shall provide adequate information, including documentation as required by the Township, to support the determinations, demonstrations and showings required by this subsection (8-207(h)). The Township shall independently evaluate the information provided by the applicant to determine if the applicant has met its burden to support the required determinations and make the required demonstrations and showings.

(7) In considering a permit application, the Township shall give serious consideration to findings of necessity for the proposed activity which have been made by other local, state and federal governmental agencies; and shall also consider any relevant public input.

(i) Permit Application Review; Additional Standards, Procedures and Criteria For Wetlands Less Than two (2) Acres In Size

(1) Any wetland less than two (2) acres in size for which a permit application has been submitted shall be analyzed for the purpose of determining whether the site is essential to the preservation of the natural resources of the Township as provided by this Section.

(2) Upon application for a Wetlands Use Permit in connection with a wetland that is less than two (2) acres in size, the Township shall approve the application as provided by this Article, subject to all other applicable laws and regulations, unless the Township determines that the wetland is essential to the preservation of the natural resources of the Township and provides the findings as provided by subsection 8-207(i)(3), in writing, to the permit applicant stating the reasons for the Township's determination. A determination by the Township that a wetland which is less than two (2) acres in size is essential to the preservation of the natural resources of the Township shall, by itself,

provide a sufficient basis for the Township to deny the application (or modify the application).

(3) In making a determination that a wetland is essential to the preservation of the natural resources of the Township must find that one or more of the following exist at the particular site:

- (i) The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in Section 36505 of the Michigan Wetlands Protection Act.
- (ii) The site represents what is identified as a locally rare or unique ecosystem.
- (iii) The site supports plants or animals of an identified local importance.
- (iv) The site provides groundwater recharge documented by a public agency.
- (v) The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
- (vi) The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
- (vii) The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
- (viii) The site provides pollution treatment by serving as a biological and chemical oxidation basin.
- (ix) The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
- (x) The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

(4) In connection with the determination whether a wetland that is less than two (2) acres in size is essential to the preservation of the natural resources of the Township, the applicant shall choose and specify in writing to the Township whether the analysis and determination will proceed under Subsection 8-207(i)(4)(i) or 8-207(i)(4)(ii), relative to the site.

- (i) Instead of having the Township (or the Township's consultant) proceed with the analysis and determination, the property owner may acknowledge in writing that one or more of the criteria in Section ~~8-9.3~~ [8-207 \(i\) \(3\)](#) exist at the site in question, and shall specify all of the criteria which do exist; or
- (ii) The property owner may elect to have the Township or its consultant proceed with the analysis of whether any of the criteria in Section [8-207 \(i\) \(3\)](#) ~~8-9.3~~ exist or do not exist at the site in question.
- (iii) The property owner's specification as to whether the analysis and determination will proceed under Subsection 8-207(i)(4)(i) or 8-207(i)(4)(ii) as provided by this Section shall be binding upon the applicant, unless determined otherwise by the Township. The property owner's failure or refusal to specify whether the analysis and determination will proceed under Subsection 8-207(i)(4)(i) or 8-207(i)(4)(ii) as provided by this Section shall not, under any circumstances, prevent the Township from proceeding independently of the applicant to determine whether the wetland is essential to the preservation of the Township's natural resources as provided by subsection 8-207(I)(3).

(5) Following the Township's determination whether or not a wetland is essential to the preservation Township's natural resources (or after a property owner's acknowledgement of the same ):

(i) The Township shall provide the property owner (or the applicant if in response to a permit application) with the Township's written findings under ~~subsection~~ subsection 8-207(i)(3) stating the reasons for the Township's determination.

(ii) The Township Wetlands Inventory Map shall be revised at the time the map is next amended to indicate the Township's determination.

(6) If a Wetlands Use Permit has been (or is subsequently) applied for and the Township has determined that the wetland in question is essential to the preservation of the Township's natural resources, the permit application shall be subject to all of the procedures and requirements generally applicable to permit applications as provided by this Section (8-207), including, but not limited to, the required determinations and criteria provided by subsection 8-207(h).

(7) The Township may proceed with a determination as to whether a wetland is essential to the preservation of the Township's natural resources as provided by this Section even though no permit application has been submitted, such as where the wetland appears on the Township's Wetlands Inventory Map, or is otherwise identified during a field inspection by the Township.

(j) Approval of Permit Subject to Conditions

(1) The Township's approval of a permit shall be subject to any conditions determined necessary by the Township to implement the regulatory purposes and intent of this Article.

(2) In general, such permit conditions include, but are not limited to, conditions designed:

(i) To prevent or remove an impairment to the benefits to be derived from a wetland.

(ii) To mitigate the impact on a wetland of a discharge of fill material or other prohibited activity.

(iii) To otherwise improve the water quality.

(iv) To ensure compliance with this Article, or with any permit issued pursuant to this Article.

(3) Other specific permit conditions which may be required by the Township include, but are not limited to, the following:

(i) The Township may establish a reasonable time when the construction, development, or use is to be completed or terminated.

(ii) A permit may be subject to a stated maximum duration and may require the permittee to reapply at specified intervals or apply for an extension of the permit term.

(iii) The Township may require an applicant to file with the Township a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the Township to ensure compliance with the permit or any permit conditions. If the Township determines that there is a potential for adverse impacts effects to a wetland or wetlands benefit, the Township shall require the applicant to file a cash bond or irrevocable bank letter of credit in an

amount, estimated by the Township (or the Township's wetlands consultant) to be required for restoration.

(4) All approvals by the Township of a permit application shall be subject to the following conditions:

- (i) The Township's final approval of a Wetlands Use Permit application shall be contingent upon receipt of evidence by the Township that all required state and federal permits have been obtained by the applicant.
- (ii) No Wetlands Use Permit shall be issued by the Township that would allow a more extensive alteration of a wetland than allowed by state and federal laws and regulations.
- (iii) A Wetlands Use Permit shall remain effective for a time period coincidental with other land use permits reviewed and approved concurrent with the Wetlands Use Permit. If applied for prior to the expiration date and concurrent with the expiring land use permit, the applicant may be granted an extension that corresponds to additional time granted for the underlying land use permit. The maximum number of extensions shall coincide with the maximum number allowed for the underlying land use permit. If there is no other activity or permit involved, the Wetlands Use Permit shall remain effective for one (1) year. A maximum of a one (1) year extension may be approved.
- (iv) Wetlands Use Permits for seasonal operations must be renewed annually unless otherwise stated in the permit.
- (v) Any temporary, seasonal, or permanent operation that is discontinued for two (2) consecutive years or two (2) consecutive seasons shall be deemed abandoned and, upon such a determination of abandonment by the Township, the Wetlands Use Permit for the operation shall automatically become void and of no further effect.
- (vi) Any change that increases the size or scope of the operation and that affects the criteria considered in approving the permit as determined by the Township may require the filing of a new Wetlands Use Permit application.
- (vii) A permittee shall comply with all the following in connection with any construction or other activity on the property for which the Wetlands Use Permit has been issued:
  - (a) Maintain soil erosion control measures in accordance with the Article IV of Chapter 8 of this Code, Soil Erosion and Sediment Control as well as any best management practices required by the Wetlands Use Permit.
  - (b) Maintain clear delineation of the wetland (as marked by the Ordinance Enforcement Officer or Township wetlands consultant) so that its location and boundaries are visible to all construction workers.
  - (c) Post on the site, prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved Wetlands Use Permit containing the conditions of issuance, in a conspicuous manner such that the wording of the permit is available for public inspection.
- (viii) A permit approved under this Article may be revoked or suspended by the Township, after notice and an opportunity for a hearing, for any of the following causes:
  - (a) A violation of any condition of the permit.

- (b) Misrepresentation or failure to fully disclose all relevant facts in the permit application.
- (c) A change in a condition that requires a temporary or permanent change in the activity. This includes, but is not limited to, withdrawal of the site plan or cancellation of the project by the permittee.

(k) Mitigation

- (1) The Township may consider mitigation as a permit condition only after all of the following conditions are met:
  - (i) The wetland impacts are otherwise permissible under subsections 8-200(a), 8-207(h) and 8-207(i) of this Article;
  - (ii) There is no feasible and prudent alternative to avoid wetland impacts or the loss of wetlands; and
  - (iii) The applicant has used all practical means to minimize impacts to wetlands, including, but not limited to, the permanent protection of wetlands on the site not directly impacted by the proposed activity.
- (2) Notwithstanding anything to the contrary in subsection 8-207(k), the Township may consider mitigation as a permit condition if the wetland is the subject of a court-ordered mitigation as a part of restitution for conviction of a violation of this Article or applicable state and federal laws or regulations.
- (3) If the conditions of subsection 8-207(k), are met, the Township shall in all cases require mitigation as a condition of a Wetlands Use Permit issued under this Article; except that the Township may waive the mitigation condition if either of the following provisions applies:
  - (i) No reasonable opportunity for mitigation exists; or
  - (ii) The basic purpose of the permitted activity is to create or restore wetlands or to increase wetlands habitat.
- (4) The Township shall require mitigation to compensate for unavoidable wetlands impacts permitted under this Article using one or more of the following methods:
  - (i) The restoration of previously existing wetlands shall be the required method of mitigation if feasible and prudent as determined by the Township. If the Township determines that restoration of previously existing wetlands is not feasible and prudent, then either of the following methods may be used (listed in descending order of preference):
    - (a) The creation of new wetlands.
    - (b) The acquisition of approved credits from a wetlands mitigation bank established under MAC R 281.951 et seq.
    - (c) The preservation of existing wetlands, subject to the provisions of subsection 8-107(k)(5)
  - (ii) For purposes of this Section, wetlands restoration means the reestablishment of wetland characteristics and functions at a site where they have ceased to exist through the replacement of wetlands hydrology, vegetation, or soils.
  - (iii) The enhancement of existing wetlands shall not be considered mitigation.
- (5) The preservation of existing wetlands may be considered as mitigation only if the Township determines that all of the following conditions are met:
  - (i) The wetlands to be preserved perform exceptional physical or biological functions that are essential to the preservation of the natural resources of the

Township or the preserved wetlands are an ecological type that is rare or endangered.

(ii) The wetlands to be preserved are under a demonstrable threat of loss or substantial degradation due to human activities that are not under the control of the applicant and that are not otherwise restricted by applicable laws and regulations.

(iii) The preservation of the wetlands as mitigation will ensure the permanent protection of the wetlands that would otherwise be lost or substantially degraded.

(6) An applicant shall submit a mitigation plan when requested by the Township. The plan shall be prepared in accordance with good engineering practice as determined sufficient by the Township and shall state whether construction is necessary, as well as identify measures that can be completed without construction. The Township may incorporate all or part of the proposed mitigation plan as permit conditions. At a minimum, the mitigation plan shall include all of the following elements:

(i) A detailed statement of mitigation goals and objectives, including the wetland types to be restored, created, or preserved. The mitigation plan shall specify the wetland's functional values to be lost, if any (for example, ordinary, forested, adjacent, or rare), and, if determined feasible and prudent by the Township, provide for the substantial replacement of those functional values.

(ii) Information regarding the mitigation site location and ownership (including general and legal descriptions of the site; acreage of site; acreage of wetlands on the site; means or route of access to the site; name, mailing address and telephone number of property owner).

(iii) A site development plan.

(iv) A list of the specific tasks to be completed and itemized costs.

(v) A list of the contractors that will perform the mitigation work (including qualifications, names, addresses and telephone numbers). The proposed contractors must be approved by the Township or come from a list of qualified contractors pre-approved by the Township.

(vi) A description of baseline conditions at the proposed mitigation site, including a vicinity map showing all existing rivers, lakes, and streams, and a delineation of existing surface waters and wetlands within the proposed mitigation area.

(vii) Performance standards to evaluate the mitigation.

(viii) A monitoring plan. All mitigation projects shall be monitored for a period of five (5) years. Unless the Township determines that monitoring reports must be submitted more frequently, in the first two (2) years, the permittee shall submit monitoring reports to the Township every six (6) months; thereafter monitoring reports shall be submitted by the permittee once per year.

