

CHARTER TOWNSHIP OF HAMPTON

REGULAR MEETING SYNOPSIS

October 24, 2022

The meeting was called to order at 7:00 p.m. by the Supervisor.

PRESENT: Kenniston, Wisniewski, Benchley, Wright, DeWyse, Samyn, Close

ABSENT: None

ALSO PRESENT: Hewitt and 6 people in the audience

APPROVAL OF MINUTES: Motion carried to approve the meeting minutes from October 24, 2022.

AUDITORS REPORT: Motion carried to approve warrants totaling \$484,533.30.

OPEN TO THE PUBLIC: No one addressed the Board.

OLD BUSINESS: Motion carried to approve the water/sewer rate study with baker-tilly.

NEW BUSINESS: Motion carried to approve the collective bargaining agreements with the Police Nonsupervisory & Lieutenants running from August 1, 2022 through July 31, 2025.

Motion to introduce Ordinance 36A-31:

AN AMENDMENT TO ORDINANCE 36A, THE HAMPTON CHARTER TOWNSHIP ZONING ORDINANCE, CHAPTER 3, GENERAL PROVISIONS, CHAPTER 8, B-1 GENERAL BUSINESS DISTRICT AND CHAPTER 29 LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS, UNDER THE AUTHORITY OF THE PROVISIONS OF MICHIGAN ACT 110 OF 2006, AS AMENDED

NOTE: Additions are underlined and deletions ~~look like this~~. Only the proposed amendment to the Ordinance and the portion of the Ordinance to be amended are shown below.

THE CHARTER TOWNSHIP OF HAMPTON ORDAINS:

Section 1: Section 3.07

Section 3.07(D) shall be amended as follows:

D. Detached accessory buildings and structures may be located in the side or rear yard under the following provisions.

1. Residential accessory building located in accord with Table 1 found on page 3-2934.
2. Agricultural accessory buildings located in accord with Table 1 found on page 3-2934.

Section 2: Section 3.08

Section 3.08 shall be amended as follows:

As regulated by Table 1 on page 3-2934.

Section 3: Section 3.41

Section 3.41 is hereby added to the Ordinance and reads as follows:

SECTION 3.41 DUMPSTERS

- A. It shall be the responsibility of the property owner and agent whose property is being serviced to maintain the dumpster area free of odors, scattered debris, overflow, and other nuisances.
- B. No dumpster shall be placed closer than 10 feet to any side or rear property line and 50 feet from a front property line unless approved by the Building Inspector.
- C. All dumpster and removal areas shall be enclosed by an opaque solid wall or fence six (6) feet tall. The wall or fence shall enclose three sides of the storage area. Screening gates may be required by the Planning Commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way.
- D. The surface under any such storage area shall be constructed of reinforced

concrete with a minimum depth of 8". The enclosure shall include bollards in front of the opening to protect the enclosure.

- E. Adequate vehicular access shall be provided to such containers for truck pick up either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.

Section 4: Section 3.42

Section 3.42 is hereby added to the Ordinance and reads as follows:

SECTION 3.42 TEMPORARY CARGO/STORAGE/SHIPPING CONTAINERS

Property owners will be required to obtain a temporary zoning permit from the Zoning Administrator. Property owners using Cargo Containers for temporary use must be able to produce for inspection upon request by the Township any documentation related to shipping dates for each container on site. One (1) cargo container per lot is maximum number of containers allowed annually. No Cargo Container used for temporary storage shall be kept on the premises for longer than sixty (60) days, upon approval, this period may be extended for an additional two (2), sixty (60) day, periods, annually. There shall be no cargo container(s) on any lot in the Township longer than 180 days, annually. The following regulations shall also apply:

