

**CHARTER TOWNSHIP OF PITTSFIELD  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE No. 299  
CHAPTER 5, HISTORIC DISTRICTS  
HISTORIC DISTRICT ORDINANCE**

**FIRST 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.

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- 41 9. "Historic Preservation" means the identification, evaluation, establishment, and  
42 protection of resources significant in history, architecture, archaeology,  
43 engineering, or culture of this state or a community within this state, or of the  
44 United States.
- 45 10. "Historic Resource" means a publicly or privately owned building, structure,  
46 site, object, feature or open space that is significant in the history, architecture,  
47 archaeology, engineering, or culture of Pittsfield Charter Township, state of  
48 Michigan, or the United States.
- 49 11. "Notice to Proceed" means the written permission to issue a permit for work that  
50 is inappropriate and that adversely affects a resource, pursuant to a finding under  
51 Section 399.205(6) of Public Act 169 of 1970, as amended.
- 52 12. "Open Space" means undeveloped land, a naturally landscaped area, or a formal  
53 or man-made landscaped area that provides a connective link or buffer between  
54 other resources.
- 55 13. "Ordinary Maintenance" means keeping a resource unimpaired and in good  
56 condition through ongoing minor intervention, undertaken from time to time, in  
57 its exterior condition. Ordinary maintenance does not change the external  
58 appearance of the resource except through the elimination of the usual and  
59 expected effects of weathering. Ordinary maintenance does not constitute work  
60 for the purposes of this Ordinance.
- 61 14. "Proposed Historic District" means an area, or group of areas not necessarily  
62 having contiguous boundaries, that has delineated boundaries and that is under  
63 review by a committee or a standing committee for the purpose of making a  
64 recommendation as to whether it should be established as a historic district or  
65 added to an established historic district.
- 66 15. "Repair" means to restore a decayed or damaged resource to good or sound  
67 condition by any process. A repair that changes the external appearance of a  
68 resource constitutes work for the purposes of this Ordinance.
- 69 16. "Resource" means one or more publicly or privately owned historic or non-  
70 historic buildings, structures, sites, objects, features, or open spaces located within  
71 a historic district.
- 72 17. "Work" means construction, addition, alteration, repair, moving, excavation, or  
73 demolition.
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**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.

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**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.

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**Section 1-110. DESIGN REVIEW STANDARDS AND GUIDELINES**

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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 undertaking 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**

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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 undertaking 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.

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200 3. The commission shall file Certificates of Appropriateness, Notices to Proceed, and  
201 Denials of applications for permits with the inspector of buildings or other delegated  
202 authority.

203  
204 4. If the proposed work will adversely affect the exterior of a resource the commission  
205 considers valuable to Pittsfield Charter Township and the commission determines that the  
206 alteration or loss of that resource will adversely affect the public purpose of the township,  
207 state, or nation, the commission shall attempt to establish with the owner of the resource  
208 an economically feasible plan for the preservation of the resource.

209  
210 5. The failure of the commission to act within (60) calendar days after the date a complete  
211 application is filed with the commission, unless an extension is agreed upon in writing by  
212 the applicant and the commission, shall be considered to constitute approval.

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214 6. The commission may charge a reasonable fee to process a permit application.

215  
216 **Section 1-112. DENIALS**

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218 If a permit application is denied, the decision shall be binding on the inspector or other authority.  
219 A Denial shall be accompanied with a written explanation by the commission stating the reasons  
220 for denial and, if appropriate, a notice that an application may be resubmitted for commission  
221 review when suggested changes have been made. The Denial shall also include notification of  
222 the applicant's rights of appeal to the State Historic Preservation Review Board and to the circuit  
223 court.

224  
225 **Section 1-113. NOTICE TO PROCEED**

226  
227 Work within a historic district shall be permitted by issuing a Notice to Proceed by the  
228 commission if any of the following conditions prevail and if the proposed work can be  
229 demonstrated by a finding of the commission to be necessary to substantially improve or correct  
230 any of the following conditions:

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232 A. The resource constitutes a hazard to the safety of the public or to the structure's  
233 occupants.

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235 B. The resource is a deterrent to a major improvement program that will be of substantial  
236 benefit to the community and the applicant proposing the work has obtained all necessary  
237 planning and zoning approvals, financing, and environmental clearances.

