

Article III
GENERAL PROVISIONS

3.00.00 SCOPE OF ORDINANCE

No land or structures shall hereafter be used, occupied, located, constructed, erected, altered or moved upon any premises other than in conformity with provisions of this Ordinance.

3.01.00 ACCESSORY BUILDINGS

Unless otherwise specified in this Ordinance, the total first floor area of all accessory buildings on a parcel of land shall not exceed four percent (4%) of the total parcel area.

3.02.00 (Reserved)

3.03.00 BUILDING RESTRICTIONS

3.03.01 A land use permit for the alteration of land or the construction, alteration or placement of structures shall be obtained from the Zoning Administrator. All applications for said permit shall be accompanied by a site plan (with dimensioned relationships identifying buildings, water services, sewage disposals, driveways, existing structures, etc.) and the non-refundable land use permit fee (unless exempted).

3.03.02 Residential, commercial, industrial or other construction, including mobile home placement may be commenced only after a building permit has been obtained in accordance with the applicable building, plumbing and/or electrical codes and/or the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CAR 3280). Further, construction shall meet all requirements of this Zoning Ordinance relating to uses, size of premises, floor area, setback, side lot and rear lot requirements, etc. as specified for the particular zoning district in which said structure is to be located.

3.03.03 No building or land use permit shall be issued for the relocation and/or placement of any used site-built or manufactured (ie. mobile or modular) structure within the Township of Buel prior to issuance of a "Certificate of Compliance". "Certificates of Compliance" shall be prepared and verified by the building official of the municipality where the structure or unit is located and be filed with the Township only after inspection of the site-built, mobile or modular structure to ensure compliance with all federal, state and local building codes and ordinances.

3.03.04 The placement, relocation, construction, reconstruction or alteration of two (2) or more separately manufactured mobile home units (ie. which were not originally designed and manufactured as integral parts of a single prefabricated unit) is prohibited.

3.03.05 No land use or building permit shall be issued for the construction, alteration or placement of structures on any premises within the Township of Buel if said premises are the site of an existing violation of any Section or Sections of the Buel Township Zoning Ordinance.

3.03.06 A residential structure shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction.

3.03.07 Residential structures (including site built, factory built and mobile homes) shall:

- A. Comply with construction and site plans and be installed pursuant to the manufacturer's setup instructions.
- B. Be supported by cement, aggregate or treated wood piers or foundation walls which are set on footings located below the frostline and shall not be back-filled until inspected and approved. The basement floor shall be finished with treated wood or concrete slab. Any space between the slab or foundation and the floor shall be completely enclosed.
- C. Be secured to the premises by an anchoring system or device compatible with those required by the applicable building code or the Michigan Mobile Home Commission standards.
- D. Have exterior walls finished with any Michigan construction code compliant surface material. All siding must be placed in the same direction, except that minor variations for styling purposes may be approved by the Zoning Administrator.
- E. Comply with all roof snow load and strength requirements imposed by the building code or the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards, and
- F. Have windows which shall meet construction and safety standards, and in particular, they shall be of the size, shape and type so as to comply with emergency exit requirements.
- G. All site-built and factory-built residential structures (including modular and mobile homes) shall not be less than fourteen (14) feet in width at any point and shall have a minimum living area of at least 960 square feet. Mobile home expansions may include only completely enclosed additions. Stick or site built additions shall not be included as part of the minimum living area square footage for Mobile Homes.
- H. The placement, use and appearance of any structure, (whether residential, commercial or industrial) in any district within the Township of Buel shall be aesthetically compatible with the other structures and uses in the district, as determined by the Zoning Administrator. Mobile home skirting and tie-downs shall be installed prior to occupancy and within 30 days of placement.
- I. No person shall occupy any residential structure as a dwelling until an occupancy permit or certificate is issued by the Building Official

3.04.00 BURIAL OF DEBRIS ON PREMISES

- 3.04.01 Trash, debris, garbage, junk, vehicles, equipment, etc., shall not be buried on premises other than those appropriately licensed and approved.
- 3.04.02 Biodegradable material generated on an owner's agricultural zoned premises may be disposed of thereon if such disposal complies with 1978 PA 41, DNR, EPA, Department of Agriculture and County Health Department Regulations.
- 3.04.03 Picked stones and rocks, and aggregate footings and foundations from previously located on the premises may be buried on agricultural zoned premises. Off-site aggregate footings and foundations may not be conveyed to premises and are prohibited.

3.05.00 CODES ADOPTED BY REFERENCE

The Michigan Construction Codes; Electrical, mechanical, plumbing and building; 1984 PA 192, 1980 PA 299; 1956 PA 217, 1929 PA 266, 1901 PA 222 and the BOCA and Public Health Codes are hereby adopted by reference.

3.06.00 DANGEROUS ANIMALS

Harboring, exhibiting, keeping, raising, selling, buying, matchfighting or otherwise maintaining a dangerous animal, whether the animal is confined or running at large, is prohibited.

3.06.01 Definition

A dangerous animal is one which constitutes a physical threat to human beings or animals, or has a disposition or propensity to attack or bite persons or animals without provocation, or which is wild by nature and a species which, due to size, vicious nature or other characteristics, constitutes a danger to human life, safety physical well-being or property, or any animal which has been known to attack a human being or other domestic animals without provocation one or more times. The term shall not include livestock or fowl routinely maintained in Sanilac County for purposes of animal husbandry.

3.06.02 Dealing with Dangerous Animals

- A) When the animal control officer determines that an animal is dangerous, the officer shall notify the property owner to immediately and securely confine said dangerous animal indoors in a securely enclosed and locked pen. The officer shall then direct the removal of the dangerous animal from the township within 15 days. If the property owner fails to comply, or if the property owner is not available and the officer determines that the animal is endangering the well being of others, said animal may be removed from the property by the animal control officer and impounded.
- B) Where a dangerous animal has caused serious physical harm or death to any person or animal, or has escaped and is at-large, or poses a threat to any person or animal, the animal control officer shall cause said animal to be immediately seized and impounded, or killed if seizure and impoundment are not possible without risk of physical harm or death to any person.