- A. Cargo Containers shall be accessory to the permitted use of the property and prohibited on a vacant lot or parcel.
- B. Cargo Containers shall be used only for the storage of commercial goods associated with the lot, or parcel on which the container is placed. The container shall not be used for the storage of personal property.
- C. No Cargo Container may be used as living quarters.
- D. No structural modifications may be made to Cargo Containers.
- E. No livestock or pets may be stored in Cargo Containers.
- F. Cargo Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
- G. Cargo Containers shall be painted in solid colors (colors which blend into the surrounding area). Any writing or graffiti that may be placed on the Container is the responsibility of the property owner and shall be promptly removed.
- H. No motor vehicles are allowed to be used as Cargo Containers storage.
- I. Preferred placement of these temporary structures is a driveway. If placed on a driveway, location needs to maintain clear vision requirements.
- J. Cargo Containers shall not be stacked above the height of a single container.
- K. No electricity or plumbing may be run or connected to a Cargo Container.
- L. Cargo Containers not be used to store hazardous materials, as defined by the Michigan Fire Code.
- M. In the Commercial and Industrial districts, Cargo Containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
- N. No Cargo Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

Section 5: Section 3.43

Section 3.43 is hereby added to the Ordinance and reads as follows:

SECTION 3.43 PORTABLE STORAGE CONTAINERS

Property owners will be required to obtain a temporary zoning permit from the Zoning Administrator. Property owners using Portable Storage Containers for temporary use must be able to produce for inspection upon request by the Township any documentation related to shipping dates for each container on site. One (1) Portable Storage Containers per lot is maximum number of containers allowed annually. The following regulations shall also apply:

- A. Placement - Portable Storage Containers may be used in all zoning districts and shall adhere to the following restrictions and requirements:
 1. No Portable Storage Container may be stacked on top of another or on top of any other object.

2. Portable Storage Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
3. No Portable Storage Container may be used as living quarters.
4. No livestock or pets may be stored in Portable Storage Containers.
5. No electricity or plumbing may be run or connected to a Portable Storage Container.
6. Portable Storage Containers used in a residential district or associated with a residential use must be placed on a driveway or paved area.
7. Portable Storage Containers used in a non-residential district or associated with a non-residential use shall not occupy required off-street parking, loading or landscaping areas.
8. No Portable Storage Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

B. Time Limit

1. Portable Storage Containers shall be removed from the property within ninety (90) days from the date of initial placement. Property owners are allowed an additional two (2), ninety (90) day periods, annually.
2. In no event shall the use of a Portable Storage Container exceed 270 days during any twelve-month period.
3. Portable Storage Containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the lesser of the project's final building inspection or the expiration of the building permit.
4. Portable Storage Containers may not be placed on a vacant lot, unless that lot is associated with an approved building construction project.

Section 6: Section 8.05

Section 8.05 shall be amended as follows:

SECTION 8.05 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area if the lot is less than one (1) acre and thirty (30) percent if the lot is one (1) acre or larger.

Section 7: Chapter 29

Chapter 29 be amended by deleting the Chapter in its entirety and replacing it with the following:

CHAPTER 29 Large-Scale Solar Photovoltaic Installations

SECTION 29.01 INTENT AND PURPOSE

The intent of this Chapter is to promote the creation of large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations that address public safety, and minimize impacts to adjacent uses. The provisions set forth in the Chapter shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations. A Large-Scale Ground-Mounted Solar Photovoltaic Installation is defined as solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a generating capacity greater than 150 kilowatts (kW). It is also known as a Solar Energy Facility (SEF).

SECTION 29.02 GENERAL REQUIREMENTS

- A. Special Use. Large-scale ground-mounted solar photovoltaic installations shall be considered a special use in the Agricultural (A), High Density Residential and Recreational (R-7), Heavy Commercial (B-3), Planned Enterprise District (I-1), and the Heavy Industrial (I-2) zoning districts. Prior to the construction of a large-scale ground-mounted solar photovoltaic installation, applications for Type II Site Plan Review and a Special Use permit must be filed and approved by the Hampton Charter Township Planning Commission.
- B. Procedure. The Planning Commission review of a Special Land Use Permit application for a Solar Energy Facility is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Chapter 19. The second step, which may occur at a separate meeting for a Solar Energy Facility, is the site plan review process by the Planning Commission as described in Chapter 14. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Solar Energy Facilities, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), and any operations/maintenance building(s).
- C. Compliance with Laws, Ordinances, and Regulations. The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state, and federal requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the Michigan Building Code.
- D. Building Permit and Building Inspection. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- E. Fees.
 1. Applications to build a large-scale ground-mounted solar photovoltaic installation in Hampton Charter Township must be accompanied by the fees required for a Special Use Permit and a Type II Site Plan Review.
 2. Escrow for Permitting Costs: An escrow account in the form of a cash deposit of not less than \$10,000, or such other amount estimated by the Township Board, shall be set up when the Applicant applies for a Special Use Permit. The deposit shall be sufficient to cover all reasonable costs and expenses associated with the Special Land Use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the Applicant place additional monies into the Township escrow should the existing escrow amount filed by the Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within 14 days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within 90 days of permitting process completion. An itemized billing of all expenses shall be provided to the Applicant. The Township may hire qualified professionals for each and any of the technical fields associated with the Special Use Permit, such as, but not limited to, engineering, electrical, environmental, economic, wildlife, health, and land-use.