(ix) A schedule for commencing and completing the mitigation, including reference to specific mitigation tasks, and cross-reference to the time-table for the original project for which the Wetlands Use Permit was required. The schedule must be approved by the Township and shall be binding unless a change is approved in advance by the Township. The schedule shall include enforceable timetables for a sequence of actions or operations leading to full

implementation of the plan. The following steps or phases shall be included in the schedule of compliance as determined necessary by the Township:

- (a) Retain a qualified engineer and/or consultant.
- (b) Obtain any engineering or scientific investigation or surveys deemed necessary.
- (c) Prepare and submit a preliminary plan to achieve mitigation.
- (d) Prepare plans and specifications, working drawings, or other engineering or architectural documents that may be necessary to achieve mitigation.
- (e) Establish a time to let any contract necessary for any construction.
- (f) Establish completion times for any construction necessary.
- (g) Establish a time limit to achieve mitigation pursuant to the plan.
- (h) If a phase or unit of construction or implementation may be effected independently of another phase or unit, establish separate timetables for the phases or unit.
- (x) Provisions for the management and long-term protection of the site.
- (xi) Financial assurance provisions as determined necessary and appropriate by the Township to ensure the mitigation is timely and properly completed, that the mitigation is thereafter managed, monitored, and protected, as provided by the mitigation plan, and to guarantee compliance with the plan. At a minimum, the financial assurance provisions shall require a signed and sealed cost estimate for the mitigation project, and security in an amount sufficient to cover the estimated costs of the project. The security shall be in the form of a surety bond, letter of credit, or such other type of surety determined appropriate and approved by the Township.
- (xii) Any other documents, plans, or information determined necessary and appropriate by the Township.

A mitigation plan which is approved by the Township and incorporated as a condition to a permit shall not be revised or amended without the Township's prior review and written approval. If a proposed revision or amendment would result in a change in a mitigation project that involves less than ten percent (10%) of the overall cost of the project and less than ten percent (10%) of the area of the total project, then the amendment may be reviewed and approved by the Ordinance Enforcement Officer (with the assistance and/or recommendation of the Township's wetlands consultant, as determined necessary by the Ordinance Enforcement Officer). Otherwise, a proposed revision or amendment to an approved plan shall be reviewed and approved by the original decision-maker.

(7) An applicant shall provide mitigation to assure, at a minimum, that, upon completion, there will be no net loss of wetlands. The mitigation shall meet the following criteria as determined by the Township:

- (i) Mitigation shall be provided on the site of the project where it is practical to mitigate on-site and where beneficial to the wetland resources.
- (ii) If subsection 8-207(k)(7)(i) does not apply, then an applicant shall provide mitigation at a site according to the following, if practical and beneficial to the wetland resources, listed in descending order of preference:

- (a) On public lands located within the Township.
  - (b) On other private property located within the Township.
  - (c) On MDEQ approved land bank areas.
  - (d) If all of the above are not practical and beneficial to the wetland resources, then on other lands located within the same watershed as the location of the proposed project. For purposes of this Section, a watershed refers to a drainage area in which the permitted activity occurs where it may be possible to restore certain wetland functions, including hydrologic, water quality, and aquatic habitat functions. Watershed boundaries shall be as shown in Figure 1 of MAC R 281.951.
- (iii) The Township shall require that mitigation be of a similar ecological type as the impacted wetland where feasible and practical.
- (iv) If the replacement wetland is of a similar ecological type as the impacted wetland, then the Township shall require that the ratio of acres of wetland mitigation provided for each acre of permitted wetland loss shall be as follows:
- (a) Restoration or creation of five (5.0) acres of mitigation for one (1.0) acre of permitted impact on wetland types that are rare or imperiled on a statewide basis.
  - (b) Restoration or creation of two (2.0) acres of mitigation for one (1.0) acre of permitted impact on forested wetland types, and wetlands that border upon inland lakes.
  - (c) Restoration or creation of one and a half (1.5) acres of mitigation for one (1.0) acre of permitted impact on all other wetland types.
  - (d) Ten (10) acres of mitigation for one (1.0) acre of impact in situations where the mitigation is in the form of preservation of existing wetlands as defined in subsection 8-207(k)(5)
- (v) The Township may adjust the ratios prescribed by this rule as follows:
- (a) The ratio may be increased if the replacement wetland is of a different ecological type than the impacted wetland.
  - (b) If the Township determines that an adjustment would be beneficial to the wetland resources due to factors specific to the mitigation site or the site of the proposed activity, then the Township may increase or decrease the number of acres of mitigation to be provided by no more than twenty percent (20%). This shall not limit the amount which a ratio may be increased under subsection 8-207(k)(7)(v)(a).
- (vi) The mitigation shall give consideration to replacement of the predominant wetland benefits lost within the impacted wetland.
- (vii) The Township shall double the required ratios if a permit is issued for an application accepted where work has been done in violation of a permit requirement and restoration is not ordered by the Township.
- (viii) The Township shall determine mitigation ratios for wetland dependent activities on a site-specific basis.
- (8) An applicant shall complete mitigation activities before initiating other permitted activities, unless a concurrent schedule is agreed upon between the Township and the applicant, and an adequate financial assurance mechanism as determined by the Township is provided by the applicant.

(9) The Township may require the applicant to provide financial assurances as provided by 8-207(k)(6)(xi) to ensure that mitigation is accomplished as required by the Township.

(10) An applicant shall protect the mitigation area by a permanent conservation easement or similar instrument that provides for the permanent protection of the natural resource functions and values of the mitigation site, unless the Township determines that such controls are impractical to impose.

(11) An applicant, with the approval of the Township, may provide all or a portion of the mitigation through the acquisition of approved credits from a wetlands mitigation bank established under MAC R 281.951 et seq. One credit shall be utilized for each acre of mitigation required under subrule (7) of this rule.

(l) Denial of Permit Application

(1) The Township shall deny an application for a Wetlands Use Permit if any one of the following conditions apply:

(i) The Township determines any of the following (as provided by subsection 8-207(h)(2))

(a) That the issuance of the permit is not in the public interest.

(b) That the permit is not necessary to realize the benefits derived from the activity.

(c) That the activity is not otherwise lawful under all other applicable local, state and federal laws and regulations.

(ii) The applicant fails to show to the Township's satisfaction any of the following (as provided by subsection 2-207(h)(4)):

(a) That an unacceptable disruption will not result to the aquatic resources.

(b) That the proposed activity is primarily dependent upon being located in the wetland.

(c) That a feasible and prudent alternative does not exist.

(iii) For a wetland that is less than two (2) acres in size: the Township determines that the wetland is essential to the preservation of the natural resources of the Township (as provided by subsection 8-207(i)).

(iv) The applicant has failed to supply complete information with a permit application, or otherwise has failed to submit a completed application, as provided by subsection 8-207(b)

(v) The Township determines that any other condition exists which supports a denial of the application as authorized by this Article or as otherwise authorized by state or federal laws and regulations.

(2) The denial by the Township of a permit application shall be accompanied by a written statement of all reasons for the denial.

(3) If a Wetlands Use Permit is denied by the Township, a landowner may appear at the annual Board of Review for the purpose of seeking a re-valuation of the affected property for assessment purposes to determine its fair market value under the use restriction. A landowner who is aggrieved by a determination, action, or inaction under this subsection (8-207(l)(3)) may protest and appeal that determination, action, or inaction pursuant to the general property tax act (Act No. 206 of the Michigan Public Acts of [19831893, as amended](#)).

(m) Permit For Modification of Proposed Activity

(1) The Township may offer to an applicant a permit for a modification of an activity proposed in the application if the activity as originally proposed in the application cannot be permitted under the applicable standards and criteria listed in subsection 8-207(h) and 8-207(i) of this Article, and if the activity as modified makes the activity consistent with those standards and criteria and approvable under subsection 8-207(g)(1).

(2) The modification of a permit application shall be accompanied by a written statement of all reasons for the modification.

(3) The applicant may accept the permit for the modification of the proposed activity by signing it and returning it to the Township within thirty (30) days of the date of the offer. The permit shall be considered issued upon countersignature by the Township.

(4) The permit application shall be considered denied if the applicant does not sign and return the permit for the modification of the proposed activity to the Township within thirty (30) days of the date of the offer. The permit applicant may then appeal the denial as provided by this Article.

(5) The date on which the modification is offered shall be considered the date of the Township's approval or disapproval of the application for purposes of subsection 8-207(f)(1) of this Article.

Sec. 8-208. - Administrative Appeals

(a) The procedures provided by this Section shall govern administrative appeals of final decisions made by the Ordinance Enforcement Officer, the Planning Commission, or the Township Board, as applicable, in approving, approving with conditions, denying, or modifying a permit application pursuant to this Article.

(b) Any person who is aggrieved by a decision to approve, approve with conditions, deny or modify a Wetlands Use Permit application by the Ordinance Enforcement Officer, the Planning Commission, or the Township Board, may appeal the final decision to the ~~Stormwater Management Committee~~[Natural Resources Commission](#).

(c) The appeal shall be filed in writing with the Township Clerk within ten (10) days of the date of the decision appealed, or the right to appeal shall be deemed waived. The written appeal shall state in detail the grounds for the appeal and provide specific reasons why the person is aggrieved by the decision. If a particular permit provision is objected to, the appeal must specify the reasons for the objection, and the alternative provision, if any, sought to be placed in the permit.

(d) If an appeal is timely filed, the permit in question shall not be issued or become effective pending the outcome of the appeal.

(e) Prior to a hearing before the ~~Stormwater Management Committee~~[Natural Resources Commission](#) regarding an appeal, the original decision-maker (the Ordinance Enforcement Officer, the Township Planning Commission, or the Township Board, as applicable) shall transmit to the ~~Committee~~[Commission](#) a written summary of all previous action taken in connection with the decision being appealed. The ~~Committee~~[Commission](#) may, at the ~~Committee~~[Commission](#)'s discretion, request the original decision-maker to provide further information regarding the decision that is the subject of the appeal.

(f) The ~~Stormwater Management Committee~~[Natural Resources Commission](#) shall fix a reasonable time for the hearing of the appeal. Notice of the hearing shall be provided to require the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. Any testimony taken at the hearing shall

be under oath and recorded. A copy of the transcript of the hearing shall be made available at cost to any person upon payment of applicable charges for the transcript. The ~~Committee Commission~~ shall decide the appeal within a reasonable time.

(g) After a hearing and consideration of the provisions and requirements of this Article, and the record on appeal, including any information provided by the person appealing and by the original decision-maker:

(1) The ~~Stormwater Management Committee Natural Resources Commission~~ may affirm, affirm with modification or reverse the decision appealed. For that purpose, the ~~Committee Commission~~ shall have all the powers of the original decision-maker from whose decision the appeal is taken. The ~~Stormwater Management Committee Natural Resource Commission~~'s decision to affirm, affirm with modification or reverse shall be in the form of a ruling based on written findings, and shall be considered final action for purposes of judicial review.

(2) Alternatively, if the ~~Stormwater Management Committee Natural Resources Commission~~ determines that a permit or any provision of a permit should be reconsidered by the original decision-maker, the ~~Committee Commission~~ may remand the matter to the original decision-maker for further action as determined appropriate by the ~~Committee Commission~~. Specific provisions of a permit that are remanded by the Commission for reconsideration by the original decision-maker shall be stayed pending further final action taken by the original decision-maker as required by the decision of the ~~Committee Commission~~. A decision of the ~~Committee Commission~~ not to remand any matter shall be considered final administrative action for purposes of judicial review.

(h) All action taken by the ~~Stormwater Management Natural Resources Commission~~ shall ~~shall~~ be by a majority vote of the members of the ~~Committee Commission~~.

#### Sec. 8-209. - Enforcement

##### (a) Township Inspection Authority; Right of Entry

(1) For the purposes of implementing and administering this Article, and upon reasonable cause or obtaining a search warrant, the Ordinance Enforcement Officer and/or other authorized Township representatives are authorized to enter on, upon, or through and inspect: any property for which a Wetlands Use Permit or a mitigation plan has been approved under this Article; or any property on which an activity listed in subsection 8-205(a) is located; or any property on which information required to be maintained under subsection 8-209(a)(1) is located. This right of entry shall include all power and authority as necessary to determine, independent of information supplied by the permittee, property owner, or other persons, compliance or noncompliance with the permit or mitigation plan, this Article, and other applicable laws and regulations, as relevant to the preservation, management, protection, and use of wetlands resources and benefits, including, but not limited to, the right of the Township to take or cause to be made such examinations, surveys or samplings as deemed necessary by the Township.

(2) The holder of a permit shall be required to provide any information the Township reasonably requires to obtain compliance with this Article.

##### (b) Notices of Violation and Orders

(1) If, on the basis of information available to the Township, the Township finds that a person is in violation of this Article or a term or condition of any permit or mitigation plan approved under this Article, the Township may issue a notice of violation and

order ("NOV/Order") requiring the person to comply with the requirements of this Article, the permit, or the plan.

(2) An order issued under subsection 8-209(b)(1) shall state with reasonable specificity the nature of the violation and shall specify a time for compliance, not to exceed thirty (30) days, which the Township determines is reasonable, taking into account the seriousness of the violation and good faith efforts to comply with applicable requirements.