3.06.03 Disposition of Dangerous Animals at Large

Any dangerous or vicious animal found running at large in the Township, which, because of its disposition or diseased condition is too hazardous to apprehend, may be destroyed when so ordered by the County Animal Control Officer. In all emergency, if the animal control officer can not be contacted in time to avoid danger to any person, any police officer may destroy such animal without first contacting the Animal Control Officer.

3.07.00 GRADING AND DRAINAGE

No premises shall be so filled or graded as to discharge surface water run-off onto abutting or neighboring property in such a manner as to cause flooding, ponding or surface accumulation of such run-off or to cause erosion on the abutting or neighboring property.

3.08.00 HOME OCCUPATIONS

3.08.01 Definition (see Article II) Examples:

Home occupations generally include crafts and services such as dress-maker, music teacher, dance instructor, professional artist, physician, surgeon, chiropractor, osteopath, dentist, architect, engineer, lawyer and other professional occupations and services.

3.08.02 Employees

Only the resident occupants shall be employed as primary providers of the services offered on the premises. Adequate parking shall be provided for non-resident support employees and may be authorized per Section 3.15.00 of the Buel Township Zoning Ordinance.

3.08.03 Portion of dwelling used

The home occupation shall occupy no more than one-third (1/3) of the total floor area of the dwelling. Any attached or detached garage used for Home Occupations shall not exceed six hundred (600) square feet of space devoted to the Home Occupation. Such use shall not involve any extension or modification of the dwelling, which will alter its outward appearance as a dwelling. In no event shall the occupation reduce the actual living space below that established as the current minimum requirement in the district involved.

3.08.04 Parking

Sufficient off-street parking shall be provided, which, in no event, shall be less than the parking prescribed in Section 3.15.00 (ie. 2 spaces for each dwelling unit plus two additional spaces).

3.08.05 Signs

Not more than one name-plate, not exceeding eight (8) square feet in area and containing only the name of the person and the service provided, may be exhibited. In no event shall such signs be illuminated.

3.08.06 Appearance

The appearance of the premises shall be aesthetically compatible with the neighborhood, conforming as closely as possible to a residential use (e.g. lawns shrubbery, trees, backyards, etc.)

3.09.00 JUNKYARDS

3.09.01 No land or premises shall be used for the construction, formation, creation, maintenance, alteration, enlarging or extending of a junkyard as herein defined, except by obtaining a special land use approval from the Planning Commission. The applicant for a Special Land Use permit shall file with the Planning Commission, in addition to the requirements of Section 3.17.00, the following:

- A. A statement giving the exact location and size of the premises and all buildings and structures to be erected or moved thereon or already existing. A scale site plan is required.
- B. An environmental impact statement
- C. A performance bond as set by the Planning Commission.
- D. The Planning Commission shall act in accordance with the provisions of Article VIII of this Ordinance in either granting or denying the Special Land Use Permit.

3.10.00 LAND USE AND DWELLING LIMITATIONS

No more than one (1) dwelling on a parcel of land shall be permitted without the approval of the Planning Commission as a Special Land Use. The minimum curtilage shall be required for any such Special Land Use. Accessory structures shall conform in size to the requirements of Section 3.03.00.

3.11.00 MANUFACTURED HOMES (a/k/a mobile homes)

Mobile homes which comply with the applicable standards of the Manufactured Mobile Home Commission are permitted in licensed Manufactured Home Communities. They shall be permitted in Mobile Home Subdivision and Residential -Agricultural Districts if, at a minimum, the conditions recited in 3.03.00 "Building Restrictions" are met. Applicants for land use permits for used mobile homes shall provide a Certificate of Compliance.

3.12.00 NON-CONFORMING USES - BUILDINGS AND STRUCTURES

3.12.01 PRE-EXISTING NON-CONFORMING USES (MSA 5.2963(1))

- A. Prior Lawful Use
- B. Discontinuance of Non-Conforming Uses
- C. Completion of Non-Conforming Building and Structures
- D. Structural Alterations
- E. Extension of Non Conforming Uses.

3.13.00 NUISANCE

3.13.01 Definition

Any condition or use of premises or of building exteriors which is unsightly or detrimental to the property of others, which causes or tends to decrease the value of other property in the neighborhood and/or which repeatedly offends or annoys members of the neighborhood, this includes, but is not limited to:

3.13.02 Examples

Unsheltered and/or exposed storage or keeping or depositing on the premises any of the following examples (not all-inclusive):

- A. Lumber, junk, trash or debris;
- B. Highway vehicles not in good and safe condition and unlicensed, unused, junked and other automobiles, trailers, semi-tractors and semi-trailers, unless otherwise exempted.
- C. Vehicles, implements, machinery and other equipment and/or personal property which is no longer safely usable for the purpose for which it was manufactured;
- D. Abandoned, discarded, or unused objects or equipment such as furniture, stoves, refrigerators, freezers, boats, cans, containers or other boxes with outside latches.
- E. All uncovered basements, abandoned wells, shafts or similar excavations.
- F. Harboring any dog(s), which, by loud and frequent or habitual barking, yelping or howling, shall cause annoyance to the neighborhood or to people passing upon adjacent streets.
- G. Creation or maintenance of noxious odors.

3.13.03 Structures or uses, which are in violation of this ordinance.

A. Abatement by owners, exemption

The owners, tenants or occupants of any property within the boundaries of the Township of Buel upon which a nuisance is alleged, and also the owners, lessees, or users of any property declared to be a nuisance, shall jointly or severally abate said nuisance by the prompt removal of said offensive property.

