

CASCO TOWNSHIP

St. Clair County, Michigan

Code of Ordinances

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Chapter 1 – General Provisions

Section 1.1 – Title of Code

This Codification of Ordinances for the Township of Casco, St. Clair County, Michigan shall be designated as the Casco Township Code of Ordinances.

Section 1.2 – Interpretation

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of state law.

Section 1.3 – Application to Future Ordinances

All provisions of this Code, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.

Section 1.4 – Definitions

- A. General rule – Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. For the purposes of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - 1. Code, Code of Ordinances – The Casco Township Code of Ordinances, as modified by amendment, revisions, and adoption of new titles, chapters, or sections.
 - 2. County – St. Clair County, Michigan.
 - 3. May – The act referred to as permissive
 - 4. Month – A calendar month.

5. Officer, Office, Employee, Commission, or Department – An officer, office, employee, commission, or department of the Township unless the context clearly requires otherwise.
6. Person – Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms person or whoever as applied by any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.
7. Preceding or Following – Next before or next after, respectively.
8. Shall – The act referred to is mandatory.
9. State – The State of Michigan.
10. Township or Municipality – The Township of Casco, St. Clair County, Michigan.
11. Township Board – The legislative body of the Township of Casco, St. Clair County, MI.
12. Written – Any representation of words, letters, or figures, whether by printing or otherwise.
13. Year – A calendar year, unless otherwise expressed.

Section 1.5 – Rules of Interpretation

The construction of all ordinances of Casco Township shall be by the following rules unless such construction is plainly inconsistent to the intent of the Township Board or of the contest of the same ordinance.

- A. “And’ or “Or”– Either conjunction shall include the other as written “and/or” if the sense requires it.
- B. Acts by Assistants – When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.
- C. Gender, Singular and Plural, Tenses – Words denoting the masculine gender shall be deemed to include the feminine and neuter genders, words in the singular shall include the plural, and words in the plural shall include the singular. The use of a verb in the present tense, shall include the future, if applicable.

D. General Term – A general term following specific enumeration of terms is not limited to the class enumerated unless expressly so limited.

Section 1.6 – Severability

If any provision of this Code, as now or later amended, or its application to any person or circumstance, is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 1.7 – Reference to Other Sections

Whenever in one section reference is made to another section thereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, re-codified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

Section 1.8 – Reference to Offices

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the Township exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

Section 1.9 – Errors and Omissions

If a manifest error is discovered, consisting of a misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any questions exist regarding the nature or extent of such error.

Section 1.10 – Ordinances Repealed

This Code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects treated by the herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this Code shall be deemed repealed from and after the effective date of this Code.

Section 1.11 – Ordinances Unaffected

All ordinances of a temporary or special or special nature, and all other ordinances pertaining to subjects not embraced in this Code, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

Section 1.12 – Effective Date of Ordinances

All ordinances passed by the Township Board requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

Section 1.13 – Repeal of Modification of Ordinance

- A. Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required, unless otherwise expressly provided.
- B. No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anyway be affected, released, or discharged, but may be prosecuted, enjoined, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.
- C. When any ordinance repealing a former ordinance, clause or provision shall by itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

Section 1.14 – Ordinances which Amend or Supplement Code

- A. If the Township Board shall desire to amend any existing chapter or section of this Code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substitutes in its place.
- B. Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this Code, the proper number of such chapter or section.

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Chapter 11 - Fiscal Year

Section 11.1 – Title

This Ordinance shall be known as the Casco Township Fiscal Year Ordinance.

Section 11.2 – Fiscal Year

Commencing in 1979, the fiscal year of the Township of Casco, shall extend from April 1 of the year until March 31 of the following year. Any preexisting Township budget, lawfully adopted by the Township Board, shall be proportionately extended to coincide with the foregoing new fiscal year periods.

Section 11.3 – Annual Settlement Day

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township, unless said day falls on a Saturday, Sunday, or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

Section 11.4 – Annual Meeting

The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year, at such time and place as is determined by the Township Board.

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Chapter 12 - Fringe Benefits

Section 12.1 – Title

This Ordinance shall be known and cited as the Casco Township Fringe Benefit Ordinance.

Section 12.2 – Purpose

The Township of Casco hereby creates and establishes fringe benefit programs for its officers and employees, and, for such purposes, also hereby authorizes the Township Supervisor and the Township Clerk to contract, in the name of the Township subject to the approval of the Township Board, with any company authorized to transact such business within the State of Michigan.

Section 12.3 – Coverage

- A. The fringe benefit plans created, established, and contracted for, under this Ordinance shall cover each person within the following classes of officers and employees:
1. All members of the Township Board.
 2. All Township employees who are employed for more than twenty (20) hours per week on an annual basis.

Section 12.4 – Eligibility

- A. The Township of Casco shall contract for each person within the class of officers and employees enumerated in Section 12.3 hereof. Such contributions shall be secured from the general fund of the Township.
- B. Each employee who is employed on the effective date of the Fringe Benefit Plan shall be eligible for coverage on that day, provided they meet the following requirements, otherwise to be eligible on the first policy anniversary on which he or she meets them.
1. He or she has completed at least 0 years of continuous employment.
 2. His or her age (nearest birthday) is at least eighteen (18) years but not more than seventy-five (75) years.

- C. Every employee who becomes subsequently employed shall be eligible on the first policy anniversary on which he or she meets the following requirements:
1. He or she has completed at least 0 years of continuous employment.
 2. His or her age (nearest birthday) is at least eighteen (18) years but not more than seventy-five (75) years.
- D. Any person desiring not to be so covered, shall give written notice to the Township Clerk that he/she desires not to be covered, and if the notice is received before the person has become covered under the contract, he/she shall not be covered thereunder. If the notice is received after the individual has become covered, coverage under the contract shall cease as provided for in the contract.

Section 12.5 – Vested

Each person, so covered under the annuity or pension plan, shall have a vested right or interest in such plan twelve (12) months from the date of employment.

Chapter 13 - Establishment of a Planning Commission

Section 13.1 – Scope, Purpose, and Intent

- A. This Ordinance is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, to establish a Planning Commission with the powers and duties and limitations provided by those Acts, and subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.
- B. The purpose of this Ordinance is to provide that the Casco Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, of the Casco Township Planning Commission formerly established under the Township Planning Enabling Act 168 of 1959, to establish the appointments, terms, and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission; and to prescribe the authority, powers, and duties of the Planning Commission.

Section 13.2 – Establishment

- A. The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, of the Casco Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959.
- B. The Casco Township Planning Commission shall have seven (7) members. Members of the Planning Commission as of the effective date of this Ordinance shall, except for an ex-officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008.

Section 13.3 – Appointment and Terms

- A. The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex-officio member. With the exception of the ex-officio member, each term of office shall be three (3) years.

- B. A Planning Commission member may hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.
- C. Planning Commission members shall be qualified electors of the Township, except that one (1) Planning Commission member may be an individual who is not a qualified elector of the Township.
- D. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township. In accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent possible.
- E. One (1) member of the Township Board shall be appointed to the Planning Commission as an ex-officio member. The ex-officio member has full voting rights. The ex-officio member's terms on the Planning Commission shall be for a period of one (1) year.
- F. No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Section 13.4 – Removal

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 13.5 – Conflict of Interest

- A. Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of the member to disclose a potential conflict of interest as required by this Ordinance constitutes malfeasance in office.
- B. For the purposes of this Section, conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:
 - 1. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined as a Planning

Commissioner's spouse, mother, father, sister, brother, son, or daughter, including an adopted child, or relative of any degree residing in the same household.

2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association.
3. The Planning Commission member owns or has a financial interest in adjacent property or any property that is within the notification radius for the subject request under the applicable zoning ordinance or the Michigan Zoning Enabling Act.
4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

Section 13.6 – Compensation

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 13.7 – Officers and Committees

- A. The Planning Commission may elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be one (1) year, with opportunity for reelection as specified in the Planning Commission bylaws.
- B. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 13.8 – Bylaws, Meetings, and Records

- A. The Planning Commission shall adopt bylaws for the transaction of business.
- B. The Planning Commission shall hold at least four (4) regular meeting each year, and shall by resolution determine the time and place of the meetings.

- C. Unless otherwise provided in the Planning Commission’s bylaws, a special meeting of the Planning Commission may be called by the Chairperson or by two (2) other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to all Planning Commission members at least forty-eight (48) hours before the meeting.
- D. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retaining by a Planning Commission in the performance of and official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976.

Section 13.9 – Annual Report

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 13.10 – Authority to Prepare a Master Plan

- A. Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, and other applicable planning statutes, the Planning Commission shall prepare a master plan as a guide for development within the Township’s planning jurisdiction.
- B. Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board asserts the right to approve or reject the master plan or any amendments through the authority provided in the Michigan Planning Enabling Act.

Section 13.11 – Capital Improvement Program

To further the desirable future development of the Township under the master plan, the Planning Commission may, after the master plan is adopted, prepare or cause to be prepared, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period. The prepared capital improvements program, if prepared by someone other than the Planning Commission, shall be subject to final approval by the Planning Commission.

Section 13.12 – Subdivision and Land Division Recommendations

- A. The Planning Commission may recommend to the Township Board provision of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than fifteen (15) days before the hearing in a newspaper of general circulation within the Township.
- B. The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 591 of 1996, as amended. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than fifteen (15) days before the date of the hearing, notice of the date, time, and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.
- C. The provisions of this Section shall not affect the validity or applicability of any existing ordinances concerning subdivisions and land divisions.

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Chapter 14 - Ordinance Enforcement Officer

Section 14.1 – Title

This Ordinance shall be known and cited as the Casco Township Ordinance Enforcement Officer Ordinance.

Section 14.2 – Ordinance Enforcement Officer

The Office of Casco Township Ordinance Enforcement Officer is hereby established in the Township of Casco, St. Clair County, Michigan.

Section 14.3 – Appointment

The Township Board is hereby authorized to appoint by motion/resolution any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said motion/resolution, and for such compensation as the Board may determine. The Board may further, by motion/resolution, remove any person or persons from said office, in the discretion of the Board.

Section 14.4 – Authority

The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Township of Casco whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different enforcing official or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance, that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this Ordinance, and the authority of the Ordinance Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer. An Ordinance Enforcement Officer shall in the performance of the officer's duties be subordinate and responsible to the Supervisor or such other Township Board member as the Township Board may from time to time designate.

Section 14.5 – Duties

The Ordinance Enforcement Officer's duties shall include the following:

- A. Investigation of ordinance violations.

- B. Issuing and serving ordinance violation notices.
- C. Issuing and serving appearance tickets.
- D. Issuing and serving municipal ordinance violation notices and municipal infraction citations.
- E. Appearance in court, or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators.
- F. Any other ordinance enforcing duties as may be delegated by the Township Board, Township Supervisor, or assigned by the Township Attorney.

Chapter 15 - Fire Charges

Section 15.1 – Title

This Ordinance shall be known and cited as the Casco Township Fire Charges Ordinance.

Section 15.2 – Purpose and Authorization

An Ordinance adopted pursuant to the provisions of Act Number 246 of the Public Acts of 1945, as amended. The Township of Casco currently provides fire protection services to persons and entities in the Township in need thereof, pursuant to and under contracts with the Township thereby becomes obligated to pay certain contractual sums as the result of the providing and rendering of such services. The said charges may be defrayed, pursuant to law, by the collection of charges for the usage of services provided. The purpose of this Ordinance is to defray charges for such fire protection services by providing for the collection of same.

Section 15.3 – Definitions

- A. “Fire Protection Service” shall be defined as any service performed for any person or entity in the Township of Casco by any municipal fire department pursuant to contract for fire protection in the Township. This includes, but is not limited to the use of, appearance of, or the dispatch of any fire equipment, truck, pumper or other apparatus of any description for the purpose of fire control, suppression or extinguishment, or for the removal or control of components of combustion, and shall include any services incidental to those rendered in connection therewith; and any such services rendered for the purpose of extrication, fire control, debris removal, control or removal of gasoline or oil spills, first aid or other similar services performed at the scene of, or in connection with, a motor vehicle accident, or other property damage or personal injury occurrences, not principally because of fire.
- B. “Property Owner” shall mean any person, firm, corporation, company or other entity having any interest, legal or equitable, in any property, real or personal, including land and the buildings thereon, and shall be deemed to include any person having apparent authority to act for such owner, including an employee, agent or occupant of such property.

Section 15.4 – Charges for Fire Protection

Any person or entity, including any owner who has received any fire protection service, shall be responsible for the costs thereof. The Township Board shall, by resolution, determine the costs which shall be charged and collected for specific fire protection services, which charges shall reasonably compensate the Township of Casco for costs of providing such services. The Casco Township Board will also have the authority to waive the payment for such charges in cases of extreme hardship.

Section 15.5 – Time Period for Payment

All of the foregoing charges shall be due and payable within ninety (90) days from the date the service is rendered, and in default of payment shall be collectable through proceeding in District Court, Circuit Court, or any other court of competent jurisdiction as a matured debt.

Section 15.6 – Collection Procedure

The Township Clerk shall prepare, and mail by first class mail, a statement setting forth the name of the property owner, if known, the property address, and the date the service was rendered, a description of the services rendered for payment is being requested, and the date by which payment is due. If payment is not received pursuant to the Clerk's notice, then collection proceedings shall be commenced as herein provided. All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 15.7 – Non-Exclusive Charge

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining fire protection services, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

Section 15.8 – Multiple Property Protection

Where a particular fire protection service, as rendered, directly benefits more than one person or property, the owner of each property so benefited, and each person or entity so benefited where property protection is not involved, shall be liable for the payment of the full charge for such

service hereinbefore outlined. The interpretation and application of this Section is hereby delegated to the Township Clerk, subject only to appeal within the time limits for payment, to the Township Board, and shall be administered so that charges shall only be collected from the recipients of the service.

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Chapter 21 - Liquor Control

Section 21.1 – Title

This Ordinance shall be known and cited as the Casco Township Liquor Control Ordinance.

Section 21.2 – Liquor Control Act of the State of Michigan

All alcoholic liquor traffic, including among other things, “the manufacture, sale, offer for sale, storage for sale, possession and transportation thereof within Casco Township, St. Clair County, Michigan, shall comply with the provisions of the Michigan Liquor Control Act, being Act No. 8 of the Michigan Public Acts of 1933, as amended.

Section 21.3 – Enforcement

For the purpose of enforcement of said Michigan Liquor Control Act within said Township, there is hereby established a Liquor Control Enforcement Department with full power, authority, and duty to see that the provisions of said Act and the rules and regulations of the Michigan Liquor Control Commission, adopted pursuant to said Act are enforced within said Township. Such Department shall consist of not less than one Constable or Deputy Sherriff appointed by the Township Board, and such other personnel as that Township Board may, in Its discretion, appoint. The personnel in such Department shall be entitled to such compensation as the Township Board may determine. Such Department, or a member thereof shall be available at all times to investigate complaints received under this Ordinance and enforce the provisions thereof.

Section 21.4 – Inspection

The Township Liquor Control Enforcement Department shall inspect not less than monthly, all liquor establishments licensed under the Liquor Control Act of the State of Michigan and, report the results of all inspections promptly to the Township Board. The Township Liquor Control Enforcement Department shall further promptly investigate all complaints received by it concerning violations of the Michigan Liquor Control Act, or improper operations and practices concerning alcoholic liquor traffic within the Township and report the same to the Township Board and where appropriate under the Michigan Liquor Control Act, to the Michigan Liquor Control Commission, for appropriate proceedings against the violator.

All Inspectors shall carry appropriate cards issued by the Township Clerk, clearly identifying them as Township Liquor Control Inspectors and shall present said cards to the owner or manager of every place inspected by them when making an inspection, upon demand for identification by such owner or manager.

Inspectors shall have the right to inspect any place in the Township where alcoholic liquor is manufactured, sold, offered for sale, kept for sale, possessed, or transported. Whenever possible, all inspection reports shall be made on Liquor Law Enforcement Inspection forms furnished by the Michigan Liquor Control Commission, or on similar forms otherwise obtained by the Township Liquor Control Enforcement Department.

Section 21.5 – Penalties

Any person other than persons required to be licensed under the Michigan Liquor Control Act, who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor.

Any licensee who shall violate any of the provisions of the Michigan Liquor Control Act or any rule or regulation of the Michigan Liquor Control Commission promulgated thereunder, or who shall violate any of the provisions of this Ordinance, and any person who shall prohibit or interfere with the authorized inspection of a member of the Township Liquor Control Enforcement Department shall be guilty of a misdemeanor, punishable by imprisonment in the country jail not more than 90 days, or both, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offence.