SECTION 29.03 SPECIAL LAND USE PERMIT REQUIREMENTS

- A. **Applicant Identification.** Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Hampton Township.
- B. **Project Description.** A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- C. **Project Design.** A description and drawing of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
- D. **Insurance.** Proof of the applicant's public liability insurance with a rated carrier of at least \$3,000,000 per occurrence to cover the Solar Energy Facility, the Township, and the landowner. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant, Township, and landowners.
- E. **Certification.** Certifications that the applicant has complied or will comply with all applicable county, state, and federal laws, regulations, and ordinances, including compliance with the Farmland and Open Space Preservation Program (Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 as amended, more commonly known as PA 116).
- F. **Manufacturers' Material Safety Data Sheet(s).** Documentation shall include the type and quantity of all materials used in the operation of all equipment.
- G. **Site Plan.** A site plan that complies with Chapter 14 and Section 29.04.

H. **Visual Simulations.** Photo exhibits visualizing the proposed Solar Energy Facility, with emphasis on visualizing the location of any required fences, landscaping, access roads, and setbacks from adjacent non-participating property.

I. **Maintenance Plan.** Applicant shall submit a maintenance plan that describes the following:

1. Demonstrates the Solar Energy Facility will be designed, constructed, and operated to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust.
2. States the manner how unpaved access roads will be treated and maintained, either with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust.
3. Provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.

J. **Emergency Services.** The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

K. **Decommissioning.** Copy of the decommissioning plan and a description of how any surety bond is applied to the decommissioning process.

L. **Complaint Resolution.** Description of the complaint resolution process.

M. **Noise Model.** Visual depiction of the noise model for the Solar Energy Facility.

N. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Planning Commission.

SECTION 29.04 ADDITIONAL SITE PLAN REQUIREMENTS

The applicant shall submit a site plan in full compliance with Chapter 14 of this zoning ordinance for each Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy Facility site plan are as follows:

- A. The project area boundaries.
- B. The location, height, and dimensions of all existing and proposed structures and fencing.
- C. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- D. Existing topography.
- E. Water bodies, waterways, wetlands, drainage channels, and drain easements.
- F. A site grading, erosion control and storm water drainage plan.
- G. All comments from the Bay County Drain Commissioner's office pertaining to the proposed Solar Energy Facility shall be submitted to the Planning Commission.
- H. Landscape/Screening Plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing, and planting.
- I. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
- J. Identification of a construction/set-up/laydown area.