Licensed and approved junkyards shall be exempt from this section.

B. Abatement by Township

- 1) In the event that the owners/tenants of property fail to remedy the violation(s), the Township may proceed to enforce the ordinance by consent, judicial order or other appropriate remedy.
- 2) When property has been removed and placed in storage by the Township, said property shall be sold after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement said owners shall be liable to the Township for the balance of the costs, jointly and severally. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited to the Township treasury for the owners' use.

3.14.00 PARKING OF RECREATIONAL UNITS

- 3.14.01 In all zoned districts with an occupied dwelling, the owner of a parcel of land may park or store two (2) recreational units on parcels one acre or more (ie. Motor Home, Boats), currently licensed to that owner, provided such vehicle shall not be parked or stored in the front yard space of the parcel of land or premises in residential districts.
- 3.14.02 In all use districts, recreational units shall be parked no less than seventy-five (75) feet from the road right of way.
- 3.14.03 Zoning Administrator may issue a permit for not more than 20 recreational units to be located and occupied outside of approved storage or camping sites in Agricultural-Residential districts, for a cumulative total of not more than fourteen (14) days out of 365.

3.15.00 PARKING OFF-STREET, ACCESS AND EGRESS THEREFROM

3.15.01 Off-street parking required

For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public roadway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table.

3.15.02 Access

Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately.

3.15.03 Road Commission approval

Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

3.15.04 Standard parking space size

A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space.

3.15.05 Turning area

Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public roadway it shall be driven in a forward manner and not backed onto said highway.

PARKING SPACE TABLE

Public Assembly Buildings (eg. Churches, auditoriums)	1 space for every four seats
Commercial Establishments.....	1 space for every 200 ft ² of floor area
Dwellings.....	2 spaces per dwelling unit
Home Occupations.....	1 space for every 200 ft ² patronized by the public
Manufacturing Establishments.....	1 space for every 200 ft ² patronized by the public and 1 space for every two regular employees
Restaurants and Similar Establishments Serving Food/Drink	1 space for every 100 ft ²

3.16.00 PERFORMANCE STANDARDS

3.16.01 Requirement

All applications for land use permits and building permits for structures and uses located in industrial districts and all Special Land Use applications shall be accompanied by a statement or assessment describing the environmental impact of the project and actions that will be taken to avoid adverse environmental effects.

3.16.02 Preparation of Environmental Impact Statement

The Statement shall be prepared by qualified personnel with applicable environmental expertise, and shall have all supporting documents attached.

3.16.03 Statements for Commercial and Manufactured Home Subdivisions and Communities

The Zoning Administrator or Planning Commission may also require Environmental Impact Statements for Commercial and Manufactured Home Subdivision and Community district applications and others when deemed necessary.

3.16.04 Contents of Environmental Impact Statements

Environmental impact statements will, at a minimum, evaluate the structure(s) and/or use by the following performance standards, the intent of which is to prevent injury, detriment, or nuisance to the public, persons, or property.

3.16.05 Smoke

Emission density shall not be greater than No. 1 of the Ringlemann chart except that for an aggregate of not more than four minutes in any 30 minute period an emission equal to but not darker than No. 2 of the Ringlemann chart will be tolerated.

3.16.06 Dust, dirt and fly-ash

The quantity of gas-borne or airborne solids of fumes emitted into the open air shall not exceed two-tenths (0.20) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit. The foregoing conditions shall prevail when the percentage of excess air in the stack does not exceed 50 percent at full load. All other forms of dust, dirt and fly-ash shall be completely eliminated in such a way as to prevent their emission into the open air.

3.16.07 Gases

Emission of gases shall not exceed the following designated limits: (SO₂) Sulfur dioxide- an average of three-tenths (0.3) ppm over a 24 hour period provided, however, that a maximum concentration of five-tenths (0.5) ppm will be allowed for one hour out of every 24 hour period.

3.16.08 Odor

There shall be no emission of obnoxious odors. (H₂S) Hydrogen sulfide- shall not exceed One (1.0) ppm.; (FL²) Fluorine- shall not exceed one-tenth (0.1) ppm.; (NO₂) Nitrous fumes shall not exceed one-tenth (0.1) ppm.; (CO) Carbon monoxide- shall not exceed fifteen-hundredths (0.15) ppm.

3.16.09 Glare and Heat

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from direct view from any point along the property line, except during the period of construction of the facilities to be used and occupied.

3.1610 Noise

Emitted noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming, screeching, etc.) or shrillness. Sirens, bells, whistles, etc., which are utilized solely to serve a public purpose (such as fire, ambulance, police, civil warning alarms) shall be excluded from this regulation.

The intensity level of sounds shall not exceed the following decibel levels on land adjacent to the described uses:

<u>decibel Level</u>	<u>Adjacent Use</u>	<u>Measuring Site</u>
55	Residential District	Common Lot Line
55	Manufactured Home Sub and Community	Common Lot Line
65	Commercial Districts	Common Lot Line
70	Agricultural Residential	Common Lot Line
70	Industrial District	Common Lot Line
70	Maximum Sound Level	Lot Line Or Street

3.16.11 Vibration

No operation shall cause a seismographic displacement exceeding three-thousandths (0.003) of one inch measured at the property line.

3.16.12 Erosion and surface water drainage

Plans for management of surface water shall be reviewed, evaluated and approved by the Zoning Administrator and the County Soil Erosion Inspector.

3.16.13 Traffic

Traffic access and control patterns and devices shall be reviewed, evaluated and approved by the County Road Engineer.

3.16.14 Water supply, consumption and wastewater pollution

The environmental impact statement shall describe the water supply sources, estimated consumption and describe wastewater management techniques.

3.16.15 Engineering -Evaluation

Engineering evaluation of proposed development in commercial and industrial districts in relation to Site Development Standards may be required at the owner's expense when required by the Planning Commission.