It is the intent of the Township Board that the court, in imposing punishment under the provisions of this Ordinance, should discriminate between casual or slight violations and habitual sales of alcoholic liquor or attempts to commercialize violations of this Ordinance or any of the rules or regulations of the Michigan Liquor Control Commission promulgated under the Michigan Liquor Control Act.

Chapter 22 - Drug Paraphernalia

Section 22.1 – Title

This Ordinance shall be known and cited as the Casco Township Drug Paraphernalia Ordinance.

Section 22.2 – Definitions

- A. The term “drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designated for use, in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of state or local law. It includes, but is not limited to:
1. Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any pieces of the plant which is a controlled substance.
 4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.
 5. Scales and balances used, intended for use, or designed for use in weighing controlled substances.
 6. Dilutants and adulterants, such as quinine, hydrochloride mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
 7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 8. Blender, bowls, containers, spoons, and mixing devices use, intended for use, or designed for use in compounding controlled substances.

9. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
 10. Containers and other objects used, intended, or designed for use in parenterally injected controlled substances in the human body.
 11. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metals, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - b. Water pipes
 - c. Carburetion tubes, and devices
 - d. Smoking and carburetion masks
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - f. Miniature cocaine spoons, and cocaine vials
 - g. Chamber pipes
 - h. Carburetor pipes
 - i. Electric pipes
 - j. Air driven pipes
 - k. Chillums
 - l. Bongs
 - m. Ice pipes or chillers
- B. In determining whether an object is “drug paraphernalia”, a court or other authority should consider in addition to all other logically relevant factors, the following:
1. Statements by an owner or by anyone in control of the objects concerning its use.

2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substances.
3. The proximity of the object, in time and space, to a direct violation of state law.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, intends to use the object to facilitate a violation of state or local law; the innocence of any owner, or of anyone in control of the object, as to a direct violation of state law shall not prevent a finding that the object is intended for use, or designed for use a drug paraphernalia.
7. Instruction, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displayed for sale.
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning its use.

Section 22.3 – Possession of Drug Paraphernalia

It is unlawful for any person to use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state or local law.

Section 22.4 – Manufacture, Delivery, or Sale of Drug Paraphernalia

It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state law.

Section 22.5 – Advertisement of Drug Paraphernalia

It is unlawful for any person to place in any newspaper, magazine, handbill, sign, poster, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Section 22.6 – Exceptions

This Ordinance shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists, and embalmers in the normal legal course of their respective business or professions, nor to persons suffering from diabetes, asthma, or any other medical conditions requiring self-injection; nor to persons who are treating animals by injection for the purpose of improving or maintaining animal health.

Section 22.7 – Civil Forfeiture

Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this Ordinance shall be seized and forfeited to the Township of Casco.

Section 22.8 – Penalty

Any person who shall be convicted of violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred (\$500) dollars, or by imprisonment not to exceed ninety (90) days, or both, in the discretion of the court. Each day a violation continues shall be considered a separate offense and may be punished accordingly.

Section 22.9 – Delivery to a Minor Penalty

An individual 18 years of age or over, who violates this Ordinance by delivering or selling, to an individual under 18 years of age, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state law shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than two hundred and fifty (\$250) dollars, and by imprisonment of not less than three (3) days, nor more than ninety (90) days, in the discretion of the court.

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Chapter 23 - Open House Party

Section 23.1 – Title

This Ordinance shall be known as the Casco Township Open House Party Ordinance.

Section 23-2 – Purpose

For the purpose of this Ordinance, the following terms shall be defined as follows:

- A. Adult – Any person seventeen (17) years of age or older.
- B. Alcoholic Beverage – Any beverage containing more than $\frac{1}{4}$ of 1% alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of Michigan Compiled Laws, Section 436.2 as the same may be amended from time to time.
- C. Minor – A person not legally permitted by reason of age to possess alcoholic beverages pursuant to Michigan Compiled Laws Section 436.33b, as the same may be amended from time to time.
- D. Residence – A home, apartment, condominium, or other dwelling unit and includes the curtilage of such dwelling unit.
- E. Open House Party – A social gathering of persons at a residence other than the owner or those with rights of possession or their immediate family members.
- F. Drug – A controlled substance as defined now or hereafter by the Public Acts of the State of Michigan.
- G. Control – Any form of regulation or dominion including a possessory right.

Section 23.3 – Responsibility of Adults

No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult

failed to reasonably take steps to prevent the possession or consumption of the alcoholic beverage or drug at said residence.

Section 23.4 – Exceptions

The provisions of this Section shall not apply to legally protected religious observances or legally protected educational activities.

Section 23.5 – Penalties

The penalties for violation of this Section shall be as follows:

- A. For the first violation, a fine not exceeding five hundred (\$500.00) dollars or imprisonment in the county jail for a term not to exceed thirty (30) days or by both such fine and imprisonment.
- B. For subsequent violations, a fine not exceeding five hundred (\$500) dollars or imprisonment in the county jail for a term not to exceed ninety (90) days or by both such fine and imprisonment.

Chapter 24 - No Through Truck Traffic

Section 24.1 – Title

This Ordinance shall be known and cited as the Casco Township No Through Truck Traffic Ordinance.

Section 24.2 – Purpose

The purpose of this Ordinance is to limit the through truck traffic between Mayer Road and County Line Road, without posing undue hardship to those residents and businesses along St. Clair Highway. Further, the purpose of this Ordinance is to promote and protect the health, safety, morals, and general welfare of and in the Township of Casco; and the Ordinance is enacted pursuant to the enacting authority, therefore.

Section 24.3 – Authority

This Ordinance is being established and adopted, and shall be enforced under the Motor Vehicle Laws of the State of Michigan.

Section 24.4 – Exception

This Ordinance shall not be interpreted to restrict the use of St. Clair Highway for approved temporary detours by the St. Clair County Road Commission and/or Township of Casco, when deemed necessary.

Section 24.5 – Violation and Penalty

Any person and/or persons using, travelling and/or driving on, upon or across and/or over St. Clair Highway, in the Township of Casco, as a through route for truck traffic across, through and/or in the Township, shall be in violation of this Ordinance, shall be responsible for a civil infraction, and shall be ordered to pay civil fines, costs and/or sanctions as provided and established for such civil infraction violations under the statutes and laws of the State of Michigan, including MCLA 257.741, et seq; MSA 9.2441, MCLA 257.907, MSA 9.2607, and in accordance with the schedule of civil fines and costs as established by and in the 72nd District Court, County of St. Clair, State of Michigan, or any other court hereafter having jurisdiction in same.

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Chapter 25 - Municipal Violations Bureau

Section 25.1– Title

This Ordinance shall be known and cited as the Casco Township Municipal Violations Bureau Ordinance.

Section 25.2 – Establishment, Location, and Personnel of the Municipal Violations Bureau

- A. Establishment – The Casco Township Municipal Violations Bureau is established pursuant to Michigan Public Act 12 of 1994 (MCLA 600.8396) for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal infractions, and to collect and retain civil fines and costs for such violations as prescribed herein.
- B. Location – The Bureau shall be located at the 72nd District Court, in the County of St. Clair, Michigan, such other court as shall hereafter have jurisdiction and venue, or at such other location as established by resolution of the Casco Township Board.
- C. Personnel – All personnel of the Bureau shall be Township employees or employees of the 72nd District Court or other court having jurisdiction and venue in such cases. The Casco Township Board may and/or shall by resolution designate a Bureau Clerk, with duties prescribed herein and as delegated by the Casco Township Board.

Section 25.3 – Bureau Authority

The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice and/or citation has been issued and served, and to collect and retain the scheduled civil fines and/or costs for such violations specified pursuant to this ordinance or other applicable ordinances.

Section 25.4 – Ordinance Violation Notice Requirements Admission/Denial of Responsibility

- A. Ordinance Violation Notice and/or Citation Requirements – Municipal civil infraction notices and/or citations may be given and issued, at the discretion of the Township Board and/or Ordinance Enforcement Officer, or other law enforcement officials later appointed and designated by the Casco Township Board; violations notices and/or citations shall be issued and served by authorized Township officials; and said notices/citations shall include the

amount of fines/costs, methods to admit or deny, consequences of failure to pay fines/costs, Bureau address and telephone, and days and hours the Bureau is open.

- B. Denial of Responsibility – Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau, and pay the required civil fines/costs within the designated time period, the Bureau Clerk shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court. This Section also provides for content of citation to be filed with the Court, service of copy alleged violator and processing of same as required by law.

Section 25.5 – Schedule of Civil Fines/Costs

- A. Unless a different schedule is provided by ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

1 st violation within a 3-year period	\$50.00
2 nd violation within a 3-year period	\$125.00
3 rd violation within a 3-year period	\$250.00
4 th or subsequent violation within a 3-year period	\$400.00

- B. In addition to the civil fines, costs of \$10.00 shall be assessed by the Bureau if the fine and costs are not paid within ten (10) days after the date of service of municipal ordinance violation notice and/or citation; and which amount may adjusted and/or by resolution of the Casco Township Board.

Section 25.6 – Records and Accounting

The Bureau Clerk shall retain a copy of all municipal ordinance violations, notices and/or citations, and shall account to the Casco Township Board concerning the number of admissions and denials of responsibility for ordinance violations, and the amount of fines and/or costs collected shall be delivered to the Casco Township Treasurer and deposited in the general fund of the Township of Casco.

Section 25.7 – Availability of Other Enforcement Options

Nothing in this Ordinance shall require the Township to initiate municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. The Township may,

at its sole discretion, proceed directly with the issuance of a municipal civil infraction or take such other enforcement action as is authorized by law.

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Chapter 26 - Discharge of Fireworks

Section 26.1 – Short Title

This Ordinance shall be known as and may be cited as the “Casco Township Discharge of Fireworks Ordinance.”

Section 26.2 – Statement of Purpose

The purpose of this Ordinance is to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCLA § 28.451 et seq., as amended.

Section 26.3 – Definitions

As used in this Section, the following terms shall be defined as:

- A. APA standard 87-1 – 2001 APA standards 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics, published by the American Pyrotechnics Association of Bethesda, MD.
- B. Consumer Fireworks – Firework devices that are designed to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Protection Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.
- C. Fireworks – Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.
- D. Low Impact Fireworks – Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.
- E. Minor – An individual who is less than 18 years of age.

Section 26.4 – Ignition, Discharge, or Use of Consumer Fireworks

- A. Except as provided in this Section, a person shall not ignite, discharge, or use consumer fireworks at any time.
- B. A person may ignite, discharge, or use consumer fireworks on the following days and times:
 - 1. Memorial Day – The Saturday and Sunday of Memorial Day weekend from 11 AM to 11:45 PM.
 - 2. Independence Day – June 29 to July 4 (and July 5 if the day falls on a Friday or Saturday), from 11 AM to 11:45 PM.
 - 3. Labor Day – The Saturday and Sunday of Labor Day weekend from 11 AM to 11:45 PM.
 - 4. New Years – December 31 from 11:00 AM until 1:00 AM on January 1.
- C. A minor shall not possess consumer fireworks.
- D. A violation of this Section is a civil infraction, punishable by a fine of one thousand (1,000) dollars.

Section 26.5 – Ignition, Discharge, or Use of Consumer Fireworks on Public Property, School Property, Church Property or the Property of Another Person

- A. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization’s or person’s express permission to use those fireworks on those premises.
- B. A violation of this Section is a civil infraction, punishable by a fine of not more than five hundred (500) dollars.

Section 26.6 – Ignition, Discharge, or Use of Consumer Fireworks While Under the Influence

- A. A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- B. As used in this Section, “alcoholic liquor” is a term defined in Section 1d of the Michigan Vehicle Code, MCL 257.1d, as may be amended, and “controlled substance” means that term as defined in Section 8b of the Michigan Vehicle Code, MCL 257.8b, as may be amended.

- C. A violation of this Section is a civil infraction, punishable by a fine of not more than one thousand (1,000) dollars.

Section 26.7 – Determination of Violation; Seizure; Destruction; Storage Costs

- A. If a police officer determines that a violation of this Ordinance has occurred, the Department may seize the firework as evidence of the violation. The Department shall store, or cause to be stored, the evidence seized under this Section pending disposition of any proceedings arising from the violation.
- B. Following a final disposition of an appeal of a finding of responsibility under this Ordinance that affirms the finding, the Department may dispose of or destroy any fireworks retained as evidence in that proceeding.
- C. A person from whom fireworks are seized under this Ordinance shall pay the actual costs of storage and disposal of the seized fireworks if found responsible for a violation of this Ordinance.

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Chapter 31 - Water Well Log

Section 31.1 – Title

This Ordinance shall be known and cited as the Casco Township Water Well Log Ordinance.

Section 31.2 – Purpose

The purpose of this Ordinance is to preserve the public health, safety, and welfare of the Township of Casco by providing for the proper installation, digging, drilling, and other establishment of water wells within the Township of Casco; and to provide that a water well log be provided prior to the issuance of building permits.

Section 31.3 – Definitions

- A. Person – Any individual or combinations thereof, including partnerships, limited liability companies, corporations, associations, firms, or other entities.
- B. Township Board – The Casco Township Board of Trustees
- C. Potable Water – Water which is of a suitable purity and quality for drinking and consumption by human beings.
- D. Water Well Log – The written record of the installation, digging, drilling, or other establishment of a water well, which is required to be prepared by the well driller (or other person installing, digging, drilling, or otherwise establishing a water well) for filing with the St. Clair County Health Department, and the State of Michigan. In the absence of a well driller’s written record, a signed and notarized affidavit(s) executed by the owner(s) and the St. Clair County Health Department, which verify that they have an acceptable source of potable water, must be submitted to the Building Inspector.
- E. Well Driller – A person and/or entity that is engaged in, conducts, and operates the business and/or activity of installing, digging, drilling, and establishing water wells in accord with applicable laws and regulations.
- F. Water Well – A well that is installed, dug, drilled, and established to provide suitable potable water for drinking, use, and consumption by human beings.

Section 31.4 – Water Well Log

It shall be unlawful for any person, firm, company, corporation, limited liability company, or other entity to construct or erect any building or structure which requires a potable water supply, unless the owner, or owners, of the property upon which such building or structure is to be situated has first supplied and provided a water well log to the Casco Township Building Inspector; and that no building permit for the construction of any building or structure, which requires a potable water supply, shall be issued unless the owner(s) of the property has first provided a water well log to the Casco Township Building Inspector.

Section 31.5 – Information to be Supplied with Water Well Log

- A. The owner(s) of any real estate who desires a building permit for the construction of any structure which requires a potable water supply, shall submit the water well log to the Casco Township Building Inspector, together with the following items of information:
1. The name, address, and telephone number of the owner(s).
 2. An accurate description of the parcel upon which the construction of the said structure is to take place.
 3. The water well log shall provide the location, depth, size, and type of casing of the water well, together with a statement as to the quantity and quality of water produced by the well.
 4. The water well log shall indicated the name, address, telephone number, and well driller's license number, of the person, firm, company, limited liability company, corporation or other entity who drilled, installed, dug, or otherwise established the said water well, and who prepared the water well log.

Section 31.6 – Issuance of Building Permit

The Casco Township Building Inspector, upon receipt of the above described water well log, together with the other items of information required herein, shall issue the building permit to the owner(s), subject to and in accordance with, the requirements of the Casco Township Building Code, and other applicable Township Ordinances. However, no building permit shall be issued to the owner(s) unless they shall have complied fully with all provisions and requirements of the Casco Township Building Code for the issuance of such permit.

Section 31.7 – Administration and Enforcement

- A. This Ordinance shall be enforced by the Township Supervisor or such other persons authorized by the Township Board of Trustees.
- B. Nothing in this Ordinance shall be construed or interpreted to prohibit the installation, digging, drilling, or other establishment of water wells for the purposes which do not require a potable water supply.

Section 31.8 – Violations, Penalties, and Remedies

- A. A violation of any provision of this Ordinance shall constitute a misdemeanor. Each day a violation occurs, or is permitted to exist, or does in fact exist, shall constitute a separate offense. Any person(s) who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not exceeding five hundred (500) dollars, or ninety (90) days in jail, or both, in the discretion of the court.
- B. In addition to, or in lieu of, the penalties and/or remedies provided in Subsection A, any violation of this Ordinance may be enjoined by a Court of competent jurisdiction.

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Chapter 32 - Soil Removal

Article 1 – Introduction

Section 32.1 – Purpose and Authorization

An Ordinance adopted pursuant to the provisions of Act. No. 246 of the Public Acts of 1945, as amended to regulate the removal of earth materials such as topsoil, subsoil, sand, gravel, clay, rock, and other material, within the Township of Casco, to provide for the issuance of permits for such activities, to provide for payment of fees, to prescribe rules and regulations and conditions for the issuance of permits, to provide for surety to ensure compliance and satisfactory performance of the terms of said Ordinance, to provide for renewals of permits, to provide penalties for the violation of this Ordinance, and to provide for the relationship of this Ordinance to other laws and ordinances.