(3) The person served with the NOV/Order shall, within the period of time stated in NOV/Order, permanently cease all violations.

(4) Unless otherwise specified by the NOV/Order, the following provisions shall apply:

(i) Within fifteen (15) days of the date of the NOV/Order, the person served with the NOV/Order shall submit to the Township an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions.

(ii) Submission of the required plan shall not in any way relieve the person of liability for any violations occurring before or after receipt of the Notice of Violation.

(iii) The Township shall review and approve or reject the proposed plan after receipt thereof.

(5) Failure to comply with any requirement of a NOV/Order shall constitute a separate violation of this Article.

(6) Nothing in this Section shall limit the authority of the Township to take any action, including emergency actions or any other enforcement action, without first issuing an NOV/Order.

(7) The Township may issue an order to any person to perform any affirmative action or to refrain from acting as determined by the Township to be appropriate under the circumstances, as provided by this Section and as determined necessary by the Township to comply with the intent and purposes of this Article or other applicable laws and regulations.

(8) The Township may implement whatever action is necessary to halt the illegal activity that is the subject of an NOV/Order. The person responsible for the illegal activity shall be assessed for any penalties, fines, charges, expenses, or losses incurred by the Township due to the illegal activity as provided by this Article.

(9) In the event of a violation involving illegal alteration of a wetland under this Section, the Township shall have, among the other powers and remedies available to the Township as provided by this Article, the power to order the person or agent responsible for the violation to restore as nearly as possible the wetland that was affected by the violation to its original condition. The restoration may include, but shall not be limited to, the removal of fill material deposited in the wetland or the replacement of soil, sand, or minerals. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the Township shall have the authority to restore the affected wetland to its prior condition, if possible, and the person or agent responsible for the original violation shall be liable for and shall fully reimburse the Township for the cost of restoration.

(10) An NOV/Order shall be served upon a person as provided by this Section.

(i) Service shall be by personal delivery or certified mail (return receipt requested), addressed to the person's last known address as shown by Township

records. The person served shall sign and date the NOV/Order and shall return the signed original copy to the Township; provided, that the failure to do so shall not affect the person's obligation to comply with the NOV/Order. Further, an NOV/Order served by mail may not actually be received, but this shall not nullify any enforcement action subsequently taken by the Township under authority of this Article.

(ii) Notwithstanding anything in subsection 8-209(b)(10)(i) to the contrary, an order to immediately cease and desist prohibited action or other emergency order where delay might endanger the public health, safety and welfare or the environment may be oral and may be served by telephone (to be followed within five (5) days by written confirmation of the order by the Township). Such an order shall have immediate effect if the actual or threatened activity presents, or may present, imminent or substantial endangerment to the public health, safety and welfare or the environment.

(11) A person served with an NOV/Order may request additional information from the Township regarding the contents or requirements of the NOV/Order. However, a request for additional information shall not extend the time for compliance with an NOV/Order.

(c) Stop Work Order

~~(+)~~The Township may also issue a stop work order or withhold issuance of a Certificate of Occupancy, permits or inspection until the provisions of this Article, including any conditions attached to a Wetlands Use Permit, have been fully met. Failure to obey a stop-work order shall constitute a separate violation of this Article.

(d) Consent Orders

~~(+)~~The Township may enter into a consent order with a person to resolve disputed claims and address identified and potential deficiencies in the person's compliance status. The order shall be in the form of a written agreement between the Township and person and may contain appropriate provisions, including, but not limited to, compliance schedules and stipulated fines and remedial actions.

(e) Financial Assurances

~~(+)~~In addition to the authority of the Township to require financial assurances as provided elsewhere in this Article, the Township may require a noncompliant permittee to post a performance bond (or other form of surety acceptable to the Township) sufficient to cover expenses that might reasonably be incurred as a result of future violations.

(f) Municipal Civil Infractions

(1) Violation; Municipal Civil Infraction. Except as provided by subsection 8-209(g), and notwithstanding any other provision of the Township's laws, ordinances and regulations to the contrary, a person who violates any provision of this Article (including, but not limited to, any permit, permit condition, mitigation plan, or NOV/Order issued or approved by the Township under this Article) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than one thousand dollars (\$1,000.00) per day for each infraction and not more than ten thousand dollars (\$10,000.00) per day for each infraction, plus costs and other sanctions.

(2) Repeat Offenses; Increased Fines. Increased fines may be imposed for repeat offenses. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Article

(i) committed by a person within any three hundred sixty-five (365) day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Article shall be as follows:

(i) The fine for any offense that is a first repeat offense shall be not less than two thousand five hundred dollars (\$2,500.00) plus costs.

(ii) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than five thousand dollars (\$5,000.00) plus costs.

(3) Amount of Fines. Subject to the minimum fine amounts specified in subsections 8-209(f)(2)(i) and 8-209(f)(2)(ii), the following factors shall be considered by a court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this Article: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

(4) Authorized Township Official. Notwithstanding any other provision of the Township's laws, ordinances and regulations to the contrary, the following persons are designated as the authorized Township officials to issue municipal civil infraction citations (or municipal civil infraction notices, as applicable) for violations of this Article:

(i) The Ordinance Enforcement Officer;

(ii) Any other Township representative designated by the Ordinance Enforcement Officer or the Township Board; or

(iii) Any police officer.

(5) Other Requirements and Procedures. Except as otherwise provided by this Section, the requirements and procedures for commencing municipal civil infraction actions; issuance and service of municipal civil infraction citations or notices; determination and collection of court-ordered fines, costs and expenses; appearances and payment of fines and costs; failure to answer, appear or pay fines; disposition of fines, costs and expenses paid; and other matters regarding municipal civil infractions shall be as set forth in other applicable township ordinances and Act No. 236 of the Public Acts of 1961, as amended.

(g) Criminal Penalties; Imprisonment

~~(1)~~ Any person who (1) willfully or recklessly violates a condition or limitation in a permit issued by the Township under this Article or a corporate officer who has knowledge of or is responsible for a violation; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Article, or in any other correspondence or communication, written or oral, with the Township regarding matters regulated by this Article; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Article; or (4) commits any other act under this Article that is punishable under state law by imprisonment for more than ninety (90) days; shall, upon conviction, be

guilty of a misdemeanor punishable by a fine of five hundred dollars (\$500.00) per violation, per day, or imprisonment for up to ninety (90) days, or both in the discretion of the court.

(h) Continuing Violation

~~(+)~~ Each act of violation, and each day or portion of a day that a violation of this Article, or of any permit, permit condition, mitigation plan, or NOV/Order issued or approved under this Article is permitted to exist or occur, constitutes a separate violation and shall be subject to fines, penalties and other sanctions as provided by this Article.

(i) Nuisance Per Se

~~(+)~~ A violation of this Article, or of any permit, order, notice or agreement issued or entered into under this Article, is deemed to be a nuisance per se. The Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the wetland as nearly as possible to its condition before the violation.

(j) Reimbursement to the Township

(1) Any person who violates any provision of this Article, or who causes or contributes to a violation of this Article, including, but not limited to, any permit, permit condition, mitigation plan, or NOV/Order issued or approved by the Township under this Article, shall be liable to and shall fully reimburse the Township for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Township as a result the violation. The costs that must be reimbursed to the Township shall include, but shall not be limited to, all of the following:

(i) All costs incurred by the Township in responding to the violation, including, expenses for any labor or equipment as a result of the violation.

(ii) All costs incurred by the Township for monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any violation.

(iii) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Township by any governmental agency or third party as a result of the violation.

(iv) The full value of any Township staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the Township attorney and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any violation or otherwise enforcing the requirements of this Article.

(2) Further, the Township is authorized to correct any violation of this Article or damage or impairment to the environment caused by a violation of this Article and to bill the person causing the violation or discharge for the amounts to be reimbursed to the Township. The bill shall specify the date by which payment must received by the Township. The costs reimbursable under this Section shall be in addition to fees, amounts or other costs and expenses required to be paid by users under other Sections of this Article.

(3) Any costs to be reimbursed to the Township as provided by this Section may be billed to the person as provided by subsection 8-209(j)(2), or otherwise in conjunction with an enforcement action, or in such other manner as determined appropriate by the Township.

(4) The failure by any person to pay any amounts required to ~~reimbursed~~reimburse to the Township within any specified payment period as provided by this Section shall constitute an additional separate violation of this Article.

(k) Judicial Relief

(1) The Township may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Article or of any permit, permit condition, mitigation plan, or NOV/Order issued or approved by the Township under this Article. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The Township may also seek collection of fees, fines, penalties and any other amounts due to the Township that a person has not paid.

(2) Further, the Township may bring a civil proceeding to recover costs and damages incurred by the Township as a result of a person's violation of this Article. The action may include a claim for reimbursement and/or indemnification if the person's activities result or may result in the imposition of fines, costs, penalties or damages (including the cost of remediation) by any regulatory agency, citizen, citizen group, or other party against the Township. In addition, the Township may seek equitable relief, such as the issuance of an injunction necessary to remedy a violation or to prevent future violations, and may seek reimbursement for the actual cost of obtaining such relief.

(3) In the event of a violation involving illegal alteration of a wetland under this Section, the Court may, among the other relief at law or equity that a court may impose, order the person or agent responsible for the violation to restore as nearly as possible the wetland that was affected by the violation to its original condition. The restoration may include, but shall not be limited to, the removal of fill material deposited in the wetland or the replacement of soil, sand, or minerals.

(4) Nothing in this Section shall be construed to limit in any way the ability or authority of the Township to seek judicial relief at law or equity in connection with the administration and enforcement of this Article.

(5) If an applicant for a Wetlands Use Permit is aggrieved by a determination, action, or inaction by the Township regarding the issuance of a permit, the applicant may seek judicial review in the same manner as provided in the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328, as amended of the Michigan Compiled Laws.

(6) If a court determines that an action of the Township pursuant to this Article constitutes a taking of property without just compensation, then the court shall order the Township, at the Township's option to do one or more of the following:

- (i) Compensate the property owner for the full amount of the lost value.
- (ii) Purchase the property in the public interest as determined before its value was affected by this Article or the action or inaction of the Township pursuant to this Article.
- (iii) Modify its action or inaction with respect to the property so as to minimize the detrimental affect to the property's value.

~~(A)~~ For the purposes of this Section, the value of the property may not exceed that share of the state equalized valuation of the total parcel that the area in dispute occupies of the total parcel of land, multiplied by two (2) as determined by an inspection of the most recent Township assessment roll.

(l) Cumulative Remedies

(+) The imposition of a single fine, penalty, notice of violation, order, or cost reimbursement or damage claim, upon any person for a violation of this Article (or of any permit, permit condition, mitigation plan, or NOV/Order issued or approved by the Township under this Article), shall not preclude the imposition by the Township or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or Township administrative proceeding, conference, or hearing regarding the person.

(m) Reporting and Record Keeping

(+) Any person may report a violation of this Article, or any permit, mitigation plan, or NOV/Order issued or approved under this Article. Each report shall be made in writing or reduced to writing by the Ordinance Enforcement Officer and be placed on file in the Municipal Services Department for public inspection. Any reported violations found to be invalid by the Ordinance Enforcement Officer examining the reported violations shall held for one (1) year after final action and then destroyed. All ~~reported violations confirmed by the Ordinance Enforcement Officer shall be held by the Township for at least five (5) years~~ records shall be maintained in accordance with the Township's [Record Retention Schedule](#).

(n) Township Ordinance Enforcement Officer Duties

- (1) The Township Ordinance Enforcement Officer shall inspect the site of a suspected noncompliance as soon as is reasonably practical, but in no case later than the close of five (5) business days after receiving the report.
- (2) The Township Ordinance Enforcement Officer shall complete an entry for the report into the Compliance Docket.
- (3) The Township Ordinance Enforcement Officer may enlist the expertise of a wetlands consultant if necessary to determine whether a violation of this Article has occurred. If the Ordinance Enforcement Officer sustains the suspected noncompliance the costs of the consultant will be charged to the violator.
- (4) The Township Ordinance Enforcement Officer shall take any actions within his or her authority necessary to ensure this Article is enforced.

(o) Compliance Docket

- (1) The Township Municipal Services Department shall maintain a Compliance Docket at the Township Office. The Docket shall be used to identify all properties or uses of properties which have been evaluated for compliance with this Article. The Docket shall be available to the public upon demand during normal Township business hours.
- (2) The Compliance Docket shall contain the following information:
  - (i) Date: the date the Docket entry was initiated.
  - (ii) Address/Location of Property: the street address, if available, or descriptive text or vicinity map sufficient to enable citizens to identify the property in question.
  - (iii) Permit or Docket Number: If it has been determined that the use being made of the property does not require a Wetlands Permit from the Township, a Docket number shall be assigned. Otherwise, the Permit number shall be maintained.
  - (iv) Compliance Status: A record shall be made of whether the use being made of the property is in compliance with the provisions of this Article, the date the

determination was made, and the name(s) of the Township official and/or consultant who made the determination.