SECTION 29.05 STANDARDS AND REQUIREMENTS

- A. All proposed facilities shall comply with all applicable local, state, and federal standards and requirements, including electrical, building, and drain codes, including the following, as applicable:
 1. Department of Environment, Great Lakes, and Energy (EGLE)
 2. Michigan Department of Agriculture and Rural Development (MDARD)
 3. U.S. Fish and Wildlife Service (USFWS)
 4. Federal Aviation Administration (FAA)
- B. Setbacks and Dimensions
 1. Front Yard: The front yard shall be at least 300 feet from the road right-of-way line.
 2. Side Yard: Each side yard shall be at least 100 feet. Where a large-scale ground-mounted solar photovoltaic installation abuts an existing residence or a residentially-zoned lot, the side yard shall not be less than 250 feet.
 3. Rear Yard: The rear yard shall be at least 100 feet. Where a large-scaled ground-mounted solar photovoltaic installation abuts an existing residence or a residentially-zoned lot, the rear yard shall not be less than 250 feet.
 4. Internal Property Lines: A SES is not subject to property line setbacks for a common property line of two or more participating parcels.
 5. Height: Large-scale ground-mounted solar photovoltaic installations shall not exceed twenty (20) feet in height above the ground.
 6. Minimum Lot Area shall be 20 acres.
 7. From Other Structures on the Same Lot: The large-scale ground-mounted solar photovoltaic installation shall be at least 15 feet from any other structure on the same lot.
 8. No maximum lot coverage applies to Solar Facilities.
- C. Appurtenant Structures. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with other structures in the installation. Whenever reasonable, structures should be shielded from view by vegetation to avoid adverse visual off-site impacts. When solar storage batteries are included as part of the solar collector-system, they must be placed in a secure container or enclosure meeting the requirements of the construction codes of this state, and when no longer in use shall be disposed of in accordance with applicable laws and regulations.
- D. Lighting. Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. It shall conform to Sections 3.24 and 15.08 of this zoning ordinance.
- E. Signage. Signs shall comply with the requirements described in Chapter 18. Further, large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- F. Utility Connections. All electrical connection systems and lines from the Solar Energy Facility to the electrical grid connection shall be located and maintained at a minimum depth of six (6) feet underground. The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as where geography precludes burial or in the case of a demonstrated benefit to the Township. The waiver shall not be granted solely on the basis of cost savings to an applicant. Request for variation shall consider aesthetics, future use of land, and effect on nearby landowners.
- G. The applicant must obtain a driveway permit from the Bay County Road Commission or MDOT, as applicable.
- H. The applicant must obtain any drain permits from the Bay County Drain Commissioner or EGLE, as applicable.
- I. The design of Solar Energy Facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- J. Transfer or Sale. In the event of a transfer or sale of the SEF, the Township shall be notified in writing within 30 days of such transfer or sale.
 1. Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all Utility Scale/Solar Farm SEF as outlined herein, including a public hearing.
 2. Upon transfer or sale, the financial security for decommissioning shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security adjusted to account for the new estimate.
- K. Noise. A SES shall not produce any sound that causes disturbance that exceeds 45dba (Lmax) at the property line at any time. As part of the application, and prior to installation, the applicant shall provide noise modeling and analysis that will demonstrate the Solar Energy Facility will not exceed the maximum permitted noise levels. Site plans shall include modeled sound isolines extending from the sound source to the property line to demonstrate compliance with this standard.
- L. Protection of Adjoining Property. In addition to the other requirements and standards contained in this section, the applicant shall demonstrate that the SEF will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
- M. Communication. Each SEF shall be designed, constructed, and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the Appli-

cant must produce confirmation that said interference had been resolved to residents' satisfaction within 90 days of receipt of the complaint. Any such complaints shall follow the process stated in Complaint Resolution sections.

N. Light and Glare:

1. All Solar Energy Facilities shall be placed such that solar glare does not project onto nearby inhabited structures or roadways, and be considered a nuisance.
 2. The applicant has the burden of proof that any glare produced does not have an adverse effect on neighboring or adjacent uses through siting and mitigation. If the solar panel systems do produce a glare, the applicant shall be responsible for mitigation, and will provide a mitigation plan.
 3. The design and construction of Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations.
 4. The applicant may be required to provide a glint and glare study to demonstrate the effects of glint and glare on nearby inhabited structures or roadways.
- O. Security and Screening
1. An information sign shall be posted and maintained at the entrance(s), which shall list the name and emergency contact phone number and web address of the operator
 2. Solar energy facilities may be surrounded by a chain link fence not to exceed six (6) feet in height. The fence shall be designed to restrict unauthorized access. Such fence may be placed within the required setback. The fence may be placed between the Solar Energy Facility and the landscaping buffer.
 3. Landscaping
 - a. Land clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the Solar Energy Facility per practices of best management of natural areas or good husbandry of the land or forest other prescribed by applicable laws, regulations, and bylaws.
 - b. All Solar Energy Facilities shall have a minimum landscape buffer depth of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than eight feet apart and at least four feet tall at time of planting. Trees and bushes planted in the buffer shall obtain a height of ten feet within three growing seasons. The trees or bushes may be trimmed but can be no lower than a height of ten feet.
 - c. When adjacent to residentially zoned land or land used for residential purposes, the Solar Energy Facilities shall have a berm not less than 5 feet high for the width of the zone or parcel upon which the residential use is located. Landscaping requirements shall be planted on the berm.
 - d. Each owner/operator of a Solar Energy Facility shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height.
 - e. Applicant must provide a detailed landscape maintenance plan for the proposed Solar Energy Facility, and surrounding area. The plan shall include a ground cover and vegetation establishment and management plan and include provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.