This Ordinance is enacted for the purpose of promoting the public health, welfare, and safety, of the residents of Casco Township.

Section 32.2 – Title

This Ordinance shall be known and cited as the Casco Township Soil Removal Ordinance and will be referred to herein as "this Ordinance."

Article 2 – Definitions

Section 32.3 – Definitions

- A. Berm – A landscaped earthen embankment of at least eight (8) feet in height, designed to act as a visual and sound barrier, with a slope no steeper than 1 on 4.
- B. Earth Materials – Any soil, topsoil, subsoil, sand, gravel, rock, clay, peat or other similar material.
- C. Fence – When required this Ordinance, shall mean a woven wire fence of at least four (4) feet in height but in no instance shall a fence be of lesser quality than No. 11 farm fence.
- D. Greenbelt or Planting – Consists of a dense evergreen or similar plant material designed to provide an obscuring buffer.

- E. Nuisance – Anything that annoys, injures or endangers the safety, health, comfort or repose of the public, interferes with or destroys or renders dangerous any public thoroughfare, allows accumulation of noxious matter on private or public property, or in any way renders the public insecure.
- F. Pit Operations – Any excavation whose ponded water results, or that lowers the surface to a point below the definition of a stripping operation.
- G. Premises – A contiguous parcel of land in the same ownership.
- H. Reclamation – The restoration of property in a fashion that makes its development by a use permitted in the zoning district possible.
- I. Stripping Operation – Any one of the following types of excavations where no ponded water results:
 - 1. Any operation which results in the removal of all or part of a visible surface landform, or
 - 2. Any operation which is limited to the removal of topsoil only and does not disturb the underlying subsoil, whether the subsoil is composed of sand, gravel, clay or other material, or
 - 3. Any operation which removes the surface soils no lower than a point at least six (6) inches above the mean elevation of the centerline of the nearest existing or proposed street or road established or approved by the St. Clair County Road Commission, or
 - 4. Where there is no nearby street or road, an operation which removes the surface soils no lower than a point at least six (6) inches above the mean elevation of the surrounding land within one quarter mile, as shown on United States Geological Survey data.

Article 3 – Removal of Earth Materials

Section 32.4 – Removal Permit

It shall be unlawful for any person to remove any earth material from any premises without a permit from the Township Board. However, no permit will be required where the removal of earth materials is carried on for the installation of the foundation and/or basement of any use permitted in the applicable zoning district, as regulated by the Casco Township Zoning Ordinance.

Section 32.5 – Application for Permit

Before granting a permit, the Township Planning Commission shall conduct a public hearing concerning such application, and file its recommendation with the Township Board.

A separate permit shall be required for each separate site. Each application for a permit (8 copies to be submitted) shall be made to the Township Clerk and shall contain a Topographical Survey, Engineering Plan and a Reuse Plan (all at the same scale), and the following information as a condition precedent to the obligation to consider such request:

- A. Full names and addresses of all persons setting forth their legal interest. Proof of said legal interest shall be provided.
- B. A Boundary Survey, sealed by a Registered Land Surveyor, of the premises wherein the operations are proposed shall be provided.
- C. Topographical Survey map at a scale of at least one (1) inch equals one hundred (100) feet, showing existing and proposed grades on a two (2) foot contour interval or greater, consistent with sound engineering practice. Said grades shall be prepared and sealed by a Civil Engineer or Land Surveyor, registered as such by the State of Michigan. The topographical survey must be updated each year, prior to issuance of an annual operating permit.
- D. A statement, cross-sections showing all proposed slopes, and calculations by a Registered Civil Engineer or Land Surveyor showing the cubic yards of the earth material to be removed and a detailed statement and engineering plan as to how the removal is to be accomplished.
- E. Detailed site engineering plan drawn at a scale of at least one (1) inch equals one hundred (100) feet, which identifies all types of materials to be removed and/or redistributed, an indication of specific places on the property where the fill (redistributed material) is to be placed, storm drainage design including off-site ditch and drain elevations, final grading plan, final drainage pattern, a detailed statement as to the methods of operation, such as wet or dry method, the type of machinery or equipment to be used; and the estimated period of time that such operations will cover. Where restoration is not complete, as-built drawings showing the present contours of the excavation shall be submitted with each subsequent year's request for permit renewal.
- F. A statement of similar operations carried on by the applicant, including location by municipality.
- G. The type and daily number of vehicles to be used in the proposed operations.
- H. Detailed statement as to exactly what type of deposit is proposed to be extracted.

- I. Identification of access roads, on-site roads, a drainage plan that identifies grades for proper drainage and any special draining devices, fencing, any existing or proposed structures on the site, existing and proposed utilities.
- J. A detailed reuse plan, drawn at a scale of 1"=100', showing that the entire property will be left in a form that is suitable for development with uses that are permitted in the district, relating such reuse to uses existing or probable for surrounding properties. Among items to be included in such plan are feasible circulation patterns in and around the sites, the treatment of the exposed soil or subsoil (including measures to be taken to replace topsoil in excavated areas) in order to make the property suitable for the proposed reuse, treatment of slopes to prevent erosion, and delineation of drainage ways and flood plains, which shall be left undisturbed.
- K. Presentation of an Impact Assessment which includes an evaluation of the social and ecological environment in and around the site. The following items must be addressed as well as any other characteristics unique to the site or area.
 1. Impact on the natural environment
 - a. Inventory and describe the existing vegetation and wildlife found on the site. To what will they be permanently impaired or eliminated as a result of the proposed operations?
 - b. Will the proposed operations alter the existing drainage patterns of the area surrounding the site?
 - c. What effect will the operation have on the quantity and quality of groundwater in the area?
 - d. What steps will be taken to protect wells on adjacent or surrounding property?
 - e. How will the proposed operations affect air quality in the surrounding area, particularly regarding dust, blowing sand, vehicle emissions and the like?
 - f. What noise levels will result from the proposed operations, and what steps will be taken to limit noise to an acceptable level?
 - g. What natural features, such as unique topography, mature trees, natural streams, marshlands, swamps and the like, will be destroyed by the proposed operations?
 - h. How will the proposed operations affect soil stability in the area?

- i. Are there potential historic or archaeological characteristics that may be destroyed?
 - j. Identify flood plains and the 100-year flood elevation.
2. Impact on the social environment
- a. How will the proposed operation affect the physical and cultural attractiveness of the surrounding area?
 - b. What impact will the proposal have on landmarks and aesthetic views in the area?
 - c. Will the proposed operations create a nuisance for residents in the area?
 - d. What impact will the proposal have on neighborhood character and privacy in the area?
 - e. How will the operation affect property values and the quality of housing in the adjoining areas?
3. Economic impact
- a. Will the proposal increase employment in the Township or the County?
 - b. How does the petitioner's past performance indicate financial stability and ensure completion of the proposed project?
 - c. Will the proposed operations impair the economic growth of any existing land uses?
 - d. Will the proposed operations impair the usefulness or marketability of adjoining properties?
4. Public service impact
- a. What additional public services, such as polices and fire protection, will be required as a result of the proposal?
 - b. What impact will the proposal have on local tax revenues?
 - c. Will the proposal significantly increase traffic congestion in the area?
 - d. What effect will the truck traffic have on road conditions over the proposed haul route?

- e. Will the proposed haul route impact any other municipalities other than Casco Township?

The above required information is to be provided in sufficient detail to allow the Township to systematically and thoroughly evaluate the potential impact of the proposed operations on the surrounding area and the community as a whole.

Section 32.6 – Permit Fees

To defray the cost of engineering services, investigation, publication charges, and other administrative expenses incurred by processing such application, there is hereby established an application fee. Permits issued by the Township Board shall be for a period of one (1) year, expiring on March 31st of each year, and such permits may be renewed by the payment of annual permit fee. The amount of the application fee and the annual permit fee shall be set from time to time by resolution of the Township Board. Such permits shall be renewed as herein provided for so long as the permittee complies with all of the provisions of this Ordinance, other ordinances, state law, or other conditions of this permit. Failure to renew the annual permit on the part of the operator shall require reapplication for approval under Section 32.5 of this Ordinance.

Section 32.7 – Issuance of Permits

- A. After reviewing all of the information submitted by the applicant and other pertinent information, and the recommendations of the Planning Commission, the Township Board shall at a regular or special meeting determine whether or not a permit will be issued. The permit shall be issued in the event the Township Board determines that the issuance of the permit would not detrimentally affect the public health, safety, and welfare, and that granting the permit, as proposed, would not:
 - 1. Permanently impair the intended land use potential of the property in question.
 - 2. Detrimentially affect the adjoining and adjacent properties.
 - 3. Be inconsistent with the planning, land use, and zoning of the area where the proposed operation is to be located.
 - 4. Violate or defeat any of the requirements and standards as set forth in this Ordinance.
- A. The commencement of operations during the time frame covered by the permit shall constitute acceptance of all limitations and conditions which the Township may impose as a part of the permit.

Section 32.8 – Operation Inspections

As a condition for issuance of a permit under this Ordinance, the operator shall agree to two (2) annual inspections by the Township Engineer. Such inspections are for the purpose of determining compliance with all requirements of this Ordinance and any specific conditions applied to the individual permits. The two (2) annual inspections shall be funded by the permit fees established in Section 32.6. If additional inspections are required because of non-compliance, the cost of same shall be borne by the applicant and paid prior to permit renewal.

Section 32.9 – Specific Requirements for Pit Operations

- A. Where an excavation in excess of five (5) feet will result from such operations the applicant shall erect a fence with appropriate KEEP OUT - DANGER signs completely surrounding the portion of the site where the excavation extends, said fence to be not less than four (4) feet in height, complete with gates, which gates shall be kept locked when operations are not being carried on. Where an operator can demonstrate that no attractive nuisance exists, the Township Board may waive the requirement for fencing.
- B. Any roads used for the purpose of ingress and egress to said excavation site which are located within three hundred (300) feet of occupied residences shall be kept dust free by surfacing with concrete or bituminous aggregate, or approved chemical treatment.
- C. Side slopes around the perimeter of the site and the banks adjacent to ponded water shall not have a slope exceeding one (1) vertical foot for such five (5) horizontal feet. The slope extending into the water shall also not exceed this ratio from the edge of the water out to a depth of five (5) feet.
- D. Where quarrying operations result in a body of water, the owner or operator shall place appropriate "KEEP OUT - DANGER" signs on the perimeter fence not more than two hundred (200) feet apart. In order to protect water wells and the water supply of the Township of Casco, the pumping or draining of water from such quarrying operation by any means is absolutely prohibited. A method of quarrying approved by the Township Board shall be followed.
- E. No cut or excavation shall be made closer than two hundred (200) feet from the nearest street or highway right-of-way line nor nearer than two hundred (200) feet to the nearest property line; provided, however, that the Township Board may prescribe more strict requirements in order to give subterranean support to surrounding property where soil or geographic conditions warrant it.
- F. Sufficient topsoil shall be stockpiled on said site so that the entire site may be recovered with a minimum of four (4) inches of topsoil. Revegetation of the pit shall be started as soon as the

first ten (10) acres are completely excavated and shall progress in stages as the excavation progresses. The slopes of the pit shall be graded and seeded in accordance with the approved Reuse Plan and in a manner that prevents erosion. Topsoil shall not be removed from the site until it is demonstrated that this requirement has been met.

- G. The Township Board shall require more stringent requirements where the Impact Assessment and/or Statement demonstrates the need for such, in the interest of the public health, safety and general welfare.

Section 32.10 – Specific Requirements for Stripping Operations

- A. No earth materials as defined herein, or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage off-site is maintained and is not interfered with.
- B. Sufficient topsoil shall be stockpiled on said site so that the entire site, when stripping operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping operations each year. In the event, however, that such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas, in two (2) acre increments, as the project progresses.
- C. Any roads used for the purpose of ingress and egress to said stripping site, which are located within three hundred (300) feet of occupied residences, shall be kept dust free by surfacing with concrete or bituminous aggregate, or approved chemical treatment.
- D. No stripping shall take place within two hundred (200) feet from any street right-of-way line or an adjoining residence, nor within fifty (50) feet of any other property line; provided, however, that the Township Board may prescribe more strict requirements in order to protect nearby residences from any potential adverse impacts of the stripping operation.
- E. In order to prevent all unnecessary dust and blowing of sand or other soil materials, there shall be no stockpiling of sand in excess of one thousand (1,000) cubic yards and all stockpiles shall be restricted to a maximum height of fifteen (15) feet.
- F. The Township Board shall prescribe more stringent requirements if deemed necessary in the interest of the public health, safety and welfare, as demonstrated by the Impact Assessment and/or Statement.

Section 32.11 – Plans for Reuse

- A. The property shall be fully reclaimed, in accordance with the approved Reuse Plan, no later than one (1) year after extractive operations are complete, or within one (1) year following any inactive period of nine (9) consecutive months. Noncompliance with this requirement shall be grounds for forfeiture of the operator's performance bond. It shall also be necessary to immediately reclaim any mining site where the operator fails to renew the annual operating permit.
- B. Plans for reclamation designed to make reuse possible shall be carried out and the property fully reclaimed in accordance with the plan no later than one (1) year after cessation of extractive operations at the site, whether by closure, inactivity, or failures to renew the annual operating permit.
- C. The Reuse Plan for the mining site shall clearly show that the property is suitable for one or more uses permitted in the particular zoning district in question. Reclamation shall include the following minimum characteristics:
 - 1. Grading of the site to slopes not exceeding one (1) foot vertical for each three (3) feet horizontal.
 - 2. Replacement of sufficient topsoil, four (4) inches minimum, to sustain vegetation designed to prevent erosion of the slopes.
 - 3. Replacement of vegetation, including grass, shrubs, trees, and similar plant materials, by seeding, mulching, and similar techniques. Such vegetation shall be designed to stabilize and protect the surface and slopes, restore the site's original natural character, and shall be guaranteed to remain viable for a period of at least two (2) years following completion of the Reclamation Plan.

Section 32.12 – Removal Operations Existing Prior to Passage of this Ordinance

Earth material removal operations which existed prior to the effective date of this Ordinance shall obtain a permit as required herein. Such permit shall be obtained upon expiration of the operation's existing permit. In order to obtain a permit as required under this Ordinance, previously existing operations shall comply with all provisions of this Ordinance, except in cases where excavations already exist which are closer to property lines or road rights-of-way than permitted in this Ordinance, such noncompliance will be permitted, but the excavation may not be extended in any manner which would increase the noncompliance.

Section 32.13 – Surety

The Township Board shall, to ensure strict compliance with any regulations contained herein or required as a condition for the issuance of a permit for the removal of earth material, require the permittee to furnish surety in the form of cash, a bank letter of credit, or a bond executed by a reputable surety company authorized to do business in the State of Michigan. The amount of such surety shall be at least one-thousand (\$1,000) dollars for each acre of land owned or leased by the operator and may be greater if demand necessary by the Township Board to ensure compliance with this Ordinance. In fixing the amount of such surety, the probable cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply with court orders, and any other relevant factors shall be considered. Excess funds, if any, shall be returned with interest to the depositor, upon completion of the rehabilitation of the premises. Failure to maintain the surety bond shall cause the exercise of a lien against the property by Casco Township which lien shall not be discharged until the surety bond is paid and a certified receipt is provided to the Township Clerk.

Article 4 – Dumping of Earth or Other Materials

Section 32.14 – Dumping Restrictions

No earth materials or other material of any sort shall be dumped or otherwise deposited on any property within Casco Township except in conformance with the Casco Township Zoning Ordinance (Chapter 64 of the Code of Ordinances), and under a valid permit for a landfill issued by Casco Township.

Article 5 – Ponds

Section 32.15 - Requirements

All ponds shall be designed, constructed, and approved in accordance with the Casco Township Zoning Ordinance and the following requirements:

- A. A building permit shall be obtained prior to the construction of all ponds, enlargement of an existing pond, or cleaning of a pond that results in the removal of over thirty (30) yards of material. A site plan shall be submitted to the Township Supervisor or Township Clerk which shows all features of the proposed pond. If the plans show that all requirements of subsections B and C of this Section have been complied with, a permit will be issued. If all requirements

are not met, the Supervisor or Clerk shall refer the site plan to the Township Planning Commission for their review and a recommendation for action by the Township Board.