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239 C. Retaining the resource will cause undue financial hardship to the owner when a  
240 governmental action, an act of God, or other events beyond the owner's control created  
241 the hardship, and all feasible alternatives to eliminate the financial hardship, which may

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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 NEGLECT**

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:

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284  
285 1. Require the owner of the resource to repair all conditions contributing to demolition by  
286 neglect.

287  
288 2. If the owner does not make repairs within a reasonable time, the commission or its agents  
289 may enter the property and make such repairs as necessary to prevent Demolition by  
290 Neglect. The costs of the work shall be charged to the owner, and may be levied by  
291 Pittsfield Charter Township as a special assessment against the property. The commission  
292 or its agents may enter the property for purposes of this section upon obtaining an order  
293 from the circuit court.

294  
295 **Section 1-117. REVIEW OF WORK IN PROPOSED DISTRICTS**

296  
297 If the Board of Trustees receives substantial evidence showing the presence of historic,  
298 architectural, archaeological, engineering, or cultural significance of a proposed historic district,  
299 it may, at its discretion, adopt a resolution requiring that all applications for permits within the  
300 proposed historic district be referred to the commission as prescribed in Section 1-112 of the  
301 Ordinance. The commission shall review permit applications with the same powers that would  
302 apply if the proposed historic district was an established district. The review may continue in the  
303 proposed historic district for not more than one (1) year, or until such time as the Board of  
304 Trustees approves or rejects the establishment of the historic district by ordinance, whichever  
305 occurs first.

306  
307 **Section 1-118. EMERGENCY MORATORIUM**

308  
309 If the Board of Trustees determines that pending work will cause irreparable harm to resources  
310 located within an established or proposed historic district, the Board of Trustees may by  
311 resolution declare an emergency moratorium on all such work for a period not to exceed six (6)  
312 months. The Board of Trustees may extend the emergency moratorium for an additional period  
313 not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still  
314 present. Any pending permit application concerning a resource subject to an emergency  
315 moratorium may be summarily denied.

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317 **Section 1-119. PENALTIES FOR VIOLATIONS**

318  
319 A violation of this ordinance is a municipal civil infraction and subject to payment of a civil fine  
320 as set forth in Chapter 2, Article VI of the Pittsfield Charter Township Code of Ordinances.

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322 **Section 1-120. ACCEPTANCE OF GIFTS OR GRANTS**

323  
324 The Board of Trustees may accept state or federal grants for historic preservation purposes, may  
325 participate in state and federal programs that benefit historic preservation, and may accept public

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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

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- 367       • Barn
- 368       • Landscaping Elements
- 369       Trees in the front yard
- 370       Lilac bushes
- 371

372       **Section 2-202 – 250. RESERVED**

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374       **Section 2-251. SEVERABILITY**

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376       The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence,

377       word, section, or provision is declared void or unenforceable for any reason by a court with

378       competent jurisdiction, it shall not affect any portion of the Ordinance except that part or portion

379       affected by the court's decision.

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381       **Section 2-252. REPEALER**

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

384       such conflict.

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386       **Section 2-253. SAVINGS CLAUSE**

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388       The repeal provided herein shall not abrogate or affect any offense or act committed or done, or

389       any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of

390       any right established, occurring prior to the effective date hereof.

391

392       **SECTION 2-254. ADOPTION AND EFFECTIVE DATE**

393       This Ordinance shall be published in the manner as required by law. Except as otherwise provide

394       by law, this Ordinance shall be effective on the day after final publication.

395

396       This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular

397       meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2011, and was ordered given publication in the

398       manner required by law.

399

400       \_\_\_\_\_

401       Alan Israel

\_\_\_\_\_

Mandy Grewal

402       Charter Township of Pittsfield Clerk

Charter Township of Pittsfield Supervisor

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403 Dated: \_\_\_\_\_ Dated: \_\_\_\_\_

404 First Reading: \_\_\_\_\_

405 Posting/Publication Notice: \_\_\_\_\_

406 Publication of Notice: \_\_\_\_\_

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

408 Ordinance Posted: \_\_\_\_\_

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

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

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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