(v) County tax identification numbers shall be used to identify the property.

(p) Violation Docket

(1) The Township Municipal Services Department shall maintain a Violation Docket at the Township Office. The Violation Docket shall be used to track the status of violations of this Article. The Violation Docket shall contain the following information, as it becomes available:

(i) The permit or Docket number: This number shall be the same number as is used to identify the property In the Compliance Docket.

(ii) Address and Location of property: The street address, if available, or descriptive text or vicinity map sufficient to enable citizens to identify the property in question.

(iii) Nature of violation

(iv) Date violation confirmed.

(v) Name of person confirming the violation.

(vi) Enforcement action taken.

(vii) Date of enforcement action taken.

(viii) Outcome of enforcement action: If a required corrective action or other enforcement order is appealed by the property owner or any other party, each appeal shall be noted, and its outcome shall also be noted under this heading.

Sec. 8-210. - Township Wetlands Inventory Map

(a) The Township has completed and made available to the public an inventory of all wetlands within the Township as provided by NREPA Section 30308(1). This inventory shall be known as, and is referred to in the Article as, the Pittsfield Township Wetlands Inventory Map.

(b) Upon completion of the Wetlands Inventory Map, the Township notified each record owner of property on the Township property tax roll:

(1) That the map exists;

(2) Where the map may be reviewed;

(3) That the owner's property may be designated as a wetland on the inventory map;

(4) That the Township has adopted this Article regulating wetlands; and

(5) That the map does not necessarily include all of the wetlands within the Township that may be subject to this Article.

(c) The Wetlands Inventory Map shall be amended by the Township at least once per year, unless the Township determines, based upon the Ordinance Enforcement Officer's recommendation and the number of applications, that more frequent or less frequent amendments are necessary to keep the map as accurate and as up-to-date as reasonably possible. Upon any amendment of the Wetlands Inventory Map, the Township shall provide notice to each record owner of property on the Township property tax roll that the Map has been amended. The notice shall also provide the property owner with all of the information as set forth in subsections 8-210(b)(2) through 8-210(b)(5).

(d) The Wetlands Inventory Map shall serve as a general guide to the location of wetlands within the Township and shall be used in the administration of this Article. However, the Map may not necessarily include all of the wetlands within the Township that are subject to this Article. Further, the Map shall not, nor shall it be construed to,

create any legally enforceable presumptions regarding whether property that is or is not included on the Map is or is not a wetland.

Sec. 8-211. - Wetlands Verification and Delineation

(a) The Wetlands Verification Process as provided by this Section, shall be used to verify wetlands on properties where wetlands are shown on the Wetlands Inventory Map or on properties where wetlands may otherwise exist as defined by this Article. The Wetlands Delineation Process, as also provided by this Section, shall be used to establish the actual boundaries of wetlands in the Township. The identification of the actual boundaries of wetlands on a project site (delineation) shall be the responsibility of the applicant. All wetlands delineations prepared for purposes of complying with this Article shall be subject to review and approval by the Township Article Enforcement Officer or the Township's wetlands consultant.

(b) Wetlands Verification Process

(1) The Township, the owners of wetlands, or owners of property within three thousand (3,000) feet of a wetland, may initiate verification of the areas shown on the Township Wetlands Inventory Map as wetlands, or on properties where wetlands may exist. The verification shall be limited to a finding of wetlands or no wetlands by the Township Enforcement Officer, the Township's wetlands consultant or other Township designee. The finding may be based on sources of information as determined appropriate by the Township, including, but not limited to, aerial photography, topographical maps, USDA annual reports, historical maps, site plans, and field verification.

(2) If it is found that there are no wetlands on the property, then no further determination shall be required and the finding shall be included on the Township Wetlands Inventory Map.

(3) If a wetland is found on the property, then the exact boundaries of the wetland shall be established through a wetlands delineation and the Township Wetlands Inventory Map shall be amended accordingly.

(c) Wetlands Delineation Process

(1) To establish the actual boundaries of a wetland on a property, the applicant shall provide a survey or dimensional site plan, drawn at an appropriate scale, showing property lines, buildings and any points of reference along with the wetland's boundaries, according to one of the following:

(i) A wetlands delineation prepared by the MDEQ.

(ii) A wetlands delineation prepared by a qualified wetlands consultant. The qualifications of the consultant shall be subject to prior approval by the Township Ordinance Enforcement Officer.

(2) If delineation of a wetland is required by and for purposes of this Article, the Township Ordinance Enforcement Officer shall establish the boundaries of the wetland following receipt of the above-required information and after conducting a field investigation.

(i) The applicant shall pay to the Township the applicable fees for the establishing the wetland boundary as provided by this Section. The fee shall be paid in the amount as established from time to time by resolution of the Township Board.

(ii) The boundaries of the wetland shall be marked by untreated wooden stakes driven into the ground at least twenty four (24) inches and

extending above the ground at least forty (40) inches, with at least one stake placed every sixty (60) feet around the boundaries. Untreated cotton flags, bright orange or red in color, shall be permanently attached to the top of the stakes. The stakes may not be removed without the prior written permission of the Ordinance Enforcement Officer.

Sec. 8-212. ~~–~~ Storm Water Management Committee~~Natural Resources Commission~~

~~(a) The Pittsfield Township Natural Resources Commission is hereby created. It shall consist of seven (7) adult residents of the Township appointed by the Township Board. At least two (2) members of the Natural Resources Commission shall have knowledge and experience in the areas of botany, soils, geology, hydrology, or other natural resources. One member of the Natural Resources Commission shall be a member of the Township Board of Trustees. One member of the Natural Resources Commission shall be a member of the Park Commission. One member of the Natural Resources Commission shall be a member of the Planning Commission. One member of the Natural Resources Commission shall be a member of the agricultural community. One member of the Natural Resources Commission shall be a member at large, who is a resident of Pittsfield Charter Township. The member of Natural Resources Commission who is also a member of the Township Board may not serve in that position, except when in office as a Township Board member.~~

~~(b) Members of the Natural Resources Commission shall be appointed for 3-year terms such that, as nearly as possible, the terms of 1/3 of all the Natural Resources Commission members will expire each year. If a vacancy occurs on the Natural Resources Commission the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed. Members of the Natural Resources Commission who also serve on either the Township Board, Park Commission, or Planning Commission, may serve on the Natural Resources Commission for their terms of office.~~

~~(c) The Natural Resources Commission shall establish its own rules of procedure, provided that such rules may not conflict with the provisions of this Article.~~

~~(d) The Natural Resources Commission~~Stormwater Management Committee ~~is~~ authorized to undertake the following activities:

- (1) Hear appeals of decisions made by the Ordinance Enforcement Officer, the Planning Commission or the Township Board regarding Wetlands Use Permits.
- (2) Provide recommendations to the Township Ordinance Enforcement Officer, the Planning Commission and the Township Board, planning and assisting in wetlands policy administration.
- (3) Serve in an advisory role in setting policy guidelines on wetlands issues in the Township.
- (4) Identify conflicts between wetlands protection and Township policies, ordinances, operating procedures, and activities.
- (5) Coordinate with MDEQ in keeping up-to-date on issues affecting wetlands protection.
- (6) Recommend plans and programs to protect and acquire important wetlands through incentives, donation, development rights, easements, land exchange, purchase, and other means.
- (7) Develop educational programs for the public and for area schools to promote the values of wetlands and awareness of the hazards and threats to wetlands.

Such programs should be particularly targeted to landowners or building promoters or construction contractors with wetlands and emphasize how best to protect wetlands values on their property

(8) Oversee the development and administration of the voluntary Wetlands Registry and Stewardship Program to be established as provided by this Article, and create incentives for participation. Develop procedures for interested citizens to participate directly in stewardship and preservation of specific wetlands.

(9) Review degraded or destroyed wetlands in the Township for possible rehabilitation or restoration; prioritize sites, and seek grants and donations to fund restoration.

~~-(e) Members of the Natural Resources Commission shall receive a stipend as determined from time to time by resolution of the Township Board.~~

~~(fb) Members of the Stormwater Management Committee Natural Resources Commission serve at the discretion of the Township Board.~~

(Ord. No. 277, eff. 11-20-2008)

Sec. 8-213. - Wetlands Registry and Stewardship Program

(a) A Pittsfield Township Wetlands Registry and Stewardship Program shall be established by resolution of the Township Board. Voluntary registration by residents and landowners of wetlands located within the Township will establish a public-private partnership to promote the use of best management practices for protection of wetlands.

(b) Pursuant to their participation in the registry and program, residents and landowners will have the opportunity, among other things, to:

(1) Provide identifying data to allow the entry of parcels into the Township's GIS database and digital mapping system.

(2) Agree to have parcel information validated against the Township wetlands map.

(3) Pledge to protect their wetlands using best management practices.

(4) Receive regular communications from the Township, including, but not limited to, invitations to participate in ongoing scientific assessment programs through grants and academic projects.

(5) Receive donations of labor or funds from registered volunteer stewards.

(6) Receive periodic benefits, as established by the Pittsfield Township Natural Resources Commission, that may include assistance with recording conservation easements, native trees and plants, root or seed stock from historic species, bird houses; registry plaques or signs, restoration assistance, and recognition for public service.

(Ord. No. 255, eff. 3-5-2003)

**CHAPTER 39 - CONSERVATION EASEMENTS**

Sec. 39-1: - Findings and Declaration of Purpose

Sec. 39-2: - Definitions

Sec. 39-3: - Authorization

Sec. 39-4: - Retained Residential Development Rights

Sec. 39-5: - Eligible Lands and Priority of Acquisition

~~Sec. 39-6: - Pittsfield Natural Resources Commission~~

Sec. 39-7: - Selection

Sec. 39-8: - Duration of Acquired Interests

- Sec. 39-~~98~~: - Related Costs
  - Sec. 39-~~109~~: - Supplemental Funds
  - Sec. 39-~~110~~: - Purpose
  - Sec. 39-~~121~~: - Development Rights Acquisition Fund
  - Sec. 39-1: - Findings and Declaration of Purpose
- The Board of Trustees finds that:

(1) Pittsfield Charter Township is a desirable place to live, work and visit in large part because of the availability of farmland and open space and the relief that wetlands, woods and agricultural fields bring. Scenic views, agriculture, open spaces and wildlife habitat are all considered invaluable natural and aesthetic resources and should be protected.

(2) The climate, variety of soils and terrain make the Township well suited to the production of a great number of row crops, specialty crops and livestock, including many foods available for direct human consumption. These resources include a significant amount of land currently in agricultural production, and other woodland, wetland and open lands adjacent to these farmlands.

Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's natural and agricultural heritage. Pittsfield Charter Township is experiencing substantial residential development, however, because of its location to the highly urbanized areas of southeast Michigan, its attractive landscapes and its excellent public schools. The same characteristics which have made this area so desirable for agricultural production and recreation also make it attractive for development.

(3) The agricultural industry in Pittsfield Charter Township provides the opportunity to harvest locally grown foods to sell at roadside stands, farmers' markets, local retail food stores and other local outlets in the area. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other more developed uses which do not require those special characteristics, a critical community resource is permanently lost to the citizens of Pittsfield Charter Township.

(4) It is the policy of the State of Michigan and Pittsfield Charter Township to protect, preserve and enhance agricultural and open space lands as evidenced by the Township Comprehensive Land Use Plan, the [Township Michigan Zoning Enabling Act](#), MCLA 125.271-3101 et seq., and other state and local statutes and policies. Ordinances regulating land use by zoning and subdivision control enacted by the Township also serve these purposes. These measures by themselves, however, have not been effective in providing long-term protection of farmland, natural areas and open space under the pressure of increasing development.

(5) Agriculture in Pittsfield Charter Township produces a notable array of products, from corn and soybeans to vegetables, fruit and livestock. The Township's agricultural acreage contributes to the local economy in direct sales of agricultural products at the farm gate.

(6) Generally, farmland and open space lands which are close to urban centers have a greater market value for future development than their market value for farming or open space. Prime agricultural land often has the same features that are considered valuable components of developable areas. This fact encourages the speculative purchase of these lands at high prices for future residential development, regardless of the current

zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.

(7) The permanent acquisition by the Township, State, or other qualified organization, of voluntarily offered interests in farmland and open space lands within the Township, as provided in this chapter and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in farmland and open space near developing urban areas and provide long-term protection for the public interests which are served by farmland and open space lands in the Township.