Q. Complaint Resolution

1. The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within 10 days of receipt of such complaint. The Township supervisor shall also be notified of each complaint. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.
2. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
3. A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

R. Reasonable Conditions. In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of any Utility Scale SEF as a special land use.

SECTION 29.06 DECOMMISSIONING AND ABANDONMENT

A. **Decommissioning:** A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the special use permit, which shall include:

1. The anticipated life of the project;
2. The estimated decommissioning costs. Salvage value shall not be considered when estimating decommissioning costs.
3. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
4. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
5. Complete restoration of property to condition prior to development of the Solar Energy Facility.
6. The anticipated manner in which the project will be decommissioned, and the site restored.
7. A provision to give notice to the Township one year in advance of decommissioning.
8. A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one year or more, any application for a new Solar Energy Facility shall include a description of the financial security guaranteeing removal of the Solar Energy Facility which will be posted prior to receiving a building permit for the facility.
 - a. The security shall be a: 1) cash bond, 2) cash surety bond, or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments. When determining the amount of such required security, the Township may also require future meetings at pre-set intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value.
 - b. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township.
9. The timeframe for completion of decommissioning activities.
10. A condition of the Surety Bond shall be notification by the surety company to the Township 30 days prior to its expiration or termination.

B. **Abandonment:** A Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment, facilities and underground wiring and completely restore the property to its condition prior to development of the Solar Energy Facility.

1. Upon determination of abandonment, the Planning Commission or its designee shall notify the party (or parties) responsible that they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within six months of notice.
2. If the responsible party (or parties) fails to comply, the Township or its designee, may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a nonhazardous predevelopment condition.

SECTION 29.07 REPOWERING

Repowering: Reconfiguring, renovating, or replacing an SEF to maintain or increase the power rating of the SEF within the existing project footprint.

A. If at the end of the lease period, or the useful life of the SEF, the applicant/owner decides to retrofit or repower the installation by reconfiguring, renovating, or replacing the existing components,

- a. The Applicant/Owner shall provide the Planning Commission a proposal to change the project. It shall be considered a new application, subject to the ordinance standards at the time of the request.
- b. The Applicant/Owner would not need to apply for a new permit if they are performing routine maintenance, as described in the provided maintenance plan.

SECTION 29.08 CONFLICTING PROVISIONS

In the event of a conflict between any provision in this Chapter and any other section of this Zoning ordinance with regard to large scale solar energy facilities, the provisions in this Chapter shall prevail.

Section 2: Penalty

Any person who shall violate any provision of this Ordinance shall be deemed responsible for the violation of a municipal civil infraction and shall be subject to all of the allowable fines, costs and penalties which shall be applicable for such violation in accordance with Ordinance 36A, as amended.

Section 3: Severability

If any provision or part of this ordinance is declared by any court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity or enforceability of any other provision or part, which shall remain in full force and effect.

Section 4: Repeal

Ordinance 36A, and all amendments thereto, in their entirety, and all resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5: Effective Date

This Ordinance shall after its adoption, be published in a newspaper circulated within the Charter Township of Hampton, Bay County, Michigan, and shall become effective upon the 31st day

Motion carried to introduce Ordinance 13-4 Blight:

An Ordinance for the purpose of preventing, reducing or eliminating blight or potential blight within the Charter Township of Hampton by the prevention or elimination of certain October 24, environmental causes of blight or blighting factors which exist or which may exist in the future in said Township; and to provide for the public peace, health, safety and general welfare of the persons or property therein.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN ORDAINS:

Section 1 – Title

This Ordinance shall be known and cited as the Charter Township of Hampton Anti-Blight Ordinance.