3.16.16 Screening Barriers

Adequate greenbelts and/or screening barriers shall be established and maintained between unlike district boundaries and between developed industrial sites. They may be required between developed commercial sites.

3.17.00 PERMIT AND SITE PLAN REQUIRED

3.17.01 Land Use Permit

Permit required No use of land, nor any building, structure or mobile/manufactured home shall be erected, altered, constructed or moved upon any premises until the owner of said premises has made written application to the Zoning Administrator for a land use permit.

3.17.02 Default or current violations

No land use permit may be issued if the applicant, land-owner or tenant is in default on any monetary obligations to the township or is in violation of this ordinance.

3.17.03 Conditions for issuance

If the Zoning Administrator finds from the application that the provisions of this Ordinance and other legal requirements are met, including provisions for a safe water supply and safe drainage disposal, then a permit shall be issued, otherwise it shall be denied.

3.17.04 Land use permit exemptions

Self-standing, portable structures (ie. gazebos, outbuildings, etc.) of less than ninety-six (96) square feet shall be exempt from permit and fee requirements, but shall not be exempt from zoning standards. Excavations of less than three (3) feet in depth and thirty (30) square feet in area or excavations for utilities, water lines or sewage disposal shall be exempt from permit and fee requirements.

3.17.05 Performance Guarantee

- A. To ensure compliance with the provisions of this ordinance and any conditions which may be imposed by administrative action, the Zoning Administrator, the Planning Commission, the Board of Appeals or the Township Board may require the deposit of cash, certified check, irrevocable bank letter of credit or surety bond or some other acceptable performance guarantee be deposited with the Township Clerk whenever a Special Land Use or Variance is granted, or when a permit is issued for improvements to property other than residential.
- B. The cash deposit, along with accrued interest, shall be rebated bi-monthly, with the Township retaining an amount estimated to be 10% greater than the remaining project completion costs. The entire deposit shall be returned within 60 days of satisfactory completion to be determined by Zoning Administrator approval.

3.17.06 Site Plan

- A. Every application for a land use permit shall be accompanied by a site plan showing the location and intended use (ie. residential, accessory for storage, pole barn for housing livestock, feed storage, etc.) of existing and proposed buildings and/or structures.

- B. The site plan shall also include the location of any existing and proposed water supply and lines, septic system, driveways, utility lines, adjacent roads, the distance of each from property lines and other structures on the plan and any other relevant information.
- C. Site plans shall be initially reviewed as follows:
 - 1 The Zoning Administrator shall review site plans submitted for currently conforming uses.
 - 2 The Planning Commission and the Township Board shall review site plans concerned with rezoning.
 - 3 The Planning Commission shall review site plans submitted with Special Land Use requests.
 - 4 The Board of Appeals shall review site plans submitted with requests for Variances and appeals from Special Land Use requests and Zoning Administrator's decisions.
- D. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the individual or body which initially approved the site plan

3.17.07 Permit Fee

The fee established by the Township Board by resolution shall accompany the application.

3.17.08 Commencement and Completion

- A. Upon issuance of a permit, the applicant shall commence and diligently pursue the activity described in the application and upon failure to commence construction, the permit shall expire six (6) months from the date of issuance. Thereafter, an additional permit shall be required and obtained.
- B. The exterior structure (eg ,of, conventional siding, windows, etc.) shall be completed within one year of issuance of the permit.
- C. The interior of residential premises shall be completed and an occupancy permit inspection requested within 2 years from date of issuance of the land use permit.

3.17.09 Adoption of State Building Codes

The provisions of

- A. The state building code (as amended),
- B. The state plumbing code (as amended),
- C. The state electrical code (as amended), and
- D. The state mechanical code (as amended)

.....are adopted by reference.

3.18.00 PRIVATE ROADS AND DRIVEWAYS

3.18.01 Intent.

The intent of this section is to provide minimum standards for adequate access to all structures for emergency and rescue vehicles, and to ensure private road quality on a continuing basis.

3.18.02 General Requirements:

- A) This section shall apply to all parcels of property with individual or shared access to and/or from a public road by a driveway (servicing up to two parcels) or a private road (servicing more than two parcels of property).
- B) No private road or driveway shall be constructed within the Township unless it is in compliance with the requirements of this section.
- C) No certificate of occupancy for any structure shall be issued within the Township unless the parcel or lot fronts on:
 - 1) A public road
 - 2) A recorded private road, improved to the standards of this section and in full compliance with the provisions recited herein.
- D) Each lot or parcel shall have private or public road frontage equal to the minimum lot width required by the applicable provisions of the zoning ordinance or shall be served by an approved driveway.
- E) Private roads shall not be dedicated to the Township, nor shall they be maintained by the Township except pursuant to a duly established special assessment district.
- F) Prior to construction of any private road or driveway, serving industrial, commercial and agricultural facilities, plans for it shall be reviewed and approved by the Planning Commission.
- G) All private roads shall provide a public utility easement allowing for the installation of electric, telephone, TV cable, lighting, gas, water and sewer mains and any other such services.

3.18.03 Definitions

- A) **Private Driveway:** A privately owned and maintained property, which is used for vehicular ingress and egress serving only one parcel or use.
- B) **Shared Driveway:** A privately owned and maintained property, which is used for vehicular ingress and egress serving two parcels or uses.
- C) **Private Road:** A privately owned and maintained road constructed to county road commission standards on a privately owned easement serving three (3) or more parcels of land or residential building sites.
- D) **Proprietors:** Those constructing or desiring to construct a private road and all those property owners whose property is being or is intended to be served by a private road

3.18.04 Requirements for Driveways and Approvals:

A) Conditions

A driveway meeting the minimum design standards in this subsection of this section shall be required under the following conditions:

- 1). If the rear of the principal use or ancillary use requiring a building permit is more than 75 feet from the right -of-way of a public or private road
- 2). If the parcel or parcels of land, which otherwise meet all Township zoning requirements, have no frontage on a public or private road

B) Application

- 1) An application for a driveway serving property, which does not front on a road shall be filed with the Township Planning Commission.
- 2) The application shall include a drawing, which shows the location, dimensions, and setbacks of all buildings and driveways, proposed or existing, on the subject property and within 100 feet of the subject property.
- 3) The drawing shall also indicate the location and dimensions of any easement on which the driveway is proposed to be located

C) Modifications

The Planning Commission may require the modification of the drawing as a condition of approval, so as to minimize any adverse effects on the surrounding properties and residential building sites.