(8) Properties on which the development rights have been purchased must remain substantially undeveloped in order to protect their agricultural use or open space character.

(9) Michigan Public Act 262 of 2000 created an agricultural preservation fund within the State Treasury. Money in this fund may be used to provide grants to local units of government to assist in the acquisition of agricultural conservation easements provided that the local unit has adopted an ordinance for the purchase of development rights and that the local unit has a comprehensive land use plan that includes a plan for agricultural preservation. Acceptable plans for agricultural preservation can include provisions for primary agricultural districts, rural uses that allow agriculture, and open space designations that allow agriculture.

(10) The acquisition of interests in farmland and open space lands as provided in this chapter is a public purpose of Pittsfield Charter Township.

(11) This chapter is authorized by Sections ~~31 to 33~~ [507 to 509](#) of the [Township Michigan Zoning Enabling Act](#), MCL ~~125.3507 to 125.3509~~ [125.301 B-125.303](#).

Sec. 39-2: - Definitions

(1) *Supervisor* means the Pittsfield Charter Township Supervisor.

(2) *Agricultural Rights* means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, horticultural and other agricultural uses.

(3) *Agricultural Use* means substantially undeveloped land devoted to the production of plants and animals useful to humans, including but not limited to fruits, nuts, vegetables, greenhouse plants, Christmas trees and lumber, forages and sod crops, herbs, grains and feed crops, dairy and dairy products, traditional and specialty livestock (including breeding and grazing), poultry and other similar uses and activities.

(4) *Official large-scale maps* describing such areas in detail are available through the Washtenaw County Metropolitan Planning Commission, the Washtenaw County Conservation District, and other government agencies, and are incorporated herein by reference.

(5) *Board of Trustees* means the Pittsfield Charter Township Board of Trustees.

(6) *Development* means an activity which materially alters or affects the existing conditions or use of any land.

(7) *Development Rights* means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incidental to agriculture and open space.

(8) *Development Rights Easement* means a grant by an instrument whereby the owner relinquishes to the public in perpetuity the right to develop the land as may be expressly

reserved in the instrument, and which contains a covenant running with the land not to develop, except as this right is expressly reserved in the instrument.

(9) *Eligible Land* means farmland and open space land for which the purchase of "development rights easements" with tax funds and other monetary sources are authorized pursuant to this chapter.

(10) *Farmland and Open Space Land* means those lands shown in the Township Comprehensive Land Use Plan, or the official Zoning Map, as being planned or zoned for agricultural or open space uses, as adopted and amended from time to time by the Township Planning Commission and Board.

~~(11) The *Pittsfield Township Natural Resources Commission* means the board formed pursuant to Section 6 of this chapter to advise the Board of Trustees in the selection of Eligible Lands for easement purchases.~~

~~(121)~~ Full Ownership means fee simple ownership.

~~(1312)~~ *Governmental Agency* means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.

~~(1413)~~ *Open Space Character* means substantially undeveloped land devoted to the maintenance or enhancement of natural processes (e.g., water quality, plant and wildlife habitat, groundwater recharge) and/or the scenic enjoyment of the public.

~~(1514)~~ *Owner* means the party or parties having the fee simple interest in land.

~~(1615)~~ *Parcel* means all property under a single ownership that is included in the application.

~~(1716)~~ *Permitted Use* means any use contained within a development rights easement essential to the farming operation or which does not alter the open space character of the land.

~~(1817)~~ *Residential Development Rights* means the right to sell portions of a property, or to construct houses on a property, for residential uses not related to the agricultural use or open space character of the property.

~~(1918)~~ *Substantially Undeveloped Land* means land on which there is no more than one residential dwelling unit (exclusive of housing units directly associated with the farming operation) for each 40 acres of land.

~~(2019)~~ *Value of Development Rights* means the difference between the fair market value of full ownership of the land (excluding the buildings thereon) and the fair market value of the agricultural rights plus any residential development rights to be retained by the owner.

#### Sec. 39-3: - Authorization

(1) The Board of Trustees is hereby authorized to expend revenues to acquire property interests in the farmland and open space lands described and prioritized in Section 5 of this chapter. The property interest acquired may either be the development rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract, but only at a price which is equal to or less than the appraised value determined as provided in this chapter. The revenues shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.

(2) The Township is authorized to enter into cash purchase and/or installment purchase contracts, and agreements for the receipt of tax deductible donations of easements, consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of

interest consistent with prevailing market conditions at the time of execution of the installment contract for the tax-exempt status of such interest.

(3) The Board of Trustees is further authorized to contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups or government agencies to participate jointly in the acquisition of interests in eligible lands.

(4) The Township may contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups or government agencies that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this chapter and would be done in accordance with The Standards and Practices Guidebook issued in 1989 by the Land Trust Alliance.

Sec. 39-4: - Retained Residential Development Rights

(1) To promote "agricultural use" of properties on which the Township has purchased the Development Rights, it has been determined that such properties should remain substantially undeveloped.

(2) It may be in the best interest of property owners and of the program to purchase development rights, that property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their development rights and the value of the development rights to be purchased is correspondingly reduced.

(3) Applications for the sale of development rights may include a provision to retain the right to build residential dwellings (residential development rights), provided that no retained residential development rights would result in more than one dwelling unit per forty (40) acres of land (exclusive of housing units directly associated with the farming operation). This is not to preclude the sale of all the remaining dwelling units in excess of one dwelling unit per forty acres of land.

(4) The building locations for retained residential development rights may be restricted in the negotiated "conservation easement" in order to protect other important features of the property. Building locations and lot sizes must also conform to existing zoning in the Township where the property is located.

Sec. 39-5: - Eligible Lands and Priority of Acquisition

Revenues shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

Primary Criteria that all properties must meet: Voluntary application by the property owner and those lands shown in the Township Comprehensive Land Use Plan, or the official Zoning Map, as planned or zoned for agricultural, open space or rural uses.

Criteria for Selection:

The following criteria shall be used in determining the order in which applications will be prioritized in any Selection Round to purchase development rights on all eligible lands for which complete applications have been received by the Township:

This numerical ranking system has been developed to prioritize farm and open space sites for the purchase of conservation easements. It is the intention of the users of this system to direct efforts toward high quality farmland and open space.

Appropriateness is determined by favorable natural conditions and location factors which make farming a viable undertaking both currently and in the future, or which can

support viable natural habitat or scenic views. Areas targeted for preservation are those lands shown in the Township Comprehensive Land Use Plan or official Zoning Map as planned or zoned for agricultural, open space, or rural uses.

**DESCRIPTION OF THE SYSTEM.** The farmland ranking system consists of four sections as follows. The maximum point value is 100, with additional points possible in the event of a tie.

PART	POINTS
I Characteristics of the Farmland	32
II Stewardship of the Land	24
III Pressure for Conversion to Nonfarm Use	12
IV Long-range Planning Considerations	32
Total	100

**PRIORITIES.** The point value arrived at through the use of this system will be used to prioritize farm sites for purchase of conservation easements. Higher point values indicate higher priority for purchase. In the case of a tie using the 100 point scale, the tiebreaking categories may be used. All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated as a single entity.

Note: An explanation of terms and parameters used in the system appears in the Appendix.

**PART I  
 CHARACTERISTICS OF THE FARMLAND  
 MAXIMUM POINTS = 32**

<b>A. Type of Agricultural Land (See Appendix for explanation of terms)</b>	
Category	Score
Essential	14
Secondary	7
Reserve	3
<b>B. Size of Parcel Offered for Development Rights Purchase (See Appendix)</b>	
Acreage	Score
80 acres or more	8
40 to 79.9 acres	5
20 to 39.9 acres	2
<b>C. Proximity to Existing Protected Land (See Appendix)</b>	
Distance to Protected Land	Score
Adjacent or within 1 mile	4
Between 1.1 and 2 miles	2
<b>D. Farm Buildings</b>	
Buildings	Score
Usable, functional farm buildings on site	4
Usable, functional farm buildings within two miles	2

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**PART II  
 STEWARDSHIP OF THE LAND  
 MAXIMUM POINTS = 24**

<b>A. Conservation Plans (See Appendix)</b>	
Extent of Conservation Plan	Score
Conservation plan fully implemented or conservation practices used to the fullest extent necessary	8
Conservation plan partially implemented or some practices used	4
<b>B. Farming Activity</b>	
Owner Involvement	Score
Owner and employees generate all gross farming revenue from the site	4
Owner and employees generate at least 50% of gross farming revenue from the site	2
Less than 50% of gross farming revenue from the site is by owner and employees	1
<b>C. Commitment to Farming (See Appendix)</b>	
Indicator	Score
Farm is enrolled in P.A. 116 and land has been in the same ownership for 50 years	10
Enrolled in P.A. 116 or in the same ownership for 50 years	6
<b>D. Ownership Succession Plans (See Appendix)</b>	
Plans	Score
Projected change within 5 years	2
Projected change within 5-10 years	1

**PART III  
 PRESSURE FOR CONVERSION TO NONFARM USE  
 MAXIMUM POINTS = 12**

<b>A. Amount of Road Frontage</b>	
Length	Score
1,000 feet or more	4
501 to 999 feet	2
<b>B. Percentage of Site Containing Steep Slopes (See Appendix)</b>	
Percentage	Score

0 to 9.9%	4
10 to 19.9%	2
<b>C. Proportion of Wetlands and/or Floodplain</b>	
<b>Wetlands/Floodplain</b>	<b>Score</b>
0 to 9.9%	4
10 to 39.9%	2

**PART IV  
 LONG-RANGE PLANNING CONSIDERATIONS  
 MAXIMUM POINTS = 32**

<b>A. Current Adjacent Zoning Classification</b>	
<b>Percent of Perimeter in Agricultural Zoning</b>	<b>Score</b>
90% or more	5
75-89%	3
50-74%	2
25-49%	1
<b>B. Current Adjacent Land Use</b>	
<b>Percent of Perimeter in Agricultural Use</b>	<b>Score</b>
90% or more	5
75-89%	3
50-74%	2
25-49%	1
<b>C. Current Adjacent Enrollment in P.A. 116 (See Appendix)</b>	
<b>Percent of Perimeter in P.A. 116</b>	<b>Score</b>
90% or more	5
75-89%	3
50-74%	2
25-49%	1
<b>D. Proximity to Sewer and Water Lines</b>	
<b>Distance</b>	<b>Score</b>
One-half mile or closer	5
Over 2 mile to one mile	2
<b>E. Scenic, Historical or Architectural Features (See Appendix)</b>	
<b>Features</b>	<b>Score</b>
Farm site provides a vista and has unique historical or architectural structures	4
Farm site has a vista or unique historical or architectural structures	2
<b>F. Natural Features</b>	

Features	Score
Stream corridors, woodlots or rare species present	4
G. Groundwater Recharge Area	
Percent of Property Serving as Groundwater Recharge	Score
50 to 100%	4
10 to 49%	2

PART V  
 TIEBREAKERS  
 MAXIMUM POINTS = 10

A. Ability to Attract Matching Funds (See Appendix)	
Funds Availability	Score
Matching funds are available	5
B. Owner Willingness to Accept Less Than Market Value (See Appendix)	
Owner Willingness	Score
Owner willing to accept below-market offer	5

Sec. 39-6: - ~~Pittsfield Natural Resources Commission~~

~~(1) A seven member Natural Resources Commission, as provided for in Chapter 8, Article V, WETLANDS, shall be appointed by the Board of Trustees. The Commission shall determine the selection of eligible lands on which development rights are offered for acquisition by their owners. Selection of eligible lands shall be made by a majority of Commission members.~~

~~(2) Membership and terms of office of the Natural Resources Commission are defined in Chapter 8, Article V, WETLANDS.~~

~~(3) The Commission may consult experts as it may desire and the Board of Trustees may appropriate funds for that purpose.~~

~~(4) No member shall vote on the selection of individual parcels in which he or she has a financial interest or on individual parcels adjacent to property in which he or she has a financial interest.~~

~~(Ord. No. 277, eff. 11-20-2008)~~

~~Sec. 39-67:—Selection~~

~~The Board of Trustees shall determine the selection of eligible lands on which development rights are offered for acquisition by their owners. Selection of eligible lands shall be made by a 2/3 majority of the Board of The Trustees. The Board of Trustees Natural Resources Commission shall conduct a voluntary property selection process (herein called the "selection round") generally as follows:~~

~~(1) In each selection round the development rights on all eligible applicant properties shall be evaluated for purchase. In all selection rounds, properties of higher priority~~

shall be purchased with available funds before properties of lower priority are purchased, provided:

a. The ~~Board of Trustees Commission~~ may negotiate for a lower price and/or seek outside funding for the purchase of development rights on any parcel offered.

b. In the interest of protecting a significant amount of agricultural land, the ~~Board of Trustees Commission~~ may determine not to buy all ~~of or~~ any of the development rights on a particular parcel if the ~~Board of Trustees Commission~~ makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights.

c. The ~~Board of Trustees Commission~~ may receive and act on appeals of any factual nature by affected property owners.