- B. Only excavated ponds are permitted. No embankment ponds shall be constructed. Ponds created by damming of rivers or streams must have Michigan Department of Natural Resources and/or the St. Clair County Drain Commissioner's approval.
- C. All ponds shall be constructed to the standards of the USDA Soil Conservation Service Technical Guides 378, Design Criteria for Excavated Ponds, which is hereby made a part of this Ordinance, and shall also comply with the following additional requirements:
 - 1. Where a pond will be used for swimming, there shall be no slope in excess of 5:1 (five feet horizontal to one foot vertical) until the water reaches a depth of five (5) feet.
 - 2. Excavated materials, in excess of one-thousand (1,000) cubic yards, shall not be hauled off the site unless a permit is obtained pursuant to the requirements of this Ordinance for soil removal operations.
 - 3. Where a pond will be used for swimming, there shall be a minimum of two (2) life stations on opposite sides, complete with life rings, fifty (50) feet of suitable rope, a pole of at least ten (10) feet and a ten (10) foot wooden ladder.
 - 4. Plans submitted shall show this location and approximate depth of any domestic water supply well.

Article 6 – Excavation of Holes

Section 32.16 – Excavation of Holes

- A. The existence within the boundaries of Casco Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells which constitute a hazard to the public health, safety, or welfare, is hereby prohibited, and such excavations, holes, pits, or wells are hereby declared a public nuisance. However, the provisions of this Article shall not prevent excavations for which a permit has been issued pursuant to the visions of this Ordinance or the Building Code of Casco Township where such excavations are properly protected, and provided further, that this section shall not apply to drains created or existing by authority of the State of Michigan, St. Clair County, Casco Township, or other governmental agencies.
- B. When the Ordinance Enforcing Officer shall determine a nuisance to exist as herein defined, he shall notify the owner or lessee as shown on the latest tax rolls in writing of such finding

and require the owner or lessee to abate such nuisance within a reasonable time, in no event less than thirty (30) days. In the event the property owner or lessee fails to abate such nuisance without just cause, then the Ordinance Enforcing Officer may abate such nuisance and the cost or reasonable value of such work shall be placed as an assessment against said property on the next assessment roll.

Article 7 – Drainage and Erosion Control

Section 32.17 – Drainage and Erosion Control

Existing drainage patterns shall not be altered so as to result in flooding of any adjacent or surrounding properties.

Also, all operations involving the moving or removal of earth materials shall comply fully with Act 451 of the Michigan Public Acts of 1994, as amended (Soil Erosion and Sedimentation Control Act).

Article 8 – Enforcement and Penalties

Section 32.18 – Enforcement and Penalties

- A. Any person, firm, corporation or other organization, which violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance, shall be fined upon conviction not more than five hundred dollars (\$500) together with the costs of prosecution, or shall be punished by imprisonment in the County Jail for not more than thirty (30) days for each offense, or may be both fined and imprisoned as provided herein in the discretion of the court. Each and every day during which such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
- B. If a violation occurs, the Township shall notify the operator and/or the applicant in writing that his permit will be terminated if said violation has not been corrected within ten (10) days of receipt of the notice.
- C. The Township Board, any member thereof, or the Prosecuting Attorney of the County of St. Clair may institute injunctive proceedings to prevent or enjoin any violations of the provisions of this Ordinance. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

Chapter 33 - Hazardous Materials

Section 33.1 – Title

This Ordinance shall be known and may be cited and referred to as the "Casco Township Hazardous Materials Ordinance".

Section 33.2 – Purpose

The purpose of this Ordinance is to enable the Township of Casco to require reimbursement of costs of abatement, containment, cleanup, disposal and restoration from property owners or those responsible for the leaking, spilling or otherwise allowing certain dangerous or hazardous substances or materials to escape containment; and to provide penalties for violation of this Ordinance.

Section 33.3 – Dangerous, Hazardous Substances, or Materials

Dangerous, hazardous substances or materials is defined as any substance which is spilled, leaked or otherwise released from its container, which in the determination of the Fire Chief or his authorized representative, is dangerous or harmful to the environment or human or animal life, health or safety, or is obnoxious by reason of odor, or is a threat to public health, safety or welfare; this shall include, but not limited to such substances as chemical and gases, explosive, radioactive materials, petroleum or petroleum products or gases, poisons, etiological (biologic) agents, flammables or corrosives.

Section 33.4 – Duty to Remove and Clean Up

- A. It shall be the duty of any property owner or any person or any other entity which causes or controls leakage, spillage, or any other dissemination of dangerous or hazardous substances or materials to immediately remove such and cleanup the area of such spillage in such a manner that the area involved is fully restored to its condition prior to such happening.
- B. That any area that is situated within the right-of-way of any public highway, road, street, alley, lane or other public way situated within the Township of Casco shall be, and is hereby declared, to be the responsibility of the County of St. Clair, and not the responsibility of the Township of Casco, under the terms and provisions of this Ordinance. The term right-of-way shall include

the roadway itself, ditches, road shoulders, and all areas of land contained within the right-of-way and setback of any such public road, highway, street or other public way.

Section 33.5 – Failure to Remove and Clean Up

- A. Any property owner of the area involved or any such person or entity which fails to comply with Section 33.4 hereof, shall be liable to and shall pay the Township of Casco for expenses, including the cost incurred by the Township of Casco to any party which it engages, for the complete abatement, containment, cleanup, disposal and restoration of the affected area. Cost incurred by the Township of Casco include: Actual labor costs of the Township of Casco Personnel (including worker compensation benefits, fringe benefits, administration overhead, cost of equipment operation), cost of material obtained directly by Casco Township; and the cost of any contract labor and materials.
- B. It shall also be the responsibility and duty of any property owner and/or any person or any other entity, which causes or controls leakage, spillage, or any other dissemination of any dangerous or hazardous substances, to pay the costs for all fire suppression and/or emergency services, including those charged by other municipalities, governmental agencies, fire fighting units, emergency services providers and fire departments.
- C. It shall be the responsibility and duty of the County of St. Clair, and the St. Clair County Road Commission, as to any leakage, spillage, or any other dissemination of any dangerous or hazardous substances, within any area situated within the County road right-of-way (as set forth in the preceding Section 33.4 of this Ordinance) to pay the costs for all fire suppression and/or emergency services, including those charged by other municipalities, governmental agencies, firefighting units, emergency services providers and fire departments. Further, the County of St. Clair and St. Clair County Road commission shall be liable to and for, and shall pay, to the Township of Casco, expenses, including the cost incurred by the Township of Casco to any party which it engages, for the complete abatement, containment, cleanup, disposal and restoration of the affected area. Costs incurred by the Township of Casco shall include all of those items, sums and amounts as heretofore described in Paragraph A. of this Section 33.5 of this Ordinance. Any such thing or occurrence, as described in this Ordinance, which occurs within the County road right-of-way, as defined herein, is the, and shall be, the responsibility of the County of St. Clair and not the responsibility of the Township of Casco or the owner of the property in question, if neither the Township or the property owner have caused the spillage, the leakage or other dissemination to have occurred.

Section 33.6 – Enforcement

If any person or entity fails to reimburse Casco Township as provided and such person or entity is the owner of the affected property, Casco Township shall have the right and power to add any and all costs of clean-up and restoration to the tax roll as to such property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property. The Township of Casco shall also have the right to confiscate any vehicle and its contents where said costs cannot be added to the tax roll. The Township of Casco shall also have the right to bring an action in the appropriate Court to collect such costs if it deems such action to be necessary.

Section 33.7 – Violations and Penalties

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars plus costs of prosecution or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fines and imprisonment at the discretion of the Court, together with the costs of said prosecution.

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Chapter 34 - Public Health

Section 34.1 – Title

This Ordinance shall be known as the Casco Township Public Health Ordinance

Section 34.2 – Responsible Entity

The Casco Township Board is hereby designated as the Board of Health. The Supervisor shall be the President, and the Township Clerk shall be the Clerk of said Board. The Clerk shall keep a record of the proceedings of the Board in a book to be provided for that purpose at the expense of the Township.

Section 34.3 – Health Officer

The Supervisor shall be the Township Health Officer. The Township Health Officer shall act as sanitary advisor and executive officer of the Board of Health, and shall have such other duties as prescribed by said Board.

Section 34.4 – Board of Health Responsibilities

- A. The Township Board of Health shall make such rules and regulations respecting nuisances, sources of filth, and causes of sickness, as they shall judge necessary for the public health and safety. Such rules and regulations, and all amendments thereto, shall be effective when published in a newspaper of general circulation within the Township.
- B. The Board of Health shall examine all nuisances, sources of filth, and causes of sickness, that in its opinion, are injurious to the health of the inhabitants within the Township and shall destroy, remove, or prevent the same, as the case may require.

Section 34.5 – Penalties

- A. Whenever such nuisance, source of filth, or cause of sickness, shall be found on private property, the Board of Health shall order the owner or occupant thereof, at their own expense, to remove the same within twenty-four (24) hours; and if the owner or occupant shall neglect to do so, he shall forfeit a sum not exceeding one hundred (\$100.00) dollars.

- B. If the owner or occupant fails to comply with such order of the Board of Health, such Board may cause the said nuisance, source of filth, or cause of sickness to be removed and all expenses incurred thereby shall be paid by the said owner of such premises. If the owner of said premises shall refuse on demand of said Board of Health to pay such expenses so incurred, any sums so paid shall be assessed against such property and shall be collected and treated in the same manner as are taxes assessed under the general laws of the state.

- C. If any person violates the provisions of this Ordinance or any rules and regulations enacted pursuant thereto, or any order of the Board of Health issued pursuant thereto, he shall be guilty of a misdemeanor punishable by a fine not exceeding the sum of one hundred (\$100) dollars, or imprisonment in the County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the Court.

Chapter 35 - Blight Elimination

Section 35.1 – Title

This Ordinance shall be known and cited as the Casco Township Blight Elimination Ordinance.

Section 35.2 – Purpose

It is the purpose of this Ordinance to prevent reduce, and/or eliminate blight and/or potential blight in the Township of Casco, St. Clair County, Michigan, by the prevention, reduction, and elimination of certain environmental causes of blight and blighting factors, potential blight, and conditions of blight.

Section 35.3 – Definitions

- A. Building Materials – Includes, but not 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 building materials, used in constructing any structure or building.
- B. Junk – Includes, but not limited to, parts or portions of motor vehicles of any kind, used discarded or damaged motor vehicle or trailer tires, wheels and rims of any type; used damaged, deteriorated or discarded household appliances, fixtures, furniture, furnishings or other household goods or apparatus; scrap, damaged, deteriorated or discarded metal, wood masonry, yard or garden maintenance equipment, mowers, tools or equipment, which are so damaged or deteriorated as to no longer be capable of being used effectively and properly for the purposes for which they were manufactured and designed; and any other used, discarded, damaged, deteriorated or inoperable materials or items of any kind or description.
- C. Junk Motor Vehicles and Vehicles – Includes, but not limited to, any automobile, truck, motor, vehicle, travel home, motorcycle, or any other motorized or mechanized means of transport, which is not licensed for use upon the roads of the State of Michigan, which is inoperative or disabled, or is in a state of disrepair, assembly, or damaged as to be incapable of being driven or legally operated. A licensed vehicle, which is in the process of repair shall be exempt for a period of up to six (6) months, and subject to the following condition: That said vehicle is maintained and placed in an orderly and safe manner and location to the rear of the property, behind the residential home or other outbuilding situated on the property.

- D. Structures and Buildings – Any materials, or combination of materials, which are built, erected, assembled together, or constructed, or any piece of work joined together or built and constructed, designed, intended, created, or occupied for supporting, sheltering, covering, storing, establishing or containing any occupancy, activity, facility, storage or use of any kind or nature; and shall also include mobile homes, house trailers, mobile living units, and any other structure which is designed to be transported upon wheels, trailers, or any other means of transportation intended to move the same from place to place.

Section 35.4 – Causes of Blight or Blighting Factors

It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors, which, if allowed to exist, could result in blighted and undesirable property conditions. In this regard, no person, firm, company, corporation, and/or entity of any kind shall establish, create, place, allow, maintain, or permit to be maintained any of these causes of blight or blighting factors upon any property in the Township.

- A. Junk Motor Vehicles – The storage, placing, or locating upon any property, junk automobiles, motor vehicles, trucks, or other vehicles, except in a completely enclosed building. The term “junk automobiles” and “junk vehicles” shall include any automobile, truck, or other motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include (whether licensed or not) any motor vehicle which is inoperative, damaged, disabled, or in such disrepair or damage that it is not capable of being driven or legally operated on public roads.
- B. Junk Trailers and Equipment – The storage, placing, permitting, or allowing of junk, disabled, inoperative, damaged trailers, parts or portions of trailers, and motor vehicle equipment which is in such disrepair and damage that it is not capable of being driven, operated, and/or used for the original purpose for which it was originally manufactured.
- C. Abandoned Vehicles - The abandonment or placement of any vehicle on private property for a period of one (1) week or more, without the consent of the owner or occupant of the property, shall be considered a cause of blight and a blighting factor under this Ordinance.
- D. Building Materials – In any area zoned for residential purposes, or any area not properly zoned for same, the storage of building materials, unless a valid building permit, issued by the Township for construction upon the property, has been obtained.
 - 1. Structures Requiring Permits – The storage upon any property of building materials unless there is in force a valid building permit issued by the Township for construction upon the property and said materials are intended for use in connection with such construction.

2. Structures Not Requiring Permits – Materials, used in constructing any structure not requiring a permit, shall be stored in a neat and orderly condition out of public view from the roadway, and shall be used for construction within one (1) year, or stored in a completely enclosed building.
- E. Junk – The storage, accumulation, piling, locating, or permitting of trash, rubbish, discarded materials or refuse of any kind without a landfill permit, except domestic refuse stores in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days.
 - F. Uninhabitable Structures and Buildings – The existence of any structure or building, or part thereof, which because of fire, wind, flood, or natural disaster, vandalism, disrepair, or physical deterioration is no longer inhabitable if a dwelling, nor useful for any other reasonable purpose for which it may have been intended, or is considered a dangerous building. The purpose being to avoid and prevent injury to children and others attracted to such buildings and structures.
 - G. Vacant Buildings and Structures – The existence of any vacant dwelling, garage, structure, or other out-building, unless such buildings or structures are kept securely locked, windows kept glazed or neatly and securely boarded, and otherwise protected to prevent casual entry, entrance by vandals, children, or other unauthorized persons.
 - H. Partially Completed Structures and Buildings – The existence of any partially completed structure or building, unless such structure or building is in the course of construction in accordance with a valid building permit issued by the Township, and is completed within a reasonable time.
 - I. Machinery and Equipment – Machinery and equipment for outdoor use, which is in good working order, must be housed or stored in an orderly manner that is out of public view, if possible, and must not violate any other Township ordinance or state or federal statute. Notwithstanding the above, operative machinery that is in current and actually used on the property for farming or construction activity (if such construction is pursuant to a permit, or is in a permitted zone under the Township Zoning Ordinance) is exempt from the provisions of this Section.
 - J. Mobile Homes and Trailers – Any mobile home, house trailer, travel home (and similar) which is so damaged, deteriorated, in a condition of disrepair, unlicensed (if required), disassembled, or dismantled, so as to be unfit and/or not capable of being used for, the use and purpose for which it was first manufactured and legally intended, shall be considered a blighting factor and cause of blight. Such mobile homes and trailers shall not be used, occupied, maintained, located, placed, permitted or stored with the Township. This provision shall not apply to the limited storage of such travel homes, travel trailers, or utility trailers within a completely enclosed building or structure, and the seasonal storage of operable, undamaged and licensed mobile homes, motor homes, and trailers in an orderly fashion, for non-commercial and non-

industrial purposes, upon property owned by the person or entity to whom the same are registered.

Section 35.5 – Enforcement, Violation, and Penalties

- A. This Ordinance shall be enforced by the Casco Township Ordinance Enforcement Officer, and such other individuals so designated to enforce this Ordinance by the Casco Township Board of Trustees.
- B. Any individual or entity that violated any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty not to exceed five hundred (\$500.00) dollars, or imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment.
- C. Any violation of this Ordinance shall also constitute a nuisance per se, and the Township shall have the right to seek abatement of the violation at law or in equity.

Chapter 41 - Prohibition of Marihuana Establishments

Section 41.1 – Short Title

This Ordinance shall be known and cited as the Casco Township Prohibition of Marihuana Establishments Ordinance.

Section 41.2. – Purpose

The purpose of this Ordinance is to exercise the Township of Casco’s authority pursuant to the Michigan Regulation and Taxation of Marihuana Act, and to prohibit the establishment and/or operation of any and all marihuana establishments, as defined by the Act, within the Township of Casco.

Section 41.3 – Enabling Authority

This Ordinance is adopted pursuant to, and in accordance with Section 6(1) of the Act adopted by the voters of the State of Michigan on Tuesday, November 6, 2018.