Section 2 – Cause of Blight or Blighting Factors

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, would tend to result in blighted and undesirable areas within the Charter Township of Hampton. On an after the effective date of this Ordinance no person, firm or corporation or any kind shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property owned, leased, rented or occupied by such person, firm or corporation within the Charter Township of Hampton:

- A. Storage upon any property of junk automobiles except in a completely enclosed building, and except as permitted by Ordinance of the Charter Township of Hampton. For the purpose of this Ordinance, the term “junk automobile” shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days, and shall also include, whether so licensed or not, any motor vehicle which has not been operative for any reason for a period in excess of thirty (30) days, except operative trucks or other machinery and equipment which may be used periodically pursuant to an act of business.
- B. The storage upon any property of disabled motor vehicles, or disassembling, tearing down or scrapping of a motor vehicle, or the scavenging or stripping of a motor vehicle, except as permitted by this or other Ordinances of the Charter Township of Hampton within an appropriate zone district. For the purpose of this Ordinance, the term “disabled motor vehicle” shall include any motor driven vehicle which is incapable of being self-propelled on the public streets or does not meet the statutory requirements for operation upon a public street, including a current license plate or registration plate and insurance.
 1. Disabled motor vehicles shall not be permitted in a front yard, as defined by the Charter Township of Hampton Zoning Ordinance No. 36A, as may be amended from time-to-time, and further, that a reasonable time, not to exceed 72 hours from the time of its disability, shall be permitted for the removal or servicing of the disabled vehicle in any emergency caused by accident and/or breakdown of the vehicle.
 2. One (1) disabled motor vehicle will be permitted in both side or rear yard, as defined by the Charter Township of Hampton Zoning Ordinance No. 36A, as may be amended from time-to-time, of a lot or parcel of land in the Township provided, however, disabled vehicle shall not be permitted to remain outside of a building in any yard whatsoever for a period in excess of thirty (30) days on any lot used for residential purposes or on the portion of any lot within twenty (20) feet of an abutting lot used for residential purposes.
 3. Storage, service and repair of a disabled motor vehicle in any residential or residential/business zone as identified in Charter Township of Hampton Zoning
 4. Ordinance No. 36A, as may be amended from time-to-time, shall be permitted by an owner or tenant of the premises when the vehicle is titled in the name of such person and on condition the storage, service and/or repair is conducted entirely within the confines of an accessory building or garage as defined in the Charter Township of Hampton Zoning Ordinance No. 36A, as may be amended from time-to-time and further without the use of any air pressure hammers, chisels, or similar noise producing tools and upon the further condition that such use is neither a commercial nor an industrial use nor otherwise prohibited by other ordinances of the Township. The existence of such causes a blight or blighting factors, shall be considered a nuisance per se and subject said owner, agent or occupant to any and all legal and equitable remedies available to the courts of this state without limitation and in addition to the penalties set forth in the following paragraphs.
 5. Storage, service and repair of disabled motor vehicles or other machinery incidental to and during a period when agricultural operations are being conducted in the agricultural zone shall be permitted by an owner, agent or occupant of the premises, provided that such use is neither a commercial nor industrial use and provided further that when outside such use is removed at least 100 feet from the nearest adjoining residential building used for residential purposes and upon further recondition that such use shall not be permitted within a front yard as defined in the Charter Township of Hampton Zoning Ordinance No. 36A, as may be amended from time-to-time.
- C. Storage upon any property of building materials unless there is in force a valid building permit issued by the Charter Township of Hampton, and unless said materials are intended for the use in connection with such construction to be completed within a reasonable period of time. Building materials shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in con-

struction of any structure.