(2) The ~~Board of Trustees Commission~~ shall begin each selection round by giving notice in one newspaper of general circulation in Pittsfield Charter Township or by any manner of publication of notices authorized by statute. The notice shall describe the properties eligible for purchase in the selection round; the general procedure to be followed in the selection process (including an estimated time schedule for the steps in the process); and shall invite the owners of such properties to make application for purchase of development rights by the Township and to describe the property interest which the owner is willing to sell, including any residential development rights to be retained by the owner. Applications shall be submitted to a location to be specified by the ~~Board of Trustees Commission~~ and stamped with the date of receipt.

(3) Upon closing of the application period, the ~~Board of Trustees Commission~~ shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by tax records.

(4) For those properties which meet the requirements of Section 5, the ~~Board of Trustees Commission~~ shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.

(5) Appraisals shall be made by State certified appraisers selected by the ~~Board of Trustees Commission~~. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. The same appraiser shall conduct the before and after appraisals.

(6) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the ~~Board of Commission or Trustees or~~ by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser. If an owner of property believes it has not been adequately appraised, such owner may, within the time allowed on the selection schedule, have a review appraisal be made at the owner's expense by a State certified appraiser. The appraisal shall then be filed with the ~~Board of Trustees Commission~~. The ~~Board of Trustees Commission~~ shall use both appraisals to reach an agreement as to the appropriate value of the development rights.

(7) Terms and conditions of sale and information on the effect of the sale may be discussed by the ~~Board of Trustees Natural Resources Commission~~ with owners prior to the submission of written applications.

(8) Written applications by owners who desire to have their development rights purchased by the Township shall be submitted on forms provided by the ~~Township Commission~~. These written offers shall include any development options desired to be retained by the owners.

(9) ~~Upon receiving~~ After reviewing the ~~applications recommendations of the Natural Resources Commission~~, the Board of Trustees shall take final action on such ~~applications recommendations~~.

(10) Once selection of a property for the purchase of development rights has been completed by the Board of Trustees, the ~~Township Natural Resources Commission~~ shall draft a baseline documentation report describing, through photos, graphics, and narrative, the condition of the property at the time of the purchase and recording of the development rights easement. The baseline report shall contain a signature page for the Owner and the Supervisor to sign attesting that the report is an accurate description of the property. The actual easement shall feature a similar page for the notarized signatures of the Owner and Supervisor, and shall be recorded with the County Register of Deeds.

(11) Upon the completion of a purchase of development rights transaction, the Township Assessor will be notified of the development rights purchase.

Sec. 39-~~87~~: - Duration of Acquired Interests

~~(1) (4)~~ Development rights acquired pursuant to this chapter shall be held in trust by the Township for the benefit of its citizens in perpetuity, provided that: If the ~~Pittsfield Natural Resources Commission, or in its absence the~~ Board of Trustees, shall find that, after 25 years having passed since the acquisition of Development Rights on a property, farmland and open space land described in this chapter can no longer reasonably be used for "agricultural use" or has lost its "open space character" as to any interest in land acquired, by virtue of a stringent procedure that shall be developed by the ~~Township Natural Resources Commission~~, those development rights may be returned to the owner, subject to conditions set forth in Subsection (2). The owner shall pay the fair market value of those rights at the time of their return, as determined by a State certified appraiser. Proceeds of such disposition shall only be used for the acquisition of interests in "eligible lands" as provided in this chapter. A "before and after" appraisal shall be made to determine the value of development rights, and ~~the Natural Resources Commission, or~~ the Board of Trustees ~~in its absence,~~ shall not sell the development rights for an amount less than the appraised value of the development rights as follows:-;

a. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any retained development rights.

b. Appraisals of the fair market value of full ownership or of a property interest other than development rights shall be made by State certified appraisers

selected by the ~~Township Commission, or the Board of Trustees in its absence, on a bid basis.~~

c. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands.

~~a.d. In the event that the low bidder has a conflict of interest associated with a potential easement, the second low bidder will conduct that appraisal. In any event, the same appraiser shall conduct the before and after appraisals. Upon receiving the recommendations of the Natural Resources Commission, t~~The Board of Trustees shall take final action on such ~~appraisals recommendations.~~

(2) If the ~~Board of Trustees Natural Resources Commission~~ approves a request that farmland and open space land described in this chapter can no longer reasonably be used for "agricultural use" or has lost its "open space character," the Township shall have a right of first refusal to purchase the remaining rights at the fair market value of the agricultural rights plus any retained development rights, as determined by a State certified appraiser, for the purposes of a Township park or other publicly-accessible property. ~~Upon receiving the recommendations of the Natural Resources Commission, the Board of Trustees shall take final action on such recommendations.~~ Acquisition of lands for public purposes shall be made with funds designated for such purchases and not with funds authorized for development rights acquisition pursuant to this chapter.

(3) The Township may convey development rights acquired pursuant to this chapter to a conservation, open space preservation, historic preservation or similar organization under terms ensuring that the public benefits for which the Township purchased the development rights will be maintained.

Sec. 39-~~98~~: - Related Costs

The costs of appraisal, engineering, surveying, planning, and financial, legal and other services lawfully incurred incident to the acquisition of interests in eligible lands by the Township shall be paid by the Township. The Township shall not be responsible for expenses incurred by the owner incident to this transaction.

Sec. 39-~~109~~: - Supplemental Funds

Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring development rights, or some lesser interest in eligible lands or to supplement or enlarge such acquisition. The ~~Board of Trustees Natural Resources Commission~~ is hereby authorized to utilize such funds to purchase interests in eligible lands or to otherwise supplement Township funds in the manner provided by this chapter and in accordance with the applicable laws or terms governing such grant.

Sec. 39-~~110~~: - Purpose

The Board of Trustees finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in eligible lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such purposes will promote the public health, safety and general welfare of the people of Pittsfield Charter Township.

Sec. 39-~~1211~~: - Development Rights Acquisition Fund

The revenues for purchasing development rights on farmland and open space land shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Pittsfield Charter Township (here and after "Acquisition Fund"). Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.

The revenues and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this chapter.

### APPENDIX

#### PART I CHARACTERISTICS OF THE FARMLAND

**Type of Agricultural Land.** In 1981, the Washtenaw County Metropolitan Planning Commission developed a system of ranking agricultural land. The delineation utilized both physical and cultural factors to avoid having good soil characteristics become the sole criterion for determining the distribution of prime agricultural lands. In the study of Washtenaw County agriculture, land within the townships but outside the year 2000 sanitary sewer service area was divided into quarter sections (160 acres). This was deemed most appropriate for a study at a county-wide scale. Public lands and other major areas committed to present use (e.g., the Chrysler Proving Grounds) were deleted from consideration of potential agricultural land.

Three categories of agricultural lands were utilized: essential, secondary and reserve. Six factors were used to select these agricultural lands. Three physical factors are related to soil characteristics and were derived from the Natural Resources Conservation Service (NRCS) Soil Survey of Washtenaw County. The remaining three factors have a cultural origin, which can change rapidly.

The three physical criteria included soils capable of producing 100 bushels of corn or more per acre where farmers practice good management techniques, soils with a Class II agricultural capability as determined by the NRCS and prime agricultural areas depicted on the 1980 NRCS map of Washtenaw County.

The three cultural criteria included existing farms that are well operated and viable as determined by personnel of the Michigan State University Extension Service and later supplemented by input from the county Agricultural Lands Committee, parcels of land that exceed 80 acres in size and farmlands whose owners have applied to enroll in the Michigan Farmland and Open Space Preservation Act program (P.A. 116).

*Essential Agricultural Lands* include all those with one of three physical criteria and which contain an existing farm that is well operated and viable.

*Secondary Agricultural Lands* also must contain one of the three physical criteria or contain a well-operated farm plus have parcels of 80 acres or more or be enrolled in P.A. 116.

*Reserve Agricultural Lands* must also contain one of the three physical criteria or contain a well-operated farm.

Where more than 50 percent of a quarter section could be designated under one of these three agricultural land divisions, the entire 160 acres was given a particular classification.

Before the final map was completed, quarter sections that were designated in one of the three categories, but in which more than 50 percent of the land was in parcels smaller than 10 acres, were deleted. This comprised only a few cases, but the decision was based on the premise that viability of farms is limited where land ownership is highly fragmented

While certainly much has changed in the 20 years since this process was completed, it still serves as a basis for making determinations on targets for agricultural land preservation today.

Qualification for a particular type of agricultural land will be determined by having a majority of the parcel offered for development rights purchase in that designation.

**Size of Parcel.** According to the 1997 U.S. Census of Agriculture, the average size of all farms in Washtenaw County was 175 acres.

**Protected Land.** Protected land is defined as that which is permanently protected through private or public means. Types of protected land include nature preserves, public park and recreation lands, lands restricted by conservation easement recorded by land trusts and conservancies, and other lands with development rights secured through purchase or donation.

## **PART II STEWARDSHIP OF THE LAND**

**Conservation Plans.** In the absence of NRCS plans, the [TownshipPittsfield Natural Resources Commission](#) will determine the extent of conservation practices by consulting with experts in the field and other appropriate means.

**Enrollment in P.A. 116.** Michigan's Farmland and Open Space Preservation Act (P.A. 116 of 1974) enables a landowner to enter into a development rights agreement (for farmland) or a development rights easement (for open space) with the state. These agreements and easements are designed to ensure that the land remains in a particular use or uses for an agreed upon period. In return for maintaining the land in a particular use, the landowner is entitled to certain income or property tax benefits.

**Succession Plans.** Refers to whether the primary ownership of the property is scheduled to change hands.

## **PART III CONVERSION TO NONFARM USE**

**Percentage of Farm Containing Steep Slopes.** Steep slopes are defined as those of greater than 12 percent.

## **PART IV LONG RANGE PLANNING CONSIDERATIONS**

**Scenic, Historical or Architectural Features.**

a) Vista: a broadly sweeping view including a variety of vegetation types (woodland, farm fields) combined with topographical variations. This view is visible from a major highway and/or rural road.

b) Historical or Architectural: pre-Civil War houses and round barns are examples of this category.

## **PART V TIEBREAKERS**

**Matching Funds.** Matching funds are defined as other financial contributions from private or public sources that could be applied to a property's application and result in a lower local cost for development rights purchase.

**Market Value.** Refers to an owner's willingness to accept an offer for development rights at a dollar amount lower than the full market value.  
(Ord. No. 252, eff. 5-29-2002)

**[Sec. 39.12 Severability.](#)**

[The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court with competent jurisdiction, it shall not affect any other portion of the Ordinance, except that part or portion affected by the court's decision.](#)

**[Sec. 39.13 Repealer.](#)**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

**Section 39.14: Publication and Effective Date**

This Ordinance shall be published in the manner as required by law. This ordinance shall take effect ~~the day~~30 (thirty days) after the first publication of the ordinance (MCL 41.184).

**Secs. 39.15 – 39.50. – Reserved**

This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2011, and was ordered given publication in the manner required by law.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011

First Reading: \_\_\_\_\_ November 9, 2011

Posting of Notice: \_\_\_\_\_ October 6, 2011

Publication of Notice: \_\_\_\_\_ October 13, 2011

Publication with revised dates: October 27, 2011

Posting of Revised Notice: November 4, 2011

Adoption: \_\_\_\_\_

Ordinance Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## CLERK'S CERTIFICATE

I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 297, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on \_\_\_\_\_, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held | \_\_\_\_\_, November 9, 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member \_\_\_\_\_ moved for adoption of said Ordinance, and that Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance \_\_\_\_\_, and that the following Members voted against

adoption of said Ordinance \_\_\_\_\_, and that the following Members were absent or abstained from voting on the adoption of said Ordinance \_\_\_\_\_.