Section 41.4 – Marihuana Establishments Prohibited

It shall be unlawful to operate a marihuana establishment within the boundaries of the Township of Casco. The term marihuana establishment shall include, but not be limited to:

- A. Marihuana microbusinesses,
- B. Marihuana retailers,
- C. Marihuana processors,
- D. Marihuana secure transporters,
- E. Marihuana safety compliance facilities,
- F. Marihuana growers (a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments),

G. All marihuana related businesses licensed by the State of Michigan pursuant to the Act.

Section 41.5 – Violation Penalty

- A. Any individual or entity that violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty not to exceed five hundred (500.00) dollars, or imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.
- B. Any violation of this Ordinance shall also constitute a nuisance per se, and the Township shall have the right to seek abatement of the violation at law or in equity.

Chapter 42 - Precious Metals and Gem Dealer

Section 42.1 – Title

This ordinance shall be known and cited as “Precious Metals and Gem Dealers Ordinance”.

Section 42.2 – Purpose

This Ordinance shall regulate and license all precious metal and gem dealers located within the Township.

Section 42.3 – State Law Adopted

This Ordinance hereby adopts by reference Act 95, Public Acts of 1981, as amended, being Sections 445.481 through 445.492 of the Michigan Compiled Laws.

Section 42.4 – Definitions

- A. “Agent or Employee” means a person who, for compensation or valuable consideration, is employed either directly or indirectly by a dealer.
- B. “Dealer” means any person, corporation, partnership, or association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public within this state.
- C. “Local Governmental Unit” means Casco Township.
- D. “Local Police Agency” means the St. Clair County Sheriff’s Office.

Section 42.5 – Dealer Application and Requirements

- A. A dealer shall not conduct business in Casco Township unless the dealer has obtained a valid certificate of registration from the Township and the local police agency. A dealer shall apply to the Township for the certificate of registration and pay a fee to be established by resolution of the Township Board to cover the reasonable costs of processing and issuing the certificate of registration. The dealer shall disclose the following information to the local police agency and the local governmental unit at the time of application:

1. The name, address, and thumbprint of the applicant.
 2. The name and address under which the applicant does business.
 3. The name, address, and thumbprint of all agents or employees of the dealer.
- B. Within 24 hours after hiring a new employee, the dealer shall forward to the local police agency, the name, address and thumbprint of the new employee.
- C. Upon receipt of the completed application, the local police agency shall conduct a criminal history search as provided for by the Act. The local governmental unit and the local police agency shall issue a certificate of registration upon receipt of a satisfactory application and upon a satisfactory criminal history search by the local police agency.
- D. Upon receipt of the certificate of registration from the local governmental unit and local police agency, the dealer shall post the certificate in a conspicuous place in the dealer's place of business.
- E. Not less than ten (10) days before a dealer changes the name or address in which the dealer does business, the dealer shall notify the local government unit and the local police agency of the change.

Section 42.6 – Thumbprints Required

All thumbprints required by this Ordinance shall be taken by the local police agency or its designee.

Section 42.7 – Applicants to Provide Information as to Locations of Business

A dealer shall disclose to Casco Township and to the local police agency, all locations within the Township in which such dealer intends to conduct business regulated by this Ordinance including any proposed temporary locations.

Section 42.8 – Access to Premises

The dealer shall allow the Township and the local police agency, and/or their designees, access to the premises in which the dealer conducts or intends to conduct business during reasonable times and during business hours for inspection and observation for compliance with this Ordinance and the Act.

Section 42.9 – Record of Transactions

A dealer shall maintain and provide records of transactions to the local police agency on the form provided in accordance with the provisions of the Act.

Section 42.10 – Compliance with Local Zoning, Ordinances, and Laws

The provisions of this Ordinance and the Act shall not exempt a dealer from complying with the Casco Township Zoning Ordinance or any other Township Ordinance or requirements, and County and State laws.

Section 42.11 – Penalty

Any person, firm or corporation violating any Section of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred (500.00) dollars or by being imprisoned in the County Jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day of violation shall constitute a separate offense.

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Chapter 43 - Cable Rate Regulation and Enforcement

Section 43.1 – Title and Declaration of Purpose

The following shall be known as the Cable Rate Regulation and Enforcement Ordinance. This Ordinance is being adopted for the purpose of implementing a system of rate regulations on Basic programming consistent with the provisions of the Cable Consumer Television Protection Act of 1992, as amended, together with the rules or regulations adopted by the Federal Communications Commission in compliance with that Act. These rate regulations shall remain in effect as long as the cable television system is without effective competition as defined by Federal Law.

Section 43.2 – Definitions

- A. For purposes of this Ordinance, these terms, phrases, words and/or derivations shall have the following definitions:
1. Basic Cable Service – The lowest level of service provided by the Grantee. This shall include all broadcast channels, public, educational and government access channels, together with any additional channels or services the Grantee provides on this service level.
 2. Benchmark Rates – Those rates as established by the Federal Communications Commission for Basic Cable Service.
 3. Cablecasting – The programming, exclusive of broadcast signals, carried on a cable television system, including programming of local origination, exclusive of broadcast signals carried on a cable television system over one or more channels.
 4. Cable Television System, Cable T.V. System or CATV System – A system of antennas, cables, wires, lines, towers, wave guides or other conductors, convertors, equipment or facilities located within Casco Township, designed and constructed for the purpose of producing, originating, receiving, transmitting, amplifying and distributing audio, video and other forms of electronic or electrical signals broadcast by one or more television stations to subscribing members of the public for a fixed or periodic fee, employing wires or cables passing along, over, under, across and/or upon streets, highways, allies or other public places, including property over which Casco Township has an easement or right-of-way, subject to the scope and limitations of such easement and rights-of-way.
 5. Customer Service Standards or Customer Service Obligations – Those obligations specified by the Federal Communications Commission that the Township may impose upon the Grantee. Such imposition of Customer Service Standards upon the grantee may be

accomplished by the Township through the passage of an appropriate resolution to that effect, together with enforcement provisions for these standards as shall be further set forth within this ordinance. The terms Customer Service Standards and Customer Service Obligations shall be interchangeable when used within this Ordinance.

6. Federal Communications Commission or FCC – The federal agency constituted by the Communications Act of 1934, as amended and charged by the United States Government with Regulation.
7. Franchise Agreement – The agreement as adopted by Casco Township setting forth the terms and conditions of a franchise to provide cable television service to the Township.
8. Grantee – An entity authorized to do business in the State of Michigan and/or its duly authorized assignees and who has acquired a right to provide cable television services to Casco Township.
9. Person – A person, firm, partnership, association, corporation, company or organization of any kind or nature whatsoever.
10. Township – Casco Township as constituted now and in the future.
11. Township Board – The duly elected/appointed governing body for Casco Township.

Section 43.3 – Coordination and Compliance with Federal Communications Commission Rules and Regulations

In the implementation of this Ordinance, the Township and the Grantee shall adhere to all regulations as adopted by the FCC by way of its obligations to promulgate such regulations under the Cable Act. The enforcement of this Ordinance shall be coordinated through and in compliance with FCC's rules and regulations.

Section 43.4 – Procedures for the Submission of Rate Schedules to the Township; Form of Submission; Rate Decisions

- A. Submission of Proposed Rates – In order to modify its regulated rates, Grantee shall submit to the Township Clerk a schedule of proposed rates for Basic Service, equipment and other charges for customer services. Such schedules shall include the following information:
 1. The date(s) requested for the implementation of such charges.

2. A schedule of channels and channel placement being made available to subscribing households, including all, levels of available service.
3. The Grantee's designation of each such channel and whether it is defined in the Grantee's offering as its Basic service.
4. The proposed monthly charges requested for the Basic service including any discounts available to subscribers.
5. The proposed charges for installation, sale and/or rental of any equipment, including, but not limited to, the following items:
 - a. The cost of installation of cable television services and any surcharges or discounts applicable to such installation charges and the reason for such surcharges or discounts.
 - b. Where the Grantee is requesting that its rates be set according to its cost of service as defined by federal law, the items of equipment to be used for the of such services including coaxial cable, fiber-optic lines, modulators, satellite receivers and descramblers, microwave transmission equipment, converter/descrambler boxes, filter traps, remote control devises and similar equipment. In outlining the proposed charges for the installation, sale or rental of this equipment, the Grantee shall identify the manufacturer(s) and model number(s) of the equipment to be utilized as well as the unit cost to the Grantee to purchase or lease such equipment. The Grantee shall specify what consumer options are available with respect to each item of equipment to be placed in or adjacent to the household, including, but not limited to, the availability of two-way transmission, remote control ability, premium channel de-scrambling ability, digital de-scrambling ability and volume control.
 - c. The late charges or penalties proposed to be charged to subscribers and the conditions under which those charges are to be imposed or may be waived.
 - d. The cost for the installation and maintenance of additional or modified outlets.
 - e. The cost for sale or rental of remote control devices.
 - f. The cost for cable guides or other similar publications made available to subscribers.
 - g. The cost of any other equipment or material that the Grantee seeks to be considered in the setting of rates.
6. The Grantee shall supply a list of the charges to subscribers for the items specified within subsection (A)(5)(a-g) or comparable equipment/materials used by the Grantee in prior years for the five (5) years preceding the date of submission of the rate schedule, including

the percentage increase in cost for such items, or, in the event Grantee's franchise has been in effect for less than five (5) years, then for all years the Grantees has held such franchise. The Grantees need only supply the items specified within subsection 5(b) if Grantee is seeking a rate modification based upon its cost of service as defined by Federal Law.

7. Concurrent with supplying the above documentation, the Grantee shall supply the Township Clerk with copies of all documents submitted to the FCC with respect to the Grantee's cost of equipment.
 8. The Grantee shall clearly designate what information it considers proprietary in nature and the circumstances under which the Grantee will not object to the public release of such proprietary information. Grantee may request that the identified materials be treated as confidential and not subject to public disclosure. Such request must be submitted with a statement as to why such information should be considered proprietary and the factual basis for such statement. The Township Board shall grant such request to maintain the confidentiality of the materials if it finds such request consistent with the purposes of the Federal Freedom of Information Act and FCC regulation the procedures for requesting public disclosure.
- B. Receipt and forwarding of information: publication; proprietary information – Upon receipt of the information set forth within Subsection A of this Section, the Township Clerk shall within twenty (20) days of receipt of the Grantee's submission:
1. Cause the proposed rate schedule for basic and regulated equipment to be published in conformance with applicable law.
 2. Provide the Township Attorney and Township Board with copies of all information supplied to the Township Clerk's offices by the Grantee.
 3. Take all necessary measures to secure any proprietary information supplied to the Clerk and advise the Grantee in writing of the measures taken to secure these materials. Such materials shall not be disclosed except as provided herein or as otherwise provided by law.
- C. Consideration of proposal – Following receipt of such submission from the Grantee, the Clerk shall transmit to the Grantee, via first class mail, to the address provided by the Grantee, a notification containing the following information:
1. The proposed schedule of rates shall become effective thirty (30) days after the date of the submission unless such schedule is tolled pursuant to and in conformity with the applicable FCC rules and this Ordinance.

2. The Grantee has the burden of proof in demonstrating that the proposed rate schedules conform with the applicable FCC rules and are appropriate in terms of its costs.
 3. A Tolling Order for the implementation of the rate schedule may be made by the Township Supervisor in accordance with the terms of this ordinance.
- D. Obligation of the Township – The Township Supervisor shall request from the Township Attorney a determination as to whether additional information is necessary and request from the Township Board a determination as to whether a public hearing should be conducted to evaluate the Grantee’s proposed rate schedule. In the event the Township Supervisor is notified by the Township Attorney or Township Board that either more information is necessary or that a public hearing should be held, or the Township Supervisor believes, in his or her discretion, that a public hearing should be held, the Township Supervisor shall issue a Tolling Order to the Grantee, delaying the implementation of the rate schedule for a period not to exceed one hundred twenty (120) days from the date of the Tolling Order. In the event the Township Supervisor issues a Tolling Order, he or she shall promptly notify the Grantee in writing, via first class mail, of the Tolling Order and setting forth the length of the Tolling period. The Township Supervisor shall also advise the Grantee that a public hearing before the Township Board will occur within sixty (60) days of the date of the Tolling Order.
- E. Public hearing – Following the issuance of the Tolling Order, the Township Clerk shall immediately schedule a public hearing before the Township Board, to be held within sixty (60) days of the date of the Tolling Order. Notification of the hearing date, time and location shall be transmitted to the Grantee via first class mail. The following provisions are made for public hearings as to a cable rate regulation request:
1. The notice of such public hearing shall be in writing and posted as required by applicable law.
 2. At such public hearing, the Grantee shall have the opportunity to present arguments and documentation in person and/or in writing supporting its proposed rate schedule. Following this presentation, the Township Board shall hear arguments and consider documentation as presented by the Township Attorney, other Township officials and members of the general public as to the proposed rate schedule. The Grantee may then be allowed to present arguments and documentation in rebuttal.
 3. In the event the Township Board needs additional information, documentation, or materials from the Grantee or any other person, it shall direct that the same be supplied to the Township Board within fourteen (14) days of the date of the public hearing. Items submitted after the fourteen (14) day shall not be considered. The Grantee or other person shall supply these materials to the Township Board and the Township Clerk shall process these materials in compliance with Section 43.4 (B) of this Ordinance. Concurrently, the

Township Board shall schedule a second public hearing to be held at the next available Township Board meeting.

4. Upon receipt of the additional materials, the Township Supervisor shall distribute such materials to the members of the Township Board. The Township Supervisor shall then prepare a written recommendation as to the proposed rate schedule. In evaluating the rates to be set for services, the Township Supervisor shall consider the federal Benchmark Standards as may be established by the Federal Communications Commission, if Grantee seeks a rate modification based upon these standards, or, if Grantee seeks a modification based upon its cost of service, the Township Supervisor shall allow a fair return on investment, taking into account appropriate costs including, but not limited to, the Grantee's capital costs, basic cable programming, customer service, labor and ancillary costs attributable to obtaining and transmitting signals carried on the Basic Service. Also considered shall be increases in the Grantee's costs as to any franchise- imposed requirements not directly related to the provision of cable television service as well as a reasonable profit to the Grantee. The Township Board shall presume the reasonableness of documented increases and those basic cable costs factors itemized in the "fair return on investment" standard.
5. At the adjourned hearing, the Township Board shall review all information and materials together with the written recommendation of the Township Supervisor. The Township Board may adopt such recommendation or, after setting forth a basis for adopting a modification to that recommendation, and considering all factors outlined within subsection 43.4(E)(4) of this Ordinance section, may make and adopt a modified recommendation. Any modification, and the basis for the recommendation, shall be promptly reduced to writing and supplied to the Township Clerk and sent promptly to the Grantee via first class mail.
6. The recommendation of the Township Board shall become final and binding upon the Grantee within seven (7) days of the date that the written recommendation is adopted. The Township Clerk shall cause the rate schedule to be published in conformance with applicable law.

Section 43.5 – Rules of Procedure

The Township Board shall adopt and implement such rules of procedure in the conducting of public hearings as is consistent with the FCC regulations and due process of law. At all times, the Grantee, at its election, may choose to be represented by counsel.

Section 43.6 – Refunds

The Township Board may direct the payment of refunds to subscribers retroactive to the date as may be allowed by federal and/or state law. The Township Board shall direct what means the Grantee will undertake in order to pay any such refunds in accordance with the procedures set forth herein.

Section 43.7 – Failure to Give Notice

Any failure to give notice as provided for herein shall not invalidate any orders, recommendations or decisions as set forth under this rule.

Section 43.8 – Additional Hearings

Upon reasonable notice, the Township Board may schedule such additional hearings as may be necessary in the exercise of its regulatory functions as set forth within this Ordinance or as otherwise provided by law.

Section 43.9 – Failure to Comply, Remedies

- A. Failure to submit proposed rate schedule – In the event the Grantee fails to submit a proposed rate schedule and modifies regulated rates in violation of this Ordinance, it may be ordered to reduce its basic rates to seventy-five percent (75%) of the FCC Benchmark of rates and its services/rental charges to those specified within the initial franchise agreement or proposal to provide a franchise agreement or, if no specific charges are listed for the particular service/rental charges, to such amounts as may be adopted by the Township Board as set forth below.
- B. Township Board; Authority to set rates – In the event Grantee fails to submit a proposed rate schedule as set forth above, within sixty (60) days, the Township Board shall meet to review the FCC Benchmark of Rates as well as the charges for services/rentals within the original franchise agreement and the FCC materials regarding the service/rental expenses and issue a rate schedule binding upon the Grantee.
 1. In evaluating these rates, the Township Board shall consider that the Grantee is entitled to a fair return on its investment and shall take into account the appropriate costs including, but not limited to, the Grantee's capital costs, basic cable programming, customer service, labor and ancillary costs attributable to obtaining and transmitting signals carried on the Basic Service. Increases in such costs, and the costs of any franchise imposed requirements not directly related to the provision of cable television service, as well as a reasonable

profit to the Grantee shall also be considered. The Grantee may submit written documentation to the Township Board prior to the meeting date as to any aspects of its costs. The Township Board shall presume the reasonableness of any documented increases supplied by the Grantee in those basic cable cost factors itemized in this "fair return on investment" standard.