- D. The storage or accumulation of rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, junk or any other foreign substance of every kind
- E. and description except domestic refuse which is stored in such a manner as not to create a nuisance for a period of not more than thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles, furniture, unused stoves or other appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- F. The existence of any structure or part of a structure which because of fire, wind, or other natural disaster or physical deterioration is no longer habitable as a dwelling or not useful for any other purpose for which is may have been intended.
- G. The existence of any vacant dwelling, garage or other outbuildings unless the same are kept security locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons.
- H. The existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and existing building permit, and unless said construction is completed within a reasonable period of time.
- I. It shall be unlawful to allow grass or weeds, unless otherwise exempted here in, to grow to a height in excess of either (8) inches, which shall be deemed to be a blighted condition. This Ordinance shall apply to the following properties:
1. On all residential lots of one (1) acre or less in area, in any residential or agricultural zone where the lot is adjacent to an established public street and, further, is adjacent to an occupied and developed residential property on at least one (1) side; weeds and grasses shall be maintained below the either (8) inch maximum. This Ordinance shall apply and require cutting of weeds and grasses for at least the first two hundred (200) feet fronting from any roadway.
 2. All commercial properties shall be maintained to a height of no more than eight (8) inches as described above when the commercially zoned property abuts any developed property, and said property shall be maintained to a minimum depth from any public street, of at least two hundred (200) feet.
 3. All industrial property shall be maintained to a height of no more than eight (8) inches as described above when the industrially zoned property abuts any developed property, and said property shall be maintained to a minimum depth from any public street of at least two hundred (200) feet.
 4. It shall be the duty of the Township Supervisor or his or her designee, or any duly authorized contractor engaged by the Township, to give general notice to every owner, possessor or occupier of land, and of every person having charge of any land within the Township, by publication at least once in a newspaper of general circulation in the Township that grasses and weeds not cut by May 15th of that year and/or as of ten thereafter as necessary, will be cut by the Township and the owner of the property charged with the cost of same, including any cost incurred in the removal or relocation of debris, junk or other miscellaneous obstruction which would be necessary or convenient for carrying out the requirements of this article.
 5. In the event any grass or weeds have not been cut or destroyed by May 15th, and/or as often thereafter as necessary, the Township Supervisor or his or her designee, or any duly authorized contractor engaged by the Township, may enter upon the land and cause all such grass or weeds to be cut down and destroyed. Express power to so enter upon such land and to destroy such grasses or weeds is hereby conferred. All expenses of such cutting or destroying, including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirements of this Ordinance shall be paid by the owner of such land, plus an administrative service charge, \$100 per cutting or destroying. The Township Supervisor or his or her designee may enter upon such lands as often as necessary to cut and destroy grasses and weeds and shall not be liable in any action for trespass. The Township shall have a lien against such lands for any expenses incurred, which lien shall be placed upon the special tax roll next in course of preparation as a charge against the property upon which such expense was incurred; and the same shall become a lien upon the land and shall be assessed and collected in the same manner as all other special assessments of the Township are assessed and collected; and the same, when collected, shall be paid into the general fund to reimburse the expenses therefrom. The penalties and remedies herein are in addition to those set forth in Section 4 below.
 6. Sub-Section (H) shall not apply to agriculturally used land in any zone classification that is either under current production or is enrolled in a state or federal program providing subsidies for allowing the land to sit fallow; nor shall it apply to lots or parcels which, by their use, are being maintained in a natural setting as defined herein, in which, by affirmative steps taken by the property owners, such as the
 7. planting of trees, ferns, shrubs, and other natural growth found in the community, are being created as a natural setting and habitat.

Definition of "Natural Setting": A "natural setting" lot or parcel shall be defined as a parcel of property of no less than two (2) acres containing a variety of grasses, shrubs, ferns, and trees, either existing in a natural state or planted by the property owner, to create the appearance of a parcel of property which has never been tilled, plowed, or otherwise altered from its natural state. Additionally, to create a "natural setting" lot, the owner is required to maintain a setback of fifty (50) feet from all right-of-way lines or front property lines to ensure clear vision of approaching traffic, pedestrians, animals etc. and the balance of the lot shall have lot coverage at a minimum of 75% natural plantings. The natural setting of plants, shrubs, and trees must reflect various states of maturity and height in order to give the appearance of a property which has never been cleared by man, to project the appearance of property which has been allowed to con-

tinue in its natural state. A natural setting, is not, however, an area that has once been cleared and either tilled or planted to grasses and simply allowed to continue to grow. Also, the property must be maintained in such a manner as to not allow invasive species to exist. Invasive species will be determined from the list published by the *Michigan's Invasive Species Program that is cooperatively implemented (at this time) by the Department of Environment, Great Lakes, and Energy, the Department of Natural Resources, and the Department of Agriculture & Rural Development. After establishment (1 year) of the "natural setting" area there shall be no tilling of the soil and there must be a 90% coverage of plantings as to avoid erosion. No gardening shall be done in the natural area. A garden can be used in the other 25% of the property's square footage. The only allowable movement of soil is to maintain the natural area or other township permitted activities. The natural area will be maintained in such a fashion to keep tall grasses and other vegetation with potential fire hazards thirty feet (30') from any structure.*