D) Access

Any driveway or easement approved under this section shall connect directly on to a private road improved to the standards of this section or to a public road

E) Minimum widths

- 1) All driveways shall be located on a legally valid and recorded easement or other permanent interest in lands at least 33 feet in width.
- 2) All private roads must be at least 66 feet.)

F) If an existing driveway serves more than one dwelling, a maintenance agreement meeting the requirements shall be required and recorded.

3.18.05 Minimum Design Standards for Driveways:

- A) All trees and brush shall be cleared for a minimum width of fourteen (14) feet for the full length of all driveways.
- B) All topsoil, stumps, and unstable soil shall be removed and back filled with appropriate sand. The driveway shall be surfaced and maintained with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of ten (10) feet and minimum depth of four (4) inches for the full length of the driveway.
- C) The surface of the driveway shall be properly drained so that water pooling and frost heave will not impede access by emergency vehicles.
- D) Driveway shall provide a minimum centerline radius of forty (40) feet for all curves to insure access by fire fighting equipment. In addition, the driveway shall provide minimum clearance from trees and brush of eighteen (18) feet through all curved sections.
- E) No bridges shall be permitted as part of driveway construction unless they are certified by a registered engineer as capable of supporting a 30-ton fire truck
- F) Any structures, which span any driveway, shall maintain not less than fourteen (14) feet vertical and horizontal clearance.
- G) A culvert, twelve (12) inch minimum diameter and twenty four (24) feet in length shall be provided where a driveway crosses the ditch centerline. A minimum of eighteen (18) feet shall be covered with gravel or similar material (reference Section 3.18.05, Paragraph 2) with an equal amount of uncovered culvert on each side. A County Road Commission Permit shall be obtained for all.

3.18.06 Pre-Existing, Non-Conforming Driveways:

Pre-existing, non-conforming driveways in existence prior to the enactment of this Section may continue without conforming to the requirements of this Section; provided however that if such driveway is to be improved, expanded, constructed, or altered, including but not limited to the servicing of additional buildings, the same must then conform to the requirements of this Section, without regard to its pre-existing status, unless excepted, upon application for a variance, because compliance would constitute hardship, or an impossibility such as insufficient area and additional area not being reasonably available; and provided further that these altered pre-existing private driveways shall be required to comply with Sections 3.18.04 and 3.18.05 within one year of the effective date of this Section, unless excepted, upon application for a variance.

3.18.07 Requirements for Private Road Approvals

- A) Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:
 - 1). All permit applications and applicable fees.
 - 2). A legal description and survey of all properties to be served by the private road, together with a letter from the Township Assessor or Zoning Administrator stating that all proposed parcels are in compliance with Zoning Ordinance and Subdivision Control Act requirements.
 - 3) A legal description and survey of the proposed private road easement.
 - 4) Drawing showing the existing and proposed structures, roads, drives, drains and other significant physical features on the property.
 - 5) Engineering plans for the proposed private road shall comply with Section 3.18.05 of this Section.
 - 6) The construction plans shall include the following drawing: Typical cross section and drainage layout
 - 7) A proposed maintenance agreement shall utilize the model agreement provided by the Township or else shall be accompanied by a letter from the Township Attorney indicating that alternate agreement complies with this ordinance.
- B) No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote and a permit has been issued by the zoning administrator.
- C) A document describing (ie private road and the provisions for maintenance) shall be recorded with the Register of Deeds and also provided to the purchaser. The maintenance provisions shall apportion maintenance responsibilities among the benefiting and/or abutting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to recording.

3.18.08 Minimum Design Standard for Private Roads

- A) Preliminary plans, final plans, construction plans and construction methods for a private road shall be designed by a professional engineer and be sealed by a professional engineer.
- B) The Sanilac County Road Commission's "Procedures For Plat Street Development", including all subsequent amendments and/or revisions shall be used as a standard for the design of a private roads with the exception that hard surface shall not be necessary.

- C) Private roads that do not conform to the Sanilac County Road Commission's "Procedures For Plat Street Development", including all subsequent amendments and/or revisions will not be allowed in to the Sanilac County Road Commission's system until work has been done to meet Sanilac County Road Commission's minimum requirements.
- D) If any existing private road or easement is to be expanded said private road or easement will be brought up to Sanilac County Road specifications.
- E) Dead end roads terminating in a cul-de-sac of approved design will be limited to 600 feet.
- F) All private roads shall be designated by name, subject to approval of the Township Planning Commission and the Sanilac County Road Commission. The proprietor shall furnish and erect street name and stop signs at all intersections with both public and private roads. The design of the signs shall comply with the Sanilac County Road Commission standards. Signs marked "Private Road" shall be erected and maintained by the proprietor at the entrance to all private roads of the development.
- G) The Township of Buel reserves the right to have any plans reviewed by a professional engineer at applicants expense.