2. The Township Board shall adopt the effective dates that the rate schedule shall be in effect, with the beginning date being the date Grantee modified its rate schedule in violation of this Ordinance or as otherwise allowed by law and the ending date being the date arrived at by subsequent implementation of this Ordinance.
 3. The rate schedule shall be mailed to the Grantee and published in conformance with applicable law. The rate schedule shall be effective upon its being reduced to writing and placed in the form of a resolution. Grantee's failure to comply with request for information.
- C. Grantee's failure to comply with request for information – In the event the Grantee fails to respond to any request for additional material or information, the Township Board may direct the immediate reduction of basic rates to seventy-five (75) percent of the FCC Benchmark for cable subscribers for a period not to exceed ninety (90) days for each violation. The Township Board may also direct the imposition of penalties of up to one hundred (100.00) dollars per day for each day that a violation occurs, to be chargeable to the Grantee. The Grantee shall be entitled to demand a public hearing before the Township Board to contest the assessment of penalties hereunder.
- D. Failure to set rates in comportment with the schedule as adopted – In the event the Grantee fails to adhere to the rate schedule as established by this Ordinance, the Township Board may impose penalties including, but not limited to, the following:
1. Termination of the franchise and/or filing suit within the Circuit Court for placement of such franchise in receivership.
 2. Imposition of fines not to exceed one hundred (100.00) dollars per day for each scheduled item that the Grantee fails to comply.
 3. An order directing the immediate roll-back of basic cable rates to seventy-five (75) percent of the PCC Benchmark.
 4. An order directing that the appropriate refunds be made to subscribers and the means the Grantee is to employ in making such refunds.
- E. The Grantee shall be entitled to a public hearing before the Township Board to contest the assessment of penalties hereunder.

Section 43.10 – Requests for Disclosure of Asserted Proprietary Information

Requests for disclosure of any documents that Grantee asserts are proprietary may be submitted to the Township Clerk by any person. The Township Board shall be the sole authority to authorize public disclosure of alleged proprietary materials. In determining whether any such materials shall be disclosed, the Township Board shall grant the Grantee's request to maintain the confidentiality of the materials only if such request is consistent with the purposes of the Federal Freedom of Information Act and applicable FCC regulations. If a request for disclosure is submitted to the Township Clerk, such submission shall be in writing specifying what materials sought to be disclosed to the public and the basis for requesting such public disclosure. The Township Clerk shall mail a copy of the request to the Grantee. The Grantees shall have fourteen (14) days from the date of mailing to respond to the request. At its next available Township Board meeting, the Township Board shall review the request for disclosure as well as the response submitted by the Grantee. Any decision of the Township Board as to such disclosure shall become final fourteen (14) days after the Township Board meeting.

Section 43.11 – Additional Powers

The Township Board's powers as set forth herein shall be in addition to all other powers afforded franchising authorities by applicable law or regulation.

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Chapter 44 - Customer Service Standards Adoption and Enforcement

Section 44.1 – Short Title

This Ordinance shall be known as the Customer Service Standards Adoption and Enforcement Ordinance.

Section 44.2 - Definitions

For purposes of this Ordinance, these terms, phrases, words and/or derivations shall have the following definitions:

- A. Basic Cable Service – The lowest level of service provided by the Grantee. This shall include all broadcast channels, public, educational and government access channels, together with any additional channels or services the Grantee provides on this service level.
- B. Benchmark Rates – Rates established by the Federal Communications Commission for Basic Cable Service.
- C. Cablecasting – Programming, exclusive of broadcast signals, carried on a cable television system, including programming of local origination, exclusive of broadcast signals carried on a cable television system over one or more channels.
- D. Cable Television System, Cable T.V. System or CATV System – A system of antennas, cables, wires, lines, towers, wave guides or other conductors, convertors, equipment or facilities located within Casco Township, designed and constructed for the purpose of producing, originating, receiving, transmitting, amplifying and distributing audio, video and other forms of electronic or electrical signals broadcast by one or more television stations to subscribing members of the public for a fixed or periodic fee, employing wires or cables passing along, over, under, across and/or upon streets, highways, alleys, or other public places, including property over which Casco Township has an easement or right-of-way, subject to the scope and limitations of such easement and rights-of-way.
- E. Customer Service Standards or Customer Service Obligations – Those obligations specified by the Federal Communications Commission that the Township may impose upon the Grantee. Such imposition of Customer Service Standards upon the grantee may be accomplished by the Township through the passage of an appropriate resolution to that effect, together with enforcement provisions for these standards as shall be further set forth within this Ordinance. The terms Customer Service Standards and Customer Service Obligations shall be interchangeable when used within this Ordinance.
- F. Federal Communications Commission or FCC – The federal agency constituted by the Communications Act of 1934, as amended and charged by the United States Government with Regulation.

- G. Franchise Agreement – The agreement as adopted by Casco Township setting forth the terms and conditions of a franchise to provide cable television service to the Township.
- H. Grantee – Any entity authorized to do business in the State of Michigan and/or its duly authorized assignees and who has acquired a right to provide cable television services to Casco Township.
- I. Person – A person, firm, partnership, association, corporation, company or organization of any kind or nature whatsoever.
- J. Township – Casco Township as constituted now and in the future.
- K. Township Board – The duly elected/appointed governing body for Casco Township.

Section 44.3 – Adoption of Customer Service Standards

Casco Township hereby adopts by reference those Customer Service Standards promulgated by the Federal Communications Commission under that Agency's obligation to regulate the delivery of cable television service, together with all definitions, specifications and regulations included in such Customer Service Standards, except where such standards are exceeded in the favor of the Township by the terms and conditions previously set forth within this Ordinance or within agreements between the Township and any company granted a franchise, or within future Ordinance modifications or agreements as may occur. The Township reserves the right to unilaterally modify the terms and conditions of any Franchise Agreement or to clarify any Customer Service Standards as may otherwise be allowed by law.

Section 44.4 – Renewal of Franchise Agreement

In addition to all other obligations as have been set forth within either the Franchise Agreement or as otherwise required by law for renewal of the franchise term, the Grantee shall supply to the Township a certification, in writing and signed by the person authorized by the Grantee to execute such documentation, that the Company has been in compliance with the Customer Service Standards as adopted by the Township. This certification shall be supplied to the Township not less than thirty-six (36) months prior to the expiration of the original franchise term.

Section 44.5 – Required Services and Facilities

In addition to the services required within the Franchise Agreement, the Grantee shall supply all services required by the Customer Service Standards as promulgated by the Federal Communications Commission and adopted by the Township through resolution or otherwise.

Section 44.6 – Failure to Comply with Customer Service Standards

Notwithstanding any provisions to the contrary within the Franchise Agreement, the Grantee's failure to fully comply with the Customer Service Standards for a period in excess of thirty (30) days during the terms of this franchise shall constitute a material breach of the Franchise Agreement and the Township shall have just cause to commence revocation proceedings as may be allowed by law. These may include, at the discretion of the Township, the following penalties:

- A. An immediate reduction in rates charged for Basic Cable Service to seventy-five (75%) of the Benchmark for the period during which the Grantee fails to comply with the Customer Service Standards.
- B. A suspension of new connections to subscribers pending written certification that the Grantee is in compliance with this Ordinance together with sufficient proof of such compliance.
- C. Penalties of one hundred (100.00) dollars per day, per violation committed by Grantee; or
- D. For repeated violations, the termination of this Franchise between the Township and Grantee.

Section 44.7 – Consumer Complaints as to Violation of Customer Service Standards

The Township Board, shall have the authority to receive and evaluate complaints from all persons relative to any asserted violations of Customer Service Standards and to utilize all procedures adopted within the context of the Franchise Agreement or for purposes of implementation of these Customer Service Standards including, but not limited to, the revocation of this Franchise and/or the imposition of any penalties allowed by law.

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Chapter 45 - Southeastern Michigan Gas Company

Section 45.1 – Purpose

An Ordinance granting a franchise to the Southeastern Michigan Gas Company to construct, operate, and maintain in the public streets, highways, alleys, and other public places in the Township of Casco, St. Clair County, Michigan, and needful, necessary, safe and proper gas pipes, mains, conductors, service pipes, and other apparatus requisite for the manufacture, transmission, and distribution of gas for public and private use, and to conduct a local business therein.

Section 45.2 – Permission Granted

Permission is hereby granted to Southeastern Michigan Gas Company, a Michigan Corporation, and to its successors and assigns, to construct, operate and maintain in the public streets, highways, alleys, and other public places in the Township of Casco, St. Clair County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes, and other apparatus and facilities requisite for the manufacture, transmission, and distribution of gas for all purposes to the Township of Casco, and inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, township's, and other territories supplied with gas by said Grantee, and to conduct a local business therein, subject, however, to all conditions, and restrictions, hereinafter contained.

Section 45.3 - Authority

All construction work done under this grant shall be in accordance with standards and specifications established by the Michigan Public Service Commission.

Section 45.4 – Rates Established by Michigan Public Service Commission

The rules and regulations applicable to the service, the quality of the gas serviced, and the rates charged therefor by the Grantee herein, its successors and assigns, shall be as fixed from time to time by the Michigan Public Service Commission or other such state authority as shall have jurisdiction of the subject matter.

Section 45.5 – Hold Harmless

The Grantee shall indemnify and save the Township of Casco harmless from and against any and all demands, liabilities, loss, claims, damages or expenses for injuries to person or property by reason of the wrongdoing or negligence of the Grantee in the construction or maintenance of its gas mains, pipes, conductors, service pipes, plant, or other apparatus.

Chapter 46 – Regulation of Donation Boxes

Section 46.1

- A. No person or other legal entity shall cause or permit the installation or placement of a donation box upon any property within the Township, whether public or private, except in accordance with this chapter.
- B. Donation boxes are permitted within the Township upon compliance with all of the following:
1. All proceeds are dedicated to the use of an entity qualified by the Internal Revenue Service as a 501(c) (3) charitable institution or a governmental entity.
 2. The donation box is no more than six (6) feet high, with a ground footprint of not more than twenty-five (25) square feet.
 3. No more than two (2) donation boxes shall be located on any parcel.
 4. The donation box shall be located so as not to interfere with any sight triangles and on-site circulation. The donation box shall be located at least 15' from any building, 20' from the front property line, and 5' from the side and rear property lines. The donation box shall not be located so as to block the view of any business signage.
 5. The donation box shall be placed upon a concrete or asphalt surface.
 6. The donation box shall be emptied with such frequency and regularity as to ensure that it does not overflow and materials do not accumulate outside the donation box.
 7. The donation box shall not be used as a receptacle for any hazardous or potentially hazardous waste.
 8. The building inspector shall issue a permit annually for a compliant donation box upon receipt of an annual permit fee in an amount to be established from time to time by resolution of the Township Board; and of an application containing all of the following:
 - a. Proof of the applicant's status as a charitable institution or as a governmental entity.
 - b. A dimensioned drawing indicating the placement of the donation box, in compliance with all the above siting requirements.
 - c. The name, address, telephone number, and e-mail address of the applicant.
 - d. A signed and dated consent of the property owner, consenting to the location of the box.

Chapter 51 - Building Permit Bonds

Section 51.1 – Bond Requirement

Every applicant for a building permit shall deposit with the Building Inspector, or other Township official as designee by the Township of Casco, a fee in the amount of one (1%) percent of the estimated cost of construction to ensure that the applicant will seek and obtain final inspection and a final occupancy permit. The minimum fee shall be fifty (50.00) dollars. The maximum fee shall be five hundred (500.00) dollars for single family residential projects and five thousand (5,000.00) dollars for all others. Such fee shall be in the form of cash, certified check or bank cashier's check made payable to Casco Township.

Section 51.2 – Bond Refund

The Township Board will release the funds when the construction has passed final inspection and a final certificate of occupancy is issued for that constructed building. If the applicant does not commence construction and withdraws the application for a building permit, the building permit bond shall be released to the applicant.

Section 51.3 – Forfeiture of Bond

- A. The Building Permit Bond deposited by any applicant with Casco Township will be held by the Township until the construction has passed final inspection and a certificate of occupancy has been issued by the Township Building Inspector or other authorized person as designated by the Township of Casco. Further, in the event that the said construction is not completed, and a final certificate of occupancy is not issued within eighteen (18) months from the date of issuance of a building permit, then the Building Permit Bond will be forfeited to the Township of Casco.
 - B. The Casco Township Board may grant one six-month extension if the Township Board finds that the applicant has demonstrated due diligence towards completion of the project for which a permit has been issued. Unless the applicant has obtained an extension of the bond period from the Casco Township Board, the forfeited bond will not be returned to the applicant.
 - C. Any person, entity, partnership or corporation who occupies or uses a building, as determined by the building inspector, prior to the issuance of a final certificate of occupancy shall be in violation of this Ordinance and shall forfeit the building permit bond.
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D. Casco Township, by its Supervisor or Clerk, shall give notice to any applicant of the forfeiture of bond at least thirty (30) days prior to the forfeiture date. The notice shall be forwarded by first class mail to the last known address of the applicant, and shall direct the applicant to appear before the Township Board to show cause, if there be any, why the building permit bond should not be forfeited to the Township. Thereafter, the bond will be forfeited if good cause shall not have been shown by the applicant for the delay in completion of the construction.

Section 51.4 – Access for Inspections

Any person, entity, partnership or corporation that applies for and receives a building permit shall grant reasonable access to the subject site for inspections by Township officials. Any person who refuses, entry or access to a Township official authorized to inspect any premises, building, or structure shall be in violation of this Ordinance and subject to the penalties contained herein.

Section 51.5 – Penalties

Any person, entity, partnership, or corporation, including an officer, director, or employee of a partnership or corporation, who violates this Ordinance shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both.

Chapter 52 - Residential Code

Section 52.1 – Adoption of Michigan Residential Code, 2015 Edition

- A. 2015 Michigan Residential Code Adopted. The Michigan Residential Code, 2015 Edition, including its appendices, is adopted and incorporated in its entirety herein. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Township of Casco, St. Clair County, Michigan. References to the "local ordinances" shall refer to the Casco Township Ordinances and Compilation of Ordinances.
- B. Availability of copies of Michigan Residential Code, 2015 Edition. Printed copies of the Code, 2015 Edition and its appendices are kept in the Township of Casco offices and are available for public use and inspection during regular business hours. A copy of the Michigan Residential Code, 2015 Edition is available through the State of Michigan Bureau of Construction Codes (www.michigan.gov/bcc).
- C. Subsequent codes. The Township hereby adopts by reference any and all subsequent Michigan Residential Codes utilized by the State of Michigan, copies of which shall be available as set forth in Paragraph (B) above.

Section 52.2 – Violation and Penalty

Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the St. Clair County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 52.3 – Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Chapter 53 - Building Code

Section 53.1 – Adoption of Michigan Building Code, 2015 Edition

- A. 2015 Michigan Building Code Adopted. The Michigan Building Code, 2015 Edition, including its appendices, is adopted and incorporated in its entirety herein. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Township of Casco, St. Clair County, Michigan. References to the "local ordinances" shall refer to the Casco Township Ordinances and Compilation of Ordinances.
- B. Availability of copies of Michigan Building Code, 2015 Edition. Printed copies of the Code, 2015 Edition and its appendices are kept in the Township of Casco offices and are available for public use and inspection during regular business hours. A copy of the Michigan Building Code, 2015 Edition is available through the State of Michigan Bureau of Construction Codes (www.michigan.gov/bcc).
- C. Subsequent codes. The Township hereby adopts by reference any and all subsequent Michigan Building Codes utilized by the State of Michigan, copies of which shall be available as set forth in Paragraph (B) above.

Section 53.2 – Violation and Penalty

Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the St. Clair County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 53.3 – Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Chapter 54 - Mechanical Code

Section 54.1 – Adoption of Michigan Mechanical Code, 2015 Edition

- A. 2015 Michigan Mechanical Code Adopted. The Michigan Mechanical Code, 2015 Edition, including its appendices, is adopted and incorporated in its entirety herein. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Township of Casco, St. Clair County, Michigan. References to the "local ordinances" shall refer to the Casco Township Ordinances and Compilation of Ordinances.
- B. Availability of copies of Michigan Mechanical Code, 2015 Edition. Printed copies of the Code, 2015 Edition and its appendices are kept in the Township of Casco offices and are available for public use and inspection during regular business hours. A copy of the Michigan Mechanical Code, 2015 Edition is available through the State of Michigan Bureau of Construction Codes (www.michigan.gov/bcc).
- C. Subsequent codes. The Township hereby adopts by reference any and all subsequent Michigan Mechanical Codes utilized by the State of Michigan, copies of which shall be available as set forth in Paragraph (B) above.