To obtain approval for a natural setting the applicant or property owner must prepare an application and submit a site plan to be reviewed by an arborist, landscape architect, forester or other consultant with appropriate horticultural or environmental credentials as retained by the Township. The site plan must include the type and quantity of materials to be installed with both common and botanical names to ensure that the proposed planting will comply with both the open area requirement, seventy-five (75%) of lot area coverage and will have the various gasses, shrubs, ferns, trees etc. which will be suitable for growth in the Mid-Michigan Area while not being invasive.

Examples of plants and invasive species that will not be accepted for reestablishing a "natural setting" are:

Mulberry (*Morus alba*), Tree of Heaven (*Ailanthus altissima*), Black Locust (*Robinia pseudoacacia*) Phragmites Common Reed (*Phragmites australis*), Wild Parsnip (*Pastinaca sativa*), Purple Loosestrife (*Lythrum salicaria*), Garlic Mustard (*Alliaria petiolate*), Autumn Olive (*Elaeagnus umbrellata*), Common Buckthorn (*Rhamnus cathartica*), Glossy Buckthorn (*Rhamnus frangula*), Japanese Knotweed (*Fallopia japonica*)

This is not a complete list of unacceptable plants but an example of some choices that will not be allowed to be planted or exist as part of the ongoing maintenance of the "natural setting."

Section 3 – Notice to Owner, Agent or Occupant

The Charter Township of Hampton shall notify by regular mail or by personal contact, the owner, agent or occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof are found to exist. The said owner, agent, or occupant shall be notified in writing to remove or eliminate such causes of blight or blighting factors from the property within ten (10) days after service of the notice upon him/her or their agent or occupants.

Section 4 – Penalty

Any owner, agent or occupant, who shall violate any of the provisions of this Ordinance, shall be subject to a fine of not more than five hundred (\$500) dollars or imprisonment in the County Jail not exceeding ninety (90) days or both, in the discretion of the Court, such penalties to be in addition to any other legal and equitable remedies available in the Court of this state without limitation and including those remedies herein before described allowing access onto said property and elimination of blight, including cutting of grass.

Section 5 – Repealer Clause

All Ordinances including Ordinance 13, Ordinance 13-1, Ordinance 13-2 and Ordinance 13-3 or any other Ordinance in conflict herewith are hereby repealed in their entirety.

Section 6 – Effective Date

This Ordinance shall take effect on the 31st day after publication following adoption, as required by law.

Both of the introduced Ordinances will be on the November 14, 2022 meeting for adoption.

Motion to approve the purchase of a weapon simulator training system in the amount of \$12,100 less a \$5,000 Par Plan Risk Reduction Grant.

ATTORNEY REPORT: Nothing.

ENGINEER REPORT: Not in attendance.

STANDING COMMITTEE REPORTS: None.

OFFICER/TRUSTEE/DEPT.HEAD/COMMISSIONER REPORTS:

CLERK: Motion carried to receive the September 2022 Revenue/Expense Report.

TREASURER: Motion carried to receive the 3rd Quarter 2022 Interest Report.

TRUSTEES: Gave their report.

SUPERVISOR: Gave her report.

DPW ADMINISTRATOR BENCHLEY: Gave his report.

PUBLIC SAFETY DIRECTOR BENCHLEY: Gave his report.

COUNTY COMMISSIONER JOHNSON: Gave his report.

OPEN TO THE PUBLIC: Tara Franz, Mary Smith & Andrew Wilson addressed the Board.

ADJOURNMENT: Meeting adjourned at 7:55 p.m.

Respectfully submitted: Frances DeWyse, Clerk

Approved by: Terri Close, Supervisor