3.18.09 Inspections, Fees, and Permits for Private Roads and Driveways

- A) The Township shall not grant final approval for the use of any private road or driveway until the completed road or drive has been inspected for compliance with this section.
- B) The Township shall contract with a public agency, qualified engineer, or surveyor to inspect private road improvements. All such costs shall be born by the applicant.
- C) The Township Board shall establish fees to cover the cost of review and inspections.
- D) A permit shall be obtained as evidence of compliance with the Michigan Soil Erosion and Sedimentation Act prior to the commencement of private road construction.
- E) A permit shall be obtained from the County Drain Commission and/or Road Commission as required.
- F) The proprietor's engineer shall certify that he has personally supervised and inspected all construction that drainage facilities have been installed and all roads have been built in accordance with the approved plans and specifications.

3.18.10 Pre-Existing, Non-Conforming Easements/Private Roads

- A) Pre-existing, non-conforming easements/private roads in existence prior to the enactment of this Section may continue without conforming to the requirements of this Section; provided however that: If such private road or access easement is to be expanded, or constructed, or altered, including but not limited to the servicing of additional dwelling or commercial, industrial or other units, the same must then conform to the requirements of this Section, without regard to its pre-existing status, unless excepted upon application for a variance because compliance would constitute hardship or an impossibility such as insufficient area and additional area not being reasonably available; and provided further that these altered pre-existing private easements/private roads shall be required to comply with Sections 3.18.06 and 3.18.07 within one year of the effective date of this Ordinance, unless excepted, upon application for a variance.

- B) Waiver of Provision: Any provision in Section 3.18.08 may be waived upon:
- 1) Written request of applicant and proposed site plan.
 - 2) Review and approval of the Board of Appeals and a licensed Engineer.
 - 3) A determination by the Board of Appeals that the waiver is in the best interest of the health, safety, and welfare of the Township, residents of said private road; and the intent of the Private Road and Driveway Section is met.
 - 4) In the event a provision is waived, the Board of Appeals may impose alternative restrictions.

3.18.11 Performance Bond for Private Roads Serving More Than 6 Parcels

The applicant shall file with the Township Clerk a cash deposit, certified check, certificate of deposit, irrevocable bank letter of credit acceptable to the Township, sufficient to cover the total cost of the required road improvements when serving more than 6 parcels. When the work is completed by the applicant and approved by the Township, the bond will be released to the applicant.

3.18.12 Appeals

The Township Board of Zoning Appeals shall have jurisdiction to consider appeals for variance from this ordinance.

3.18.13 Granting Additional Time

Additional time may be granted at the discretion of the enforcement officer where there are bonafide efforts to conform or repair any violations.

3.18.14 Enforcement

Such persons who shall be so designated by the Township Board shall enforce this section.

3.18.15 Violations:

The owner, if possible, and the occupant of any property upon which any violations set forth in this section is found to exist shall be notified in writing to remove, eliminate, or repair such violations within fourteen (14) days after service of the notice upon him. Such notice may be personally delivered or by Certified Mail, return receipt requested

3.18.16 Failure to Comply.

Any person who shall violate the provisions of this ordinance shall be guilty of a civil infraction and shall be punished by a fine as stated in the Annual Fee Resolution.

3.18.17 Granting Additional Time

Additional time may be granted at the discretion of the enforcement officer where there are bonafide efforts to conform or repair any violations

3.19.00 PUBLIC UTILITY BUILDINGS

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection herewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare, shall be permitted in every zoning district as authorized and regulated by other laws and ordinances, it being the intention hereof to exempt such structures, systems and facilities from the application of this ordinance, provided, that such exemption shall not include buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

3.20.00 SECTION LINES

No building shall be erected within one hundred eight (108) feet of any section boundary line, it being the intent of this section to keep sixty-six (66) feet clear for future road purposes and a setback of one hundred eight (108) feet from the center of any road.

3.21.00 SEPTAGE WASTE DISPOSAL

3.21.01 No septage waste may be disposed of in Buel Township except as provided by 1986 PA 181 as amended or other applicable legislation.

3.21.02 No business, partnership, proprietorship, corporation, driver, supervisor or other person may cause the dispersal of septage waste in Buel Township unless in full compliance with 1986 PA 181 as amended and other applicable legislation and the following requirements.

- A) A licensed septage waste servicer shall record a true copy of said license with the Township Clerk prior to disposing of septage waste on land pursuant to the applicable provisions of Act 181 as amended.
- B) Whether licensed or not, a septage waste servicer shall provide the Buel Township Clerk with the notification required under Section 11 of Act 181 as amended.
- C) Whether licensed or not, a septage waste servicer shall notify the Buel Township Clerk or the Zoning Administrator at least 48 hours prior to disposal on land and not more than 24 hours after completion of disposal on land. Said notification shall include at least the following information:
 - 1) Date of service at source,
 - 2) Location of source(s) of septage;
 - 3) Amount of septage from each source,
 - 4) Identification of transporting vehicle(s) and drivers,
 - 5) Disposal site(s) in Buel Township.
- D) Whether licensed or not, a septage waste servicer shall comply with the provisions of Section 12 of Act 181.
- E) Whether licensed or not, septage waste may be dispersed only between dawn and dusk.
- F) The provisions of 1986 PA 181 are hereby adopted by reference as part of the Buel Township Zoning Ordinance.

3.22.00 SIGNS

Outdoor advertising signs shall be permitted, subject to the following restrictions:

3.22.01 In Residential (R), Manufactured Home Communities or Subdivisions (MHS) or Agricultural-Residential (A-R) not more than one (1) sign of not larger than nine (9) square feet in area. However, where the road frontage exceeds two hundred twenty (220) feet, then a single sign may be up to thirty-five (35) feet in area.

3.22.02 Commercial or Industrial property may utilize up to two (2) signs, each of which shall not be larger than thirty-five (35) square feet of total area.

3.22.03 Signs of larger total size or quantity than designated may be allowed only when specifically approved by the Planning Commission as a Special Land Use upon a finding of compatibility with the neighborhood.