Section 54.2 – Violation and Penalty

Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the St. Clair County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 54.3 – Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Chapter 55 - Electrical Code

Section 55.1 – Adoption of National Electrical Code, 2017 Edition

- A. 2017 National Electrical Code Adopted. The National Electrical Code, 2017 Edition with Part 8 Amendments, is adopted and incorporated in its entirety herein. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Township of Casco, St. Clair County, Michigan. References to the "local ordinances" shall refer to the Casco Township Ordinances and Compilation of Ordinances.
- B. Availability of copies of National Electrical Code, 2017 Edition. Printed copies of the Code, 2017 Edition are kept in the Township of Casco offices and are available for public use and inspection during regular business hours. A copy of the National Electrical Code, 2017 Edition is available through the State of Michigan Bureau of Construction Codes (www.michigan.gov/bcc).
- C. Subsequent codes. The Township hereby adopts by reference any and all subsequent Michigan / National Electrical Codes utilized by the State of Michigan, copies of which shall be available as set forth in Paragraph (B) above.

Section 55.2 – Violation and Penalty

Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the St. Clair County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 55.3 – Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Chapter 56 - Plumbing Code

Section 56.1 – Adoption of Michigan Plumbing Code, 2015 Edition

- A. 2015 Michigan Plumbing Code Adopted. The Michigan Plumbing Code, 2015 Edition, including its appendices, is adopted and incorporated in its entirety herein. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Township of Casco, St. Clair County, Michigan. References to the "local ordinances" shall refer to the Casco Township Ordinances and Compilation of Ordinances.
- B. Availability of copies of Michigan Plumbing Code, 2015 Edition. Printed copies of the Code, 2015 Edition and its appendices are kept in the Township of Casco offices and are available for public use and inspection during regular business hours. A copy of the Michigan Plumbing Code, 2015 Edition is available through the State of Michigan Bureau of Construction Codes (www.michigan.gov/bcc).
- C. Subsequent codes. The Township hereby adopts by reference any and all subsequent Michigan Plumbing Codes utilized by the State of Michigan, copies of which shall be available as set forth in Paragraph (B) above.

Section 56.2 – Violation and Penalty

Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the St. Clair County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 56.3 – Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Chapter 57 - Fuel Gas Code

Section 57.1 – Adoption of Michigan Fuel Gas Code, 2015 Edition

- A. 2015 Michigan Fuel Gas Code Adopted. The Michigan Fuel Gas Code, 2015 Edition, including its appendices, is adopted and incorporated in its entirety herein. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Township of Casco, St. Clair County, Michigan. References to the "local ordinances" shall refer to the Casco Township Ordinances and Compilation of Ordinances.
- B. Availability of copies of Michigan Fuel Gas Code, 2015 Edition. Printed copies of the Code, 2015 Edition and its appendices are kept in the Township of Casco offices and are available for public use and inspection during regular business hours. A copy of the Michigan Fuel Gas Code, 2015 Edition is available through the State of Michigan Bureau of Construction Codes (www.michigan.gov/bcc).
- C. Subsequent codes. The Township hereby adopts by reference any and all subsequent Michigan Fuel Gas Codes utilized by the State of Michigan, copies of which shall be available as set forth in Paragraph (B) above.

Section 57.2 – Violation and Penalty

Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the St. Clair County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 57.3 – Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Chapter 58 - Rehabilitation Code

Section 58.1 – Adoption of Michigan Rehabilitation Code, 2015 Edition

- A. 2015 Michigan Rehabilitation Code Adopted. The Michigan Rehabilitation Code, 2015 Edition, including its appendices, is adopted and incorporated in its entirety herein. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Township of Casco, St. Clair County, Michigan. References to the "local ordinances" shall refer to the Casco Township Ordinances and Compilation of Ordinances.
- B. Availability of copies of Michigan Rehabilitation Code, 2015 Edition. Printed copies of the Code, 2015 Edition and its appendices are kept in the Township of Casco offices and are available for public use and inspection during regular business hours. A copy of the Michigan Rehabilitation Code, 2015 Edition is available through the State of Michigan Bureau of Construction Codes (www.michigan.gov/bcc).
- C. Subsequent codes. The Township hereby adopts by reference any and all subsequent Michigan Rehabilitation Codes utilized by the State of Michigan, copies of which shall be available as set forth in Paragraph (B) above.

Section 58.2 – Violation and Penalty

Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the St. Clair County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 58.3 – Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Chapter 59 - Energy Code

Section 59.1 – Adoption of Michigan Energy Code, 2015 Edition

- A. 2015 Michigan Energy Code Adopted. The Michigan Energy Code, 2015 Edition, Chapters 1-6 and Michigan Energy Code, Part 10a Rules (ANSI/ASHRAE/IES standard 90.1-2013, including its appendices, is adopted and incorporated in its entirety herein. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Township of Casco, St. Clair County, Michigan. References to the "local ordinances" shall refer to the Casco Township Ordinances and Compilation of Ordinances.
- B. Availability of copies of Michigan Energy Code, 2015 Edition. Printed copies of the Code, 2015 Edition and its appendices are kept in the Township of Casco offices and are available for public use and inspection during regular business hours. A copy of the Michigan Energy Code, 2015 Edition is available through the State of Michigan Bureau of Construction Codes (www.michigan.gov/bcc).
- C. Subsequent codes. The Township hereby adopts by reference any and all subsequent Michigan Energy Codes utilized by the State of Michigan, copies of which shall be available as set forth in Paragraph (B) above.

Section 59.2 – Violation and Penalty

Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the St. Clair County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 59.3 – Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Chapter 61 - Land Development

Section 61.1 – Title

This Ordinance shall be known and cited as the Casco Township Land Development Ordinance.

Section 61.2 – Purpose

The purpose of this Ordinance is to regulate and control all land development within the Township of Casco and to promote the safety, public health, and general welfare of residents of the Township; to promote the orderly layout and use of land; to provide minimum requirements for site improvements for land development; to establish standards for engineering design and detailed engineering plans and specifications for site improvements; to provide for construction standards for site improvements; and to control development within flood areas.

Section 61.3 – Legal Basis

This Ordinance is adopted pursuant to and in accordance with Act 246, Michigan Public Acts of 1945, as amended; Act 288, Michigan Public Acts of 1967, as amended; and should be read in conjunction with the Township Subdivision Ordinance, Township Zoning Ordinance, and the Township Construction Code Ordinance.

Section 61.4 – Scope

- A. This Ordinance applies to all land development causing or requiring the reshaping, grading, or regrading of such land, or installation of any telephone wiring (underground or overhead); oil piping; television cable; water main; sanitary sewer; drainage facilities; paving; sidewalks, and driveways; and/or trees.
- B. This Ordinance shall not apply to the development of land for agricultural purposes and, except for site grading and drainage, this Ordinance shall not apply to:
 - 1. Subdivisions or developments completed prior to the effective date hereof.
 - 2. A single parcel, or a single lot that is intended for only one (1) dwelling unit.
- C. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, except as hereinafter provided. Where

this Ordinance imposes a greater restriction or more demanding requirement upon land than is imposed or required by other Ordinances of the Township, the provisions of this Ordinances shall control.

Section 61.5 – Administration

This Ordinance shall be administered by the Township Board. The Supervisor of the Township and the Superintendent of the Sewer and Water Department, appointed by the Board, are the Enforcement Officers for provisions of this Ordinance.

Section 61.6 – Definitions

- A. For the purpose of this Ordinance, the following rules of construction apply:
1. Words used in the present tense include the future tense; and in the singular includes the plural unless the context clearly indicates the contrary.
 2. The term “shall” is mandatory; the term “may” is permissive.
 3. The word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.
- B. Unless the context clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:
1. Board – The Township Board of Trustees, Township of Casco, State of Michigan
 2. Building – Any structure, including a mobile home, that requires a supply of potable water or a means of disposal of wastewater.
 3. Building Service Sewer (Drainage water) – Any drainage water pipe extension from a building foundation drain outlet point, located four (4) feet outside of a building or drain, to a public stormwater drain.
 4. Building Service Sewer (Wastewater) – The sewer extension from a building drain outlet point, located four (4) feet outside of the building or dwelling unit, to a point of connection with a public sanitary sewer.
 5. Building Service Water Supply Pipe – Any water supply mains, pipes, services, or appurtenances, except meters, that extend from a point of connection with the building

water piping, located four (4) feet outside of a building or a dwelling unit, to a point of connection with the public water supply system.

6. Customer Wastewater Disposal Outlet – The point of connection to the public sewer.
7. Customer Water Supply Inlet – The inlet on the customer side of a stop valve near the public easement or public right-of-way line (in the case of a supply for a single building) or on the customer side of a master water meter where the Township has allowed the use of a master water meter to serve special types of customers.
8. Department – The Casco Township Sewer and Water Department.
9. Development, Developer’s Project, or Project – A specifically designated site being developed (or proposed for development) by a developer.
10. Ditch, or Drainage Swale, or Open Drain – An open channel used to transport water, groundwater, surface water runoff, or drainage water from any source.
11. Drainage Facilities or Drainage Water Facilities – Any storm sewer or storm drain, including facilities designated as county drains, that receive water from lands owned by more than one owner.
12. Dwelling Units – A building, or a unit thereof, that is occupied by one or more persons as a residence (with a single set of culinary facilities) intended for single family.
13. Easement – An acquired legal right for a specific use of land by others.
14. Foundation Drain Service Pipe – A conveyance pipe that receives only foundation drain groundwater seepage, exclusive of directly and intentionally introduced surface water runoff.
15. Land Developer or Developer – A person, firm, association, partnership, corporation, or any other legal entity that intends to develop land by making various improvements to the land as described under “Site Improvements”.
16. Land Development or Development of Land – The reshaping of the land environment to provide for the elements or amenities associated with community living. Items considered as these elements or amenities include any of the items listed under the definition of “Site Improvements”.
17. Lot – A measured portion of a parcel or tract of land, that is described, and whose location is established, in a recorded plat.

18. Mains or Water Mains – Any water supply conveyance pipe larger than two (2) inches in diameter.
19. Master Thoroughfare Plan – The Comprehensive Master Thoroughfare Plan which sets forth the location, alignment, and dimensions of existing and proposed street rights-of-way adopted by the Township.
20. Michigan Department of Natural Resources – The state agency that regulates the discharge of wastewater and drainage water to the natural outlets of the waters of the State and provides various rules and regulations to control same.
21. Parking Lot – A designated area used primarily for the parking of motor vehicles.
22. Person – Any individual, firm, company, association, society, corporation, governmental agency (including school district), or other legal entity.
23. Plat – A map or chart of a subdivision of land as defined in Act 288 of the Michigan Public Acts of 288, as amended.
24. Preliminary Subdivision Plan – A preliminary plat showing the salient features of a proposed subdivision of land submitted to an approving authority for purposed of preliminary consideration.
25. Private Wastewater Disposal System – Any system by which potable ground water is withdrawn and supplied to a building site that may be approvable by the St. Clair County Health Department or the appropriate state agency.
26. Public Sanitary Sewer – A sanitary sewer, intended to be located in public easements or public rights-of-way, that collects (or is intended to collect) wastewater from more than one user and that is required to receive approval and issuance of a construction permit.
27. Public Sewer or Public Drain – A common sewer or drain that serves more than one user and is controlled by the Sewer and Water Department or another governmental agency.
28. Public Utility Company or Utility Company – A legally constituted firm, corporation or agency, other than the Township or a county agency acting under a contract with the Township, that operates a franchise or agreement approved by the Township for the purpose of installing and operating public utilities, including but not limited to, gas piping, electric or telephone wiring (underground or overhead), oil piping, television cable, water supply transmission mains, sanitary sewer interceptors, or drainage facilities.

29. Public Water Main – A water main intended to be located in public easements or public rights-of-way, that serves or is intended to serve, more than one user, and that is required to receive the approval and issuance of a contraction permit. The service pipe, extending from a public water main to a customer water supply inlet shall also be considered public.
30. Right-of-way – Land reserved, used, or to be used for a street, alley, walkway, or other public purpose.
31. Sanitary Sewer or Wastewater Sewer – A sewer, together with appurtenances, that carry liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
32. Services – Any water supply conveyance pipe two (2) inches in diameter and smaller, located outside of a building.
33. Sewage Force Main or Force Main – A wastewater conveyance pipe that carries wastewater under pressure.
34. Sight Distance – The unobstructed (straight line) length of view from a driver’s eye-height of four (4) feet to an object height of six (6) inches.
35. Site Improvements or Improvements – Such operations, acts of construction, or changes affecting land that increase the value, utility, or habitability of the site, including but not limited to, site grading, disposal facilities, water supply piping, waste supply facilities, gas piping, oil piping, television cable, electric power supply wiring, telephone wiring, roadway surfacing or paving, parking lot paving, driveways, bridges, lakes, ponds or lagoons, sidewalks, or other appropriate appurtenant items.
36. Site Plan – The Plan required under the Township Zoning Ordinance for site plan review for all projects other than a land subdivision plat.
37. Stop Valve or Curb Stop – The valve placed on a building service water supply pipe that is located at a “Customer Water Supply Inlet”.
38. Stormwater Drain or Storm Drain – A watercourse or sewer intended for the conveyance of water, groundwater, surface water runoff, drainage water, or other water from any source exclusive of intentionally admitted wastewater.
39. Stormwater Inlet Structure – A structure designed and constructed to intentionally admit surface water runoff into an underground storm sewer.

40. Street – Any street, avenue, boulevard, road, alley, or other right-of-way that provides for vehicular or pedestrian access to abutting properties by the general public; and includes the land within the street right-of-way lines, whether improved or unimproved.
41. Street, Public – A right-of-way that provides for vehicular or pedestrian access to abutting properties by the general public; and includes the land within the street right-of-way lines, whether improved or unimproved.
42. Street, Private – A right-of-way that provides for vehicular and pedestrian access to abutting properties for the general public but is not deeded or dedicated to the St. Clair County Road Commission for ownership, operation, or maintenance. Private streets shall not be permitted for single family housing developments where each house occupies its own individual lot or parcel of property.
43. Street, Local – Any street, public or private, that is intended primarily for access to, or through, abutting properties. Local streets shall have, or shall be considered to occupy, a right-of-way width of sixty-six (66) feet.
44. Street, Collector – A street intended to carry traffic from local streets to major roads, as designated on the Township Master Thoroughfare Plan. Collector streets shall have an eighty-six (86) foot wide right-of-way.
45. Superintendent – The person appointed by the Board to manage the Sewer and Water Department.
46. Surface Water Runoff or Stormwater – That part of rainfall or melting snowfall that reaches the stormwater drain as runoff from land surfaces, building roofs, or pavements.
47. Township – The Township of Casco, St. Clair County, Michigan.
48. Township Engineer – The staff registered professional engineer or the consulting engineer representing the Township in this position.
49. Underdrain Pipe – A perforated or loose jointed pipe installed underground for the specific purpose of lowering a groundwater condition or draining a granular subbase by receiving groundwater seepage and conveying it to a stormwater drain.
50. Unpolluted Water or Drainage Water – A quality equal to, or better than, the effluent criteria currently in effect (as specified by the DNR), or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Township sanitary sewer and wastewater disposal system.

51. User – The owner or occupant of any building or building site connected with any of the facilities operated by the Department.
52. Utility Company Contractor – A construction contractor engaged by the utility company to install public utilities for the utility company; or, in the case where the utility company has a construction division that installs its own utilities, shall mean the utility company.
53. Wastewater Treatment Works or Sewer Treatment Plant – A facility for treating wastewater, industrial wastes, and sludge.
54. Watercourse – A natural or artificial open channel for the passage of water either continuously or intermittently.