I further certify that after its passage the Ordinance was published on \_\_\_\_\_, 2011, in accordance with P.A. 359 of 1947, as amended, by \_\_\_\_\_.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011

Effective Date: \_\_\_\_\_, 2011

**CHARTER TOWNSHIP OF PITTSFIELD  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE No. 298  
REVISIONS TO PROHIBITED VEGETATION  
NATURAL LAWN ORDINANCE**

**SECOND READING**

**AN ORDINANCE TO AMEND THE TOWNSHIP CODE TO UPDATE ARTICLE II OF CHAPTER 38, VEGETATION, OF THE PITTSFIELD CHARTER TOWNSHIP CODE LIMITING GRASS, WEEDS OR UNDERGROWTH TO EIGHT INCHES AND ADDING ARTICLE IV, NATURAL LAWN DEFINITIONS, PERMIT REQUIRED, APPLICATION PROCESS, RESTRICTIONS, AND PENALTIES.**

THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

That Article II of Chapter 38, Sections 38-31 through 38-50, is amended, and Article IV of Chapter 38, Sections 38-51 through 38-64, of the Pittsfield Charter Township Code is added to read as follows:

**ARTICLE II. PROHIBITED VEGETATION**

**Sec. 38-31. Responsibility**

No landowner shall permit property to remain in a condition that violates this article.

(A.) It shall be the duty of any person(s) having supervision, control, or ownership of any lot, tract, or parcel of land, or any portion thereof, upon which weeds, as defined in this Article are growing:

- 1) Within platted subdivisions in which buildings have been erected upon 60 percent or more of the lots thereof, or
- 2) On parcels of land along paved streets in common usage within the township, to a depth of 165 feet beginning at the road right of way, or the depth of the ownership,

whichever is the lesser to destroy said weeds before they reach a seed bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.

(B.) Nothing in this Article shall apply to weeds growing in fields devoted to growing agricultural crops.

**Sec. 38-32. Weeds and Prohibited Invasive Plants**

For the purpose of this Article, weeds shall include , all species on the Weeds and Invasive Plants list as adopted by the township board.

**Sec. 38-33. Vegetation Height**

Grass, weeds, prohibited invasive plants or undergrowth shall not be permitted to grow to a height greater than eight (8) inches.

**Sec. 38-34. Definitions**

*Cultivation* means to foster the growth of plants through labor and care.

*Cultivated Meadow* means an area of land covered or cultivated with grasses, usually intended to be mown for hay.

*Cultivated tree* means a tree that has a practical or significant use in agriculture or horticulture and whose unique characteristics are reproduced during propagation.

*Cultivated shrub* means a several-stemmed woody plant of garden origin that has a practical or significant use in agriculture or horticulture and whose unique characteristics are reproduced during propagation.

**Sec. 38-35. Exceptions**

The vegetation height limits of Section 38-33 shall not apply to:

- a) Agricultural crops
- b) Cultivated trees
- c) Cultivated shrubs
- d) Flowers or other decorative ornamental plants under cultivation
- e) Wildflowers
- f) Vegetation in woodlands or wetlands
- g) Cultivated Meadows
- h) Meadows in agricultural zones
  - (1) On portions of undeveloped property behind a wooded tree line.
  - (2) On portions of unsubdivided lands more than twenty-five (25) feet from a public sidewalk or a street open to the public.
  - (3) On portions of undeveloped lots in a subdivision less than sixty (60) percent developed lying more than twenty-five (25) feet from a public sidewalk or public street.

**Sec. 38-36. Obstructions**

Any bush, shrub, tree or other vegetation or portion thereof obstructing the line of vision or interfering with passage of pedestrians or motorists on a sidewalk, walkway, driveway or street is prohibited.

**Sec. 38-37. Enforcement**

(A.) In the event that a property covered by the provisions of this Article is not mowed, the Township Municipal Services Department shall send a notice by first class mail to the owner of record of said property, and to the occupant, if not the owner, advising them of the requirements of this Article and providing fifteen (15) days to comply with its provisions. One notice per parcel per season shall be deemed adequate notice for the entire mowing season.

(B.) All properties not in compliance with this Article after the 15 day period provided in Section A, above, shall be mowed by or at the direction of the Township and charges billed to the owner of record. Any additional work required to mow the property such as litter removal or trimming will also be charged as provided. The mowing charges, any additional work, and an administration fee shall be assessed as determined by a fee schedule adopted by the Township Board of Trustees.

(C.) Upon determination by the Township that the condition of a property is a violation of this Article and presents a potential threat to the public health, safety or welfare, the Township may waive the fifteen (15) day notification period required in Section A, above, and cause the violation to be immediately corrected with all costs assessed against the property and billed to the owner of record.

(D.) All charges which remain unpaid as of October 1, of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.

**Sec 38-38 – 38-50. Reserved**

**ARTICLE IV. NATURAL LAWNS**

**Sec. 38-51. - Definitions**

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

*Annual Maintenance Plan* means a written plan delineating the maintenance that is required throughout the year of a Natural Lawn which has been approved by permit.

*Natural lawn* means common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Article 38-32.

*Natural Lawn Management Plan* means a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetation types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.

**Sec. 38-52. - Growth height of natural lawn restricted**

The growth of a natural lawn in excess of eight inches in height from the ground surface

shall be prohibited within the Township unless a Natural Lawn Management Plan is approved and a permit is issued by the Township as set forth in this division. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

**Sec. 38-53. - Permit required; application process**

- (a) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Utilities and Municipal Services Department. The completed application shall include a detailed site plan, Natural Lawn Management Plan and Annual Maintenance Plan.
- (b) Upon submitting a completed application, a filing fee in the amount established by the Township Board and maintained in the fee schedule available in the office of the Utilities and Municipal Services Department will be assessed by the Township.

**Sec. 38-54. - Natural lawn plan required**

Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Township. The term "property owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Township records. Applicants must also submit an annual Maintenance Plan as part of the application process.

**Sec. 38-55. - Restrictions on development of natural lawns**

- (a) Applicants are strictly prohibited from developing a natural lawn on any road rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership.
- (b) Natural lawns shall not be permitted within ten feet of any adjacent lot or parcel.

**Sec. 38-56. – Right of appeal of denial of natural lawn permit**

The property owner may appeal the Utilities and Municipal Services Director's decision to deny the Natural Lawn Management Plan Permit by submitting a written statement of appeal to the Utilities and Municipal Services Director. All applications for appeal shall be submitted within 21 calendar days of the notice of denial of the Natural Lawn Management Plan. The request for appeal will be placed on the agenda of a regular or special meeting of the board of trustees. The township board, by a majority vote of those voting, shall determine by a preponderance of the evidence whether the facts warrant the reversal of the denial of the natural lawn permit. The decision rendered by the Township Board shall be final and binding.

**Sec. 38-57. - Safety precautions for natural grass areas**

When, in the opinion of the ordinance enforcement officer or his designee, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the code enforcement officer shall consult with the Director of the Department of Public Safety or his designee and may order the cutting of natural lawns to a safe condition. As a condition of

receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within three days of receiving written direction from the ordinance enforcement officer.

**Sec. 38-58. - Burning of natural lawns restricted**

- (a) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Director of the Department of Public Safety or his designee shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Director of the Department of Public Safety or his designee.

**Sec. 38-59. - Revocation of permit**

- (a) The Supervisor, upon the recommendation of the Utilities and Municipal Services Director, or his designee, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn, fails to comply with the provisions of this article, or fails to follow the annual approved Maintenance Plan or Natural Lawn Management Plan Permit.
- (b) Revocation of an approved Natural Lawn Management Plan Permit shall be appealable to the Township Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written notice of intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revocation of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) -calendar-day requirement will be placed on the agenda of a regular or special meeting of the board of trustees and be reviewed by the Township Board. The township board, by a majority vote of those voting, shall determine by a preponderance of the evidence whether the facts warrant the reversal of the denial of the Natural Lawn Management Plan Permit appeal will become due. The decision rendered by the Township Board shall be final and binding.

**Sec. 38-60. - Natural lawn as public nuisance; abatement**

- (a) The growth of a natural lawn in violation of this Ordinance/Article shall be considered a public nuisance. Violators shall be served with a notice of public nuisance by first class mail to the last known mailing address of the property owner.
- (b) If the person so served with a notice of public nuisance violation does not abate the nuisance within fifteen (15) days, the Utilities and Municipal Services Director or his designee may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner.
- (c) Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises by first class mail and shall be payable within 30 calendar days from receipt thereof. Within 30 days after such costs and expenses are incurred

and remain unpaid, the unpaid costs and expenses shall become a lien against the subject property and may be added to the tax rolls for the property.

- (d) A natural lawn area shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation. If any approved Natural Lawn is deleterious to health, safety or public welfare and is a common nuisance, the township reserves the right to revoke approval. The Township may waive the fifteen (15) days notification period required in Section b, above, and cause the violation to be immediately corrected with all costs assessed against the property and billed to the owner of record.

### **Sec. 38-61. – Penalties**

- (a) All properties not in compliance with this Ordinance after the 15 day period provided in Section 38-60 (b), above, may be mowed by the Township and charges billed to the owner of record in accordance with a fee schedule adopted by the township board. Any additional work required to mow the property such as litter removal or trimming will also be charged as provided. The mowing charges, any additional work, and an administration fee shall be assessed as determined by a fee schedule adopted by the township board.
- (b) Upon determination by the Township that the condition of a property is a violation of this Ordinance and presents a potential threat to the public health, safety or welfare, the Township may waive the fifteen (15) day notification period required in Section A, above, and cause the violation to be immediately corrected with all costs assessed against the property and billed to the owner of record.
- (c) All charges which remain unpaid as of October 1, of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.

### **Sec. 38-62. - Repealer**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

### **Sec. 38-63. – Savings Clause**

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

### **Sec. 38-64. – Adoption and Effective Date**

This Ordinance shall be published in the manner required by law. Except as otherwise provided by law, this Ordinance shall be effective 30 days after first publication of the Ordinance.

Secs. 38-64 – 38-100 Reserved

This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and was ordered given publication in the manner required by law.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011

Dated: \_\_\_\_\_, 2011

First Reading: November 9, 2011

First Reading Posting October 6, 2011

First Reading Publication of Notice: October 13, 2011

Publication with Revised Dates: November 10, 2011

Adoption: \_\_\_\_\_

Ordinance Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## CLERK'S CERTIFICATE

I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 298, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on \_\_\_\_\_, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held \_\_\_\_\_, 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member \_\_\_\_\_ moved for adoption of said Ordinance, and that Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance \_\_\_\_\_, and that the following Members voted against adoption of said Ordinance \_\_\_\_\_, and that the following Members were absent or abstained from voting on the adoption of said Ordinance \_\_\_\_\_.

I further certify that after its passage the Ordinance was published on \_\_\_\_\_, 2011, in accordance with P.A. 359 of 1947, as amended, by \_\_\_\_\_

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011      Dated: \_\_\_\_\_, 2011

Effective Date: \_\_\_\_\_, 2011

**CHARTER TOWNSHIP OF PITTSFIELD  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE No. 299  
CHAPTER 5, HISTORIC DISTRICTS  
HISTORIC DISTRICT ORDINANCE**

**SECOND READING**

**AN ORDINANCE CREATING HISTORIC DISTRICT BOUNDARIES AND  
ESTABLISHING HISTORIC DISTRICT COMMISSION PROCEDURES,  
MAINTENANCE, DESIGN REVIEW, APPLICATION PROCESSES, APPEALS,  
DEMOLITION, PENALTIES, AND PUBLIC ACQUISITION OF RESOURCES  
WITHIN PITTSFIELD CHARTER TOWNSHIP,  
WASHTENAW COUNTY, MICHIGAN.**

THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN,  
HEREBY ORDAINS:

That Article 1 Sections 1-101 – 1-150 and Article 2, Sections 2-201 – 2-254 of Chapter 5 of the  
Pittsfield Charter Township Code be created to read as follows:

**Article I. - Historic District**

**Section 1-101. SHORT TITLE**

This Ordinance shall be known as the "Historic District Ordinance of Pittsfield Charter  
Township", *(created under the Local Historic Districts Act P.A. 169 of 1970)*

**Section 1-102. DEFINITIONS**

1. **"Alteration"** means work that changes the detail of a resource but does not change its basic size or shape.
2. **"Certificate of Appropriateness"** means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
3. **"Commission"** means the Historic District Commission of Pittsfield Charter Township.
4. **"Demolition"** means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
5. **"Demolition by Neglect"** means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
6. **"Denial"** means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
7. **"Fire Alarm System"** means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.

8. **"Historic District"** means an area, or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
9. **"Historic Preservation"** means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture of this state or a community within this state, or of the United States.
10. **"Historic Resource"** means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of Pittsfield Charter Township, state of Michigan, or the United States.
11. **"Notice to Proceed"** means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.
12. **"Open Space"** means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or buffer between other resources.
13. **"Ordinary Maintenance"** means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this Ordinance.
14. **"Proposed Historic District"** means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
15. **"Repair"** means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this Ordinance.
16. **"Resource"** means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.
17. **"Work"** means construction, addition, alteration, repair, moving, excavation, or demolition.