3.22.04 Outdoor advertising signs shall not be placed nearer any highway, street or road than the line of the public right-of-way and such sign shall not obscure traffic vision or create a hazard to the public safety. Signs affixed to any building shall not project more than three (3) feet therefrom.

3.22.05 **Any illuminated sign or display:**

- A. Shall be of low enough light intensity that it will not interfere with the vision of persons on highways, streets or roads nor be an annoyance to neighbors.
- B. If rotating or blinking, shall not be on from one (1) hour after sunset to one (1) hour before sunrise.

3.22.06 **Temporary announcement sign(s) may be installed in any district if the sign:**

- A. Is not more than thirty-five (35) sq. ft. in sign area.
- B. Is installed for not more than six (6) months in a twelve (12) month period.
- C. Is removed within fourteen (14) days after the announced event occurs.
- D. Complies with all setback requirements.
- E. Is installed with the property owner's permission.
- F. Announces a specific event (eg. election, picnic, real estate sale, etc.).
- G. Does not apply to commercial or industrial purposes.

3.23.00 STORAGE YARDS

No land or premises shall be used as a storage yard as herein defined except by approval of the Planning Commission as provided in Article VII of this Ordinance. Unless specifically indicated otherwise, storage yards need not be paved.

3.24.00 SUBDIVISIONS

Unless provided otherwise in this ordinance, all lands situated in recorded plats or subdivisions shall be subject to the following restrictions, conditions and limitations, notwithstanding that the restrictions, conditions, and limitations of the zoning district where they are situated may differ from the following:

3.24.01 **Yards**

A. **Front Yards**

Twenty-five percent (25%) of the lot with a minimum of twenty-five (25) feet from the front lot line.

B. **Side Yards**

If a lot is one hundred (100) feet or more in width, then at least ten (10) feet on either side and if less than one hundred (100) feet in width, then twenty percent (20%) of the width with a minimum of five (5) feet on each side.

C. **Rear Yards:**

Ten (10) feet in depth. The depth of rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind on the adjoining lot fronting such rear street.

3.24.02 **Plat Act**

The Subdivision Control Act (1967 PA 288), as amended, is hereby adopted by reference.

3.25.00 SWIMMING POOLS AND PONDS

3.25.01 Permits, general

- A. This section applies to all man-made ponds, in-ground pools and above-ground pools.
- B. A land use permit shall be required for those utilizing electrical service or requiring more than three (3) feet of excavation.
- C. A Site Plan is required for the installation of all pools that require permits.
- D. Swimming pools and ponds shall be exempt from land use permit fees.

3.25.02 Permits, Building

An application for a building permit to erect a swimming pool shall include the name of the owner; location of the pool; a plot plan showing the location of adjacent buildings, fencing, gates and public utilities; specifications and plans to scale of pool walls, slope, bottom, walkway and diving boards; type and rating of auxiliary equipment, piping and valve layout; and any other detailed information affecting construction and safety features deemed necessary.

3.25.03 Setback and Safety Provisions

- A. All swimming pools shall be located in the rear or side yard, not less than five (5) feet from the rear and side lot lines.
- B. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code.
- C. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the re-location thereof before a permit shall be issued.
- D. No portion of a swimming pool, pond or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- E. All swimming pools shall be completely enclosed by a fence. All openings in such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked when pool is not in use. This requirement shall not apply to above-ground swimming pools which have walls which extend four (4) or more feet above the ground and which have an adequate means of preventing unsupervised access by small children.

3.26.00 TEMPORARY DWELLINGS

No person may erect or occupy a temporary (ie. substandard) dwelling on any lot except as hereinafter provided:

3.26.01 The Zoning Administrator may, as a condition of the land use permit, authorize temporary use of a building, including a basement home, which does not comply with the area requirements of its district as a temporary dwelling for a period of not more than twelve (12) months if construction of a permanent dwelling is actually under way and in active progress during occupancy of such temporary dwelling. Three (3) consecutive additional six (6) month periods of occupancy may be granted at the discretion of the Administrator upon documented evidence of significant progress on construction schedule. Any extensions thereafter may only be issued by the Board of Appeals.

3.26.02 In the event that any person shall reside in any such temporary dwelling for a period of more than thirty (30) months and has had extensions granted by the Zoning Administrator for the additional periods, the Zoning Administrator, the Planning Commission, the Board of Appeals, any delegated official or any interested party may proceed to have such extended use abated as a nuisance, or may enforce this Ordinance by other means herein provided.

- 3.26.03 The Zoning Administrator may permit the use of a house trailer or mobile home as a temporary accessory dwelling to a permanent dwelling for a period not to exceed 6 months.
- 3.26.04 No more than one temporary structure or mobile home may be used and occupied as such accessory dwelling and then only if the occupants of such trailer have access to and the unlimited use of sanitary facilities of the permanent dwelling.
- 3.26.05 The use of tents as a temporary dwelling for up to three (3) months of 12 per year, in connection with recreational activities may be permitted upon application to the Zoning Administrator showing that the necessary and proper health, sanitation, plumbing and fresh water facilities are provided.
- 3.26.06 One (1) travel trailer, or motor home at each dwelling brought by visitors for traveling purposes may be occupied and allowed for sixty (60) days if the visitors occupying said trailer use the sanitary facilities of the dwelling of the property owner or occupants there visiting, or make other suitable provisions for sanitary facilities.

3.27.00 TRANSITION ZONING

3.27.01 Lots in two districts

Where a district boundary line as established in this Ordinance or as shown on the Zoning Map divides a lot which was in single ownership and of record at the time of this Ordinance, the use thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within ten (10) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

3.27.02 Lots in Commercial or Industrial Districts Adjacent to a Residential Zone

Where a lot in a Commercial or Industrial district abuts a lot in a Residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.

3.27.03 Front Yard Transition

Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be equal to the required front depth of the residential district.

3.27.04 Corner Lot Transition

On every corner lot in residential subdivisions created after the enactment of this ordinance, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street.