### **Section 1-103. STATEMENT OF PURPOSE**

Historic preservation is declared to be a public purpose. The purpose of this Ordinance is to do one (1) or more of the following:

1. Safeguard the heritage of Pittsfield Charter Township by preserving historic districts that reflect elements of its history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and surrounding areas.
3. Foster civic beauty.
4. Strengthen the local economy.
5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of Pittsfield Charter Township and of the State of Michigan.

### **Section 1-104. ESTABLISHING, MODIFYING, OR ELIMINATING HISTORIC DISTRICTS**

At any time, the Pittsfield Charter Township Board of Trustees may by ordinance establish additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. The procedure for such action will be governed by Section 399.203 (1-3) and Section 399.214 of Public Act 169 of 1970, as amended.

### **Section 1-105. THE HISTORIC DISTRICT COMMISSION**

1. The Pittsfield Charter Township Historic District Commission is hereby established. The commission shall consist of seven (7) members appointed by the Pittsfield Charter Township Board of Trustees. Each member of the commission shall reside within Pittsfield Charter Township. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Two (2) members shall be appointed from a list submitted by one or more duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be a graduate of an accredited school of architecture who has two years of architectural experience or who is duly registered in the State of Michigan.
2. Terms shall be three (3) years, except the initial appointments of some members shall be for less than 3 years so that the initial appointments are staggered. Members shall be eligible for reappointment.
3. A commission member may be removed by the Board of Trustees due to acts or omissions of that member on findings by the Board of Trustees that the acts or omissions are inconsistent with or harmful to the spirit of the ordinance or to the interests of the Township.
4. Vacancies on the commission shall be filled by the Board of Trustees within sixty (60) days to complete the unexpired term.

### **Section 1-106. HISTORIC DISTRICT COMMISSION MEETINGS, RECORDKEEPING & RULES OF PROCEDURE**

1. The Historic District Commission shall meet at least quarterly or more frequently at the call of the commission.

2. All meetings of the commission will be open to the public. All meetings and notices of the meetings will conform to the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the commission.
3. The commission shall keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used in the possession or, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1967 PA 442 of 1976, MCL 15.231 to 15.246.
4. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this ordinance.

### **Section 1-107. DELEGATION OF MINOR CLASSES OF WORK**

The commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to its staff, to the inspector of buildings, or to another delegated authority. The commission shall provide to the delegated authority specific written standards for issuing Certificates of Appropriateness under this subsection. On at least a quarterly basis, the commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not he delegated responsibilities should be continued.

### **Section 1-108. ORDINARY MAINTENANCE**

Ordinary maintenance or repair of a resource within a historic district is allowed. Work on any resource under a permit issued by the inspector of buildings or other delegated authority before the Ordinance was effective may continue.

### **Section 1-109. REVIEW BY THE COMMISSION**

The commission shall review and act upon exterior features of a resource only. Except for noting compliance with the requirement to install a fire alarm system or a smoke alarm, the commission shall not review or act on interior work unless the Board of Trustees has specifically authorized the commission to do so or unless the interior work will cause visible change to the exterior of the resource. The commission will only consider the conditions in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

### **Section 1-110. DESIGN REVIEW STANDARDS AND GUIDELINES**

1. When reviewing plans, the commission shall follow the United States secretary of interior's standards for rehabilitation and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. The commission may use other standards and guidelines that address special design characteristics of historic districts administered by the commission if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the State Historic Preservation Office of the Michigan State Housing Development Authority.

2. In reviewing plans, the commission shall also consider all of the following:
  - A. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
  - B. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
  - C. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
  - D. Other factors, such as aesthetic value, that the commission finds relevant.
  - E. Whether the applicant has certified in the application that the subject property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, MCL 125.1501 to 125.1531.

### **Section 1-111. PERMIT APPLICATIONS**

1. A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings. When the inspector receives a complete application, he shall immediately refer the complete application, along with all required supporting materials to the commission. A permit shall not be issued and proposed work shall not proceed until the commission has issued a Certificate of Appropriateness or a Notice to Proceed as prescribed in this Ordinance.
2. A Certificate of Appropriateness shall not be issued unless the applicant has certified in the application that the subject property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, MCL 125.1501 to 125.1531.
3. The commission shall file Certificates of Appropriateness, Notices to Proceed, and Denials of applications for permits with the inspector of buildings or other delegated authority.
4. If the proposed work will adversely affect the exterior of a resource the commission considers valuable to Pittsfield Charter Township and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the township, state, or nation, the commission shall attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.
5. The failure of the commission to act within (60) calendar days after the date a complete application is filed with the commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

6. The commission may charge a reasonable fee to process a permit application.

### **Section 1-112. DENIALS**

If a permit application is denied, the decision shall be binding on the inspector or other authority. A Denial shall be accompanied with a written explanation by the commission stating the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when suggested changes have been made. The Denial shall also include notification of the applicant's rights of appeal to the State Historic Preservation Review Board and to the circuit court.

### **Section 1-113. NOTICE TO PROCEED**

Work within a historic district shall be permitted by issuing a Notice to Proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

- A. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- B. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- C. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- D. Retaining the resource is not in the interest of the majority of the community.

### **Section 1-114. APPEAL OF A COMMISSION DECISION**

1. An applicant aggrieved by a decision of the commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the county circuit court.
2. Any citizen or duly organized historic preservation organization in Pittsfield Charter Township, as well as resource property owners, jointly or severally aggrieved by a decision of the Historic District Commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this

Ordinance may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

### **Section 1-115. WORK WITHOUT A PERMIT**

When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a Certificate of Appropriateness, the commission may require an owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission or its agents may enter the property and conduct work necessary to comply with the court's order. The costs of the work shall be charged to the owner, and may be levied by Pittsfield Charter Township as a special assessment against the property. When acting under an order of the circuit court, the commission or its agents may enter a property for purposes of this section.

### **Section 1-116. DEMOLITION BY NEGLIGENCE**

Upon a finding by the commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with Demolition by Neglect, the commission may do either of the following:

1. Require the owner of the resource to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner, and may be levied by Pittsfield Charter Township as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

### **Section 1-117. REVIEW OF WORK IN PROPOSED DISTRICTS**

If the Board of Trustees receives substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, it may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the commission as prescribed in Section 1-112 of the Ordinance. The commission shall review permit applications with the same powers that would apply if the proposed historic district was an established district. The review may continue in the proposed historic district for not more than one (1) year, or until such time as the Board of Trustees approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

### **Section 1-118. EMERGENCY MORATORIUM**

If the Board of Trustees determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the Board of Trustees may by resolution declare an emergency moratorium on all such work for a period not to exceed six (6) months. The Board of Trustees may extend the emergency moratorium for an additional period not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

### **Section 1-119. PENALTIES FOR VIOLATIONS**

A violation of this ordinance is a municipal civil infraction and subject to payment of a civil fine as set forth in Chapter 2, Article VI of the Pittsfield Charter Township Code of Ordinances.

### **Section 1-120. ACCEPTANCE OF GIFTS OR GRANTS**

The Board of Trustees may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The Board of Trustees may make the Historic District Commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

### **Section 1-121. ACQUISITION OF HISTORIC RESOURCES**

If all efforts by the commission to preserve a resource fail, or if it is determined by the Board of Trustees that public ownership is most suitable, the Board of Trustees, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition will be based on the recommendation of the Historic District Commission. The Historic District Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the Board of Trustees. Upon recommendation of the Historic District Commission, the Township may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

### **Section 1-122 – 150. RESERVED**

## **ARTICLE 2. - DESIGNATED DISTRICTS**

### **Section 2-201. SUTHERLAND-WILSON HISTORIC DISTRICT BOUNDARY**

The following area within Pittsfield Charter Township is hereby designated a historic district and shall be subject to the terms, conditions and requirements of the Historic District Ordinance.

The property commonly known as the Sutherland-Wilson Farm, 797 Texile Road, Ann Arbor, Michigan, 48108, and more precisely described as:

Commencing from the Northeast 1/4 corner of said Section 29, thence S 88 degrees 22' 18" W 508.21 feet to the point of beginning; thence S 01 degree 37'42" E 415.32 feet; thence N 88 degrees 22' 18" E 125.00 feet, S 01 degree 37'42" E 151.33 feet; thence S 88 degrees 22' 18" W 483.42 feet; thence N 05 degrees 47' 58" E 571.44 feet; thence N 88 degrees 22' 18" E 284.55 feet to the point of beginning, containing 4.616 acres more or less, comprising the following amenities:

- House
- Wood Shed
- Pump House
- Ice House
- Carriage House
- Hog House
- Barn
- Landscaping Elements
  - Trees in the front yard
  - Lilac bushes

**Section 2-202 – 250. RESERVED**

**Section 2-251. SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court with competent jurisdiction, it shall not affect any portion of the Ordinance except that part or portion affected by the court's decision.

**Section 2-252. REPEALER**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 2-253. SAVINGS CLAUSE**

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

**SECTION 2-254. ADOPTION AND EFFECTIVE DATE**

This Ordinance shall be published in the manner as required by law. Except as otherwise provide by law, this Ordinance shall be effective on the day after final publication.

This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2011, and was ordered given publication in the manner required by law.

---

Alan Israel

Mandy Grewal

Charter Township of Pittsfield Clerk

Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_  
\_\_\_\_\_

Dated:

First Reading: November 9, 2011

Posting/Publication Notice: November 4, 2011

Publication of Notice: November 10, 2011

Adoption: \_\_\_\_\_

Ordinance Posted: \_\_\_\_\_

Ordinance Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## CLERK'S CERTIFICATE

I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 299, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on \_\_\_\_\_, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held \_\_\_\_\_, 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member \_\_\_\_\_ moved for adoption of said Ordinance, and that Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance \_\_\_\_\_, and that the following Members voted against

adoption of said Ordinance \_\_\_\_\_, and that the following Members were absent or abstained from voting on the adoption of said Ordinance \_\_\_\_\_.

I further certify that after its passage the Ordinance was published on \_\_\_\_\_, 2011, in accordance with P.A. 359 of 1947, as amended, by \_\_\_\_\_.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk  
Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor  
Dated: \_\_\_\_\_, 2011

Effective Date: \_\_\_\_\_, 2011

**PITTSFIELD CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
RES #11-65  
RESOLUTION TO AMEND THE 2011  
BUILDING SAFETY DEPARTMENT FUND BUDGET AND THE REFUSE FUND BUDGET  
December 14, 2011**

At a Regular Meeting of the Township Board for Pittsfield Charter Township, Washtenaw County, Michigan, held at the Pittsfield Township Administration Building, located at 6201 W. Michigan Avenue, in said Township on Wednesday the 14th day of December, 2011 at 6:30 pm

Members Present: Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.  
Members Absent: Hunt.

The following preamble and resolution were offered by Trustee Krone and supported by Clerk Israel.

**WHEREAS**, the Uniform Budgeting and Accounting Act, Act 2 of 1968, Budget Sections as amended through Act 493 of 2000, 141.437 Section 17 (1) states that any deviation from the original general appropriations act shall not be made without amending the general appropriations act,

**WHEREAS**, the legislative body of the local unit shall amend the general appropriations act as soon as it becomes apparent that a deviation from the original general appropriations act is necessary and the amount of the deviation can be determined,

**WHEREAS**, an amendment shall indicate each intended alteration in the purpose of each appropriation item affected by the amendment,

**WHEREAS**, if during a fiscal year it appears that the actual and probable revenues from taxes and other sources in a fund are less than estimated revenues, amendments to the revenue appropriations shall be recommended to meet sufficient balance in the general appropriations act,

**NOW THEREFORE BE IT RESOLVED**, by the Board of Trustees for Pittsfield Charter Township, the following amendments to the 2011 Building Safety Department Fund and the Refuse Fund Budget.

1. Increase Building Permit Revenue line item 249-000-476 in the amount of \$13,800 and Increase Fringe Benefits line item 249-000-719 in the amount of \$13,800.
2. Increase Billings Transfer Revenue line item 596-000-628 in the amount of \$25,000 and Increase Misc.-Cleanup Expenses line item 596-955.001 in the amount of \$25,000.

**ROLL CALL VOTE:**

**AYES:** Grewal, Israel, Scribner, Brown-Harrison, Krone, Yi.

**NAYS:** None.

**ABSENT:** Hunt.

**ABSTAIN:** None.

***RESOLUTION DECLARED ADOPTED.***

---

Alan Israel, Clerk  
Pittsfield Charter Township

DATED: December 15, 2011

**CERTIFICATE**

**I, Alan Israel, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Pittsfield Charter Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on December 14, 2011 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.**

---

Alan Israel, Clerk  
Pittsfield Charter Township

DATED: December 15, 2011