3.27.05 Garage Entrances

No public or private garage for more than five (5) motor vehicles shall have an entrance or exit for motor vehicles within forty (40) feet of a residential district.

3.27.06 Parking Lots and Driveways Abutting Residential Zones

Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a residential district so as to abut the side or rear line of a lot in a residential district a solid masonry wall, or a substantial view obstructing fence, berm, or foliage of not less than three (3) feet high and not more than eight (8) feet high, shall be constructed and maintained along said side or rear lot line up to, but not beyond, the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings or residential districts.

3.28.00 WIRELESS COMMUNICATION TOWERS

3.28.01 Authorization

Changing technology in the field of communications has resulted in a reliance upon more versatile convenient forms of communication. Businesses, individuals and government have all developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones have proven themselves over and over again in emergency situations.

3.28.02 Qualifying Conditions

A) The following site and developmental requirements shall apply:

- 1) A minimum site of two acres and one hundred twenty five (125') feet of road frontage.
- 2) The use of guyed wires is strictly prohibited within Residential district.
- 3) The base of the tower and wire cable supports shall be fenced with a minimum five (5) foot high fence topped with barbed wire.

B) Special Performance Standards:

- 1) The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township Engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with Township Engineering review.
- 2) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
- 3) Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- 4) All buffer yard requirements within the zoning ordinance shall be met.
- 5) The plans of the tower construction shall be certified by a registered structural engineer.
- 6) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- 7) All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- 8) Communication towers in excess of one hundred (100') feet in height above grade level shall be prohibited within a two (2) mile radius of a state recognized public or private airport or ½ mile radius of a helipad.
- 9) No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.
- 10) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- 11) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- 12) Towers with antenna shall be designed to withstand a uniform wind loading as prescribed in the building code

- 13) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eighty one (81') feet above the ground at all points, unless buried underground.
- 14) Towers shall be located so that they do not interfere with reception in nearby residential areas.
- 15) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- 16) Minimum spacing between tower locations shall be 2,000 feet.
- 17) Height of the tower shall not exceed one hundred and seventy five (175) feet from grade within a residential district, two hundred (200) feet from grade with a Business district, and three hundred (300') feet from grade within a Manufacturing and Ag Res district.
- 18) Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
- 19) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- 20) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- 21) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- 22) Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- 23) There shall be no employees located on the site on a permanent basis to service or maintain the antenna or tower. Occasional or temporary repair and service activities are excluded from this restriction.
- 24) Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower.
- 25) The tower shall be removed by the property owner or lessee within six months of being abandoned.

3.28.03 **Co-location**

- A) *Statement of Policy* - It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in Paragraph A of this section above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should colocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in paragraph A of this section. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it where colocation is feasible. The result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
- B) **Feasibility of Co-location:** Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met;
- 1) Wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
 - 2) The site on which colocation is being considered, taking into consideration reasonable modification of replacement of a facility, is able to provide structural support.
 - 3) The colocation being considered is technologically reasonable. eg., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - 4) The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township.
- C) **Requirements for Co-location**
- 1) Special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
 - 2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
 - 3) The policy of the community is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a not conforming structure.

- 4) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new wireless communication support structures within the Township for a period of five years from the date of the failure or refusal to permit the colocation. Such a party may seek a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

D) Incentive:

Review of an application for colocation, and review of an application for a permit for use of a facility permitted under paragraph C above, shall be expedited by the Township.

3.28.04 Removal

- A) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - 1) The facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - 2) Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure, which is lower and/or less incompatible with the area.
- B) The situations in which removal of a facility is required, may be applied and limited to portions of a facility.
- C) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- D) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- E) The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

3.28.05 Effect Of Approval

- A) Subject to the following paragraph, final approval under this section shall be effective for a period of six (6) months,
- B) If Construction of a Wireless Communication Facility is commenced within 2,000 feet of the land on which a facility has been approved, but on which Construction has not been commenced during the one year period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to colocate on the facility that has been newly commenced

3.29.00 UNSIGHTLY VENTURES

3.29.01 Barriers required

Permitted ventures, including landfills, dumps, junkyards and unsightly industrial uses, shall be concealed from the view of the passing public.

3.29.02 The concealing barrier shall be at least eight (8) feet in height above normal property grade level.

3.29.03 The barrier may be a thickly planted green strip of at least fifteen (15) feet in width, an earthen berm, it may be a solid fence or a combination of the three. If a fence, it shall be well maintained and painted one solid color.

3.30.00 (Reserved)

3.31.00 UNUSED AUTOMOBILES AND VEHICLES

3.31.01 More than two non-functional road vehicles may not be stored, dismantled or accumulated on any outdoor premises. Automobiles or other vehicles that do not bear a current state license plate shall be presumed to be non-functional.

3.31.02 If more than two non-functional, unused or dismantled automobiles, trucks or other self-propelled vehicles not otherwise permitted or exempted are stored outside for a period of forty-five (45) days consecutively, the owner shall comply with the provisions of Section 3.09.00 (Junkyards) and 8.01.00 (Special Land Uses), or shall remove said vehicles on request of the Zoning Administrator.

3.31.03 Non-functional or dismantled automobiles, trucks, vans, trailers or other vehicles shall not be used for purposes (housing livestock, storage, etc.) other than that originally intended.

3.31.04 Agricultural related off-road equipment and functional, roadworthy agriculture related road vehicles primarily used (at least annually) for transportation of agricultural product but temporarily parked and/or used for storage of feed, seed, fertilizer or herbicides are exempt from the provisions of this section.

3.32.00 Waste Disposal

(See "Septage Waste")

3.33.00 WATER SUPPLY AND SEWAGE DISPOSAL

A land use permit shall be contingent upon the approval of the water supply and sewage disposal systems by Sanilac County's Department of Health, or other appropriate official government authority.