Section 61.7 – Site Improvements Required for Development of Land

A. Site Grading and Drainage Water Collection and Disposal Systems

1. Except for agricultural purposes, it shall be unlawful for any person to change the drainage pattern of any land by excavating, grading, or filling, without first obtaining a permit for construction from the Township. Each site shall receive such grading for the purpose of directing surface water runoff to appropriate drainage water collection and disposal systems as is necessary, and same shall be done in a manner that will not cause drainage water from the site to flow onto adjacent land nor obstruct the flow of existing drainage from adjacent properties. Drainage water collection and disposal systems shall be provided to collect surface water runoff and building foundation drain groundwater seepage. The drainage water collection system shall consist of enclosed storm sewers throughout the project. An extension of the storm sewer system shall be provided to furnish an outlet for foundation drain service pipes for each building having a basement. The collected drainage water shall be conveyed to a point of disposal that must be a public stormwater drain.
2. When, in the opinion of the Township Engineer, or the St. Clair County Drain Commissioner, there is inadequate drainage water outlet capacity, the developer shall install an adequate retention basin with controlled-outlet facilities to limit the rate of flow of drainage water from the site according to the following minimum provisions:
 - a. Retention basins on private developments, where ownership will remain consolidated over an extended period of time (such as industrial sites, shopping centers, apartment complexes, etc.), should remain in private ownership, subject to the Township review as to size, design and proper operation. Maintenance and liability also shall remain with the property owner.

b. Retention basins serving predominantly single family areas may be dedicated to the Township for ownership and maintenance, subject to the following criteria and subject to a case-by-case review and approval by the Planning Commission and Township Board:

(1) Minimum land area of isolated parcels should be no less than six (6) acres so that they will eventually be usable as public parks. Therefore, adjoining developers should make every effort to consolidate their retention areas into a single site where feasible. Smaller sites may be acceptable where they abut directly on other Township, or elementary, middle, or high school sites.

(2) Properties shall have a length to width ratio of not more than 2 ½ to 1.

(3) Sites for retention basins shall be shown on the preliminary and final plats.

(4) Public street access shall be provided directly to the site with a paved roadway, and the developer shall grant an easement over the land occupied by the retention basin.

(5) A signed agreement, and approved plans, shall be in effect prior to Township approval of the final plat. The developer shall be responsible for dewatering and maintaining the basin until it is accepted by the Township.

(6) The developer shall execute, or cause to be executed, an agreement with the Township which shall establish the correlative duties of maintenance and funding for all retention basins, and which shall include the maintenance costs. Such other terms as may be deemed reasonable and necessary by the Township Board in addition to those set out in this Ordinance shall also be included in such a contract. The contract shall additionally include such covenants as will be necessary to bind the developer's successors, assigns, or heirs.

3. All trunk storm sewers and drains shall conform to the Township's Storm Sewer Master Plan.

B. Street and Parking Lot Pavement, and Rights-of-way

1. All single family residential land development on subdivided lots or individual parcels shall have paved roadways that comply with the Plat Development and Street Construction Procedures and Specifications of the St. Clair County Road Commission. All other residential land developments, whether single family or multiple family, shall be served with paved roadways having a width and type of pavement as specified in Appendix B.

2. All industrial developments shall be served by concrete paved roads. Commercial developments shall be served by paved roadways and parking lots. Paving for industrial and commercial developments shall be of the type and width as indicated in Appendix B.
3. Where any land development abuts, or includes a proposed collector street, as indicated on the Master Thoroughfare Plan, or where it is deemed essential by the Planning Commission or the Township Board to provide for continuity to other parts of the public road system through subject land development, the developer of such land development shall be responsible for the installation of the collector street or other local streets, with dedication of the right-of-way to the use of the public for same.
4. Where the Township Zoning Ordinance requires off-street parking, each parking space (or stall) shall be ten (10) feet in width and nineteen (19) feet in length. Parking areas shall be paved with either a concrete pavement or a bituminous aggregate surface course. In multiple family developments, all driving lanes (including those between parking stalls) shall be concrete pavement twenty-two (22) feet wide. All paved areas shall have curbs adjacent to sidewalks and lawn areas. Parking lots shall be designed in accordance with standards contained in this Ordinance, and as indicated on the Township Parking Lot Standard Detail Sheet.

C. Potable Water Supply and Distribution System

1. All developments shall be serviced by potable water supply and distribution systems acceptable to the Township. A site plan or a preliminary subdivision plan submitted to the Township shall be accompanied by data describing the type of potable water supply and distribution system that is to be provided for the development along with written approval for use of same be provided for the development along with written approval for use of same from the St. Clair County Health Department. The developer shall transmit said statement to the Township Engineer with a request for Township approval. All water mains shall be of a size consistent with the Township's Master Water Main Plan, but the size shall be no less than the following: (1) no less than 16" diameter for section-line or major thoroughfare roads; (2) no less than 12" diameter for collector streets; (3) no less than 8" diameter for local streets.
2. If the proposed development consists of a single family dwelling unit subdivision having lots one-hundred (100) feet or more in width, or of a site proposed for only one building, the developer may use individual wells for each site; provided that the developer demonstrates that each lot is capable of having an adequate water supply well acceptable to the St. Clair County Health Department.

3. For all other developments, the developer shall provide a water main distribution system to service each proposed building site. The water main distribution system shall be connected to either the Township water supply distribution system or to a community water supply well system provided by the developer and conveyed to the Township for operation and maintenance. The Community Water Supply Well System shall be designed in a manner acceptable to the Township Engineer and the St. Clair County Health Department.
4. All water supply and water main distribution systems that are intended to be operated as public facilities shall be conveyed to the Township for operation and maintenance.

D. Wastewater Collection and Disposal System

1. All developments shall be serviced by a wastewater collection and disposal system acceptable to the Township. A site plan or a preliminary subdivision plan submitted to the Township shall be accompanied by data describing the type of wastewater collection and disposal system that is to be provided for the development, along with written approval for the use of same from the St. Clair County Health Department. The developer shall transmit said statement to the Township Engineer with a request for Township approval. All wastewater collection and disposal systems shall be of a size consistent with the Township's Master Wastewater Plan.
2. If the proposal development consists of a single family dwelling unit subdivision having lots one hundred (100) feet or more in width, or of a site proposed for only one (1) building, the developer may use a septic tank and tile field for each lot; provided, that the system for each lot receives approval for same from the St. Clair County Health Department.
3. For all other developments, the developer shall provide sanitary sewers to service each proposed building site and shall connect same to a public wastewater disposal system acceptable to the Township Engineer and the St. Clair County Health Department. If no existing Township wastewater disposal system is available, a system shall be provided by the developer and conveyed to the Township for operation and maintenance. Such wastewater disposal system shall be designed in a manner acceptable to the Township Engineer and all applicable government agencies.
4. The developer shall execute or cause to be executed an agreement with the Township which shall establish the correlative duties of maintenance and funding for all sanitary sewage facilities and which shall include the maintenance costs. Such other terms as may be deemed reasonable and necessary by the Township Board in addition to those set out in the Ordinance shall also be included in such a contract. Such contract shall additionally include such covenants as will be necessary to bind the developer's successors, assigns, or heirs.

E. Trees

1. Unless a sanitary sewer or water main is not yet installed along a street, at least one (1) tree (minimum three (3) inches in diameter) per lot or building site shall be installed by the developer on each side of all streets (except Section Line Roads).

F. Underground or Overhead Wiring

1. The developer shall provide for all local distribution lines for telephone, electric, telecommunication, or similar services distributed by wire or cable to be placed underground or overhead entirely throughout the area to be developed for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the development area, and except for surface facilities related to underground service (such as above ground closure or terminals) and such wires, conduits, or cables shall be placed within private easements which shall be provided to such service companies by the developer. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

G. Guarantee for Completion of Site Improvements

1. After site plan approval or tentative preliminary subdivision approval by the Township Board, but before the issuance of building permits for buildings within the development, the developer shall provide the Township, and other public agencies as requested, with a guarantee for the satisfactory completion of all required site improvements to serve the development. Such guarantee shall be in the form of cash, certified check, or irrevocable bank letter of credit, whichever the developer selects, or in the form of a security bond acceptable to the Township or other the public agency based on the established construction cost of said improvements as approved by the Township Engineer or the other concerned public agency. The Township shall release funds from such deposit as made with the Township as the site improvements are completed and approved by the Township (approximately in proportion to the amount of improvements satisfactorily completed).

Section 61.8 – Procedure for Procurement of a Permit for Construction of Site Improvements and/or Public Utilities

A. General

1. Except for agricultural purposes, it shall be unlawful for any person to begin the development of land or install public utilities within the Township without first obtaining a permit for construction.

- B. Procedure – Any person desiring to proceed with the development of land, or install public utilities, shall apply for a Permit for Construction in accordance with the following procedures:
1. Projects Where the Construction Contractor is Engaged by the Township (or by the County Agent Under Contract with the Township):
 - a. The contractor shall not be required to acquire (nor have in possession) a permit for construction. However, the contractor shall restore all land and other physical features affected by the work to a condition at least as good as that existing at the time construction was begun.
 2. Projects Where the Construction Contractor is Engaged by a Public Utility Company other than the Township.
 - a. The Public Utility Company shall prepare and present to the Township plans and specifications for the proposed utility, whether it be an underground utility or an overhead utility (including a single pole relocation) in accordance with the “Standard Utility Locations” indicated in Appendix A. The utility company shall ascertain where the location (horizontally and vertically) may be in possible conflict with utilities proposed by the Township.
 - b. Upon completion of the plans and specifications for the public utility, the utility company shall make an application for plan review on a form furnished by the Township. As part of this application, the utility company shall submit the following:
 - (1) Two (2) sets of completed plans and specifications for the proposed utility.
 - (2) A cash payment, as established by the Township Board.
 - (3) Such other information and data as the Township Engineer deems necessary to enable the approval of the plans and specifications.
 - c. Upon approval of the plans and specifications by the Township Engineer, but prior to commencement of construction, the utility company shall apply for a Permit for Construction of a Public Utility on a form furnished by the Township. As part of this application, the utility company shall submit the following:
 - (1) Two (2) sets of approved plans and specifications.
 - (2) A cash payment (as established by the Township Board) to be held as a bond by the Township to guarantee that all land and other physical features affected by the work are restored to a condition at least as good as that existing at the time construction was begun.

- (3) Such other information and data as the Township Engineer deems necessary to enable the approval of the construction permit.
 - d. After issuance of the construction permit, the contractor may proceed with construction. However, the contractor shall restore all land and other physical features affected by the work to a condition at least as good as that existing at the time construction was begun.
 - e. Upon completion of the construction, the utility company shall submit a request (along with any supporting data deemed necessary by the Township) for written approval and acceptance by the Township for the restoration work. Upon approval of the restoration work, the cash bond will be returned. However, if the utility does not act in a timely manner to perform the restoration work, the Township reserves the right to use whatever portion of the money as is reasonable and necessary to accomplish the restoration work and return the balance of the money after completion of the restoration work.
3. For all other Development Projects
- a. The developer shall engage a Registered Professional Engineer, hereinafter called the developer's or design engineer, who shall prepare plans and specification for the proposed site improvements in accordance with the current engineering design and plan preparation standards contained herein or otherwise adopted by the Township or set forth by the Township Engineer.
 - b. Upon completion of the plans and specifications for the site improvements, the developer shall make an application for Plan Review of a form furnished by the Township. As part of this application, the developer shall submit the following:
 - (1) Two (2) copies of the completed plans and specifications as proposed to be used for the construction of the site improvements.
 - (2) A "Tabulation of Quantities" on forms supplied by the Township in sufficient detail to enable the Township Engineer to make a reasonable estimate of construction cost of the proposed work.
 - (3) A cash payment, as established by the Township Board.
 - (4) Such other information and data the Township Engineer deems necessary to enable the approval of the plans and specifications.
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- c. Upon approval of the plans by the Township Engineer, the Township Engineer will coordinate the securing of necessary approvals from other reviewing agencies. The applicant shall furnish such plans and other documents as are necessary to accomplish such approvals. However, after approval of the plans by the Township, the developer's engineer shall obtain approval from the St. Clair County Road Commission, the St. Clair County Drain Commissioner, the Michigan Department of Transportation, or any other agency where approval is required. Also, the developer's engineer shall forward plans to any public utility and any other agency whose facilities or rights-of-way may be affected by the proposed construction. In granting the approval of the plans, it shall be understood that approval may be renewed, subject to the amendment of such plans by the addition of the current Township standards, or construction specifications as applicable.

- d. Upon securing of approvals and construction permits from all other appropriate agencies, the developer shall make an Application for a Permit for Construction of Site Improvements on a form furnished by the Township. As part of this application, the developer shall submit the following:
 - (1) One (1) set of mylar tracings (a minimum of four mils thick) covering all construction proposed and approved for construction. The cover sheet of the set of plans shall contain the following statement signed by the developer's engineer: I hereby certify that these are true copies of the plans approved by the Township Engineer on (Date) by (Developer's Engineer – P.E. No.).
 - (2) Three (2) sets of approved plans and specifications, including the executed Construction Contract that shall contain at a minimum:
 - (a) Certificates of Insurance, with the Township named as co-insured, showing satisfactory workmen's compensation insurance, public liability insurance, and property damage insurance, including motor vehicle exposure and specific coverage for explosion and underground hazards.
 - (b) Maintenance and Guarantee Bond to the Township in the amount of 50% of the construction contract cost, to guarantee for a period of one (1) year from the date of the final written acceptance of such improvements, the correlation of any defects or deficiencies in the improvements covered under the construction permit.
 - (c) The contractor's proposal form, indicating unit prices and total construction cost prices, for which the contract will be performed.

- (3) A cash deposit, as established by the Township Board, from which the final cost of construction inspection, administration, and construction water usage will be deducted.
 - (4) An appropriate transfer of title for all parts of the improvements expected to be public sewer or public water mains, together with copies of recorded easements for public utilities as signed by all persons having an interest (certified by a recognized Title Insurance Company) shall accompany the copies of recorded easements.
 - (5) Such other information and data the Township Engineer deems necessary to enable the approval of the construction permit.
- e. Upon approval of the Construction Permit by the Township Engineer, the developer shall perform the construction under detailed inspection by a representative of the Township's Water and Sewer Department.
 - f. Upon completion of construction, and prior to using any of the facilities covered under the construction permit, the developer shall apply for a written final approval and acceptance of the improvements. As part of this application the developer shall submit the following:
 - (1) If the improvements installed include sewers, the developer shall make a cash deposit to the Township, as established by the Township Board, from which the final cost of such sewer cleaning will be deducted.
 - (2) Sworn Statements and Waivers of Lien, indicating that all public improvements have been paid for in full.
 - (3) One (1) set of drawings, from the developer's engineer, indicating "as-built" measurements and "as-built" elevations for the improvements, including "as-built" elevations of drainage swales.

Section 61.9 – Standards: For Engineering Design, For Preparation of Engineering Plans and Specifications; and For Construction of Site Improvements.

A. General

1. All plans submitted shall be on a 24" x 36", or 22" x 34" white prints having black or blue lines, and shall be neatly and accurately prepared.

2. Engineering plans shall have a scale on one (1) inch equals fifty (50) feet horizontal. Profile views shall have a scale on one (1) inch equals five (5) feet vertical.
3. Any land development project requiring more than one sheet of plans must be submitted with a “general plan” having a scale of 1” = 100 foot (or larger scale) showing the overall project layout (including building locations) and indicating the location of all site improvements proposed.
4. Street names, lot or property lines, and property identification numbers shall be shown on all plans.
5. Sewers in easements shall be located at least two (2) feet away from parcel or lot boundary lines.
6. Superimposed on a general plan of the site shall be contour lines of the project area. Including the area at least one hundred (100) feet outside of the project area. Contour lines shall be shown at intervals as follows:
 - a. Where the general slope of the land is one (1) percent or less, the interval shall be one (1) foot.
 - b. Where the general slope of the land is more than one (1) percent, but less than five (5) percent, the interval shall be two (2) feet.
 - c. Where the general sloped of the land is five (5) percent or greater, the interval shall be five (5) feet.
7. Any underground or overhead public utilities shall be located in the road (public or private) right-of-way according to the schedule entitled “Standard Utility Locations”, shown in Appendix A.
8. All sewers and those water mains having a diameter of 12” or greater shall be indicated in profiles. There shall be a separate profile view for each utility. However, it shall be the responsibility of the design engineer to ascertain that the depth of the storm sewer (or storm drain) does not interfere with the building service sewers crossing the storm sewer. Profiles shall indicate the size of pipe, class of pipe, slope of the utility, and control elevations of the utility. The existing and proposed grade lines shall be shown along the profile view of each utility.
9. Elevations shall be based on U.S. Geological Survey datum. The Township benchmarks shall be used where available and at least three (3) benchmarks shall be indicated on the plans for each forty (40) acres of the project site area.

10. Finish grade elevations planned for each structure shall be indicated on either the plan view or the profile view.
11. A copy of the site boundary survey with computed control lines indicated, or a copy of the computed plat, if applicable, shall be submitted with the engineering plans.
12. Plans shall have all lettering a minimum height of one-tenth of an inch and be of such quality as to provide for a clear and legible digital record.
13. All plans submitted shall bear the seal of the Registered Professional Engineer responsible for the design.
14. The plans covering all of the required site improvements for a specifically designated area of the developer's land shall be submitted as one package before any plan review shall commence.
15. On each side of all roads in new subdivision plats, a twelve (12) foot wide easement for public utilities shall be provided. For development other than subdivisions, appropriate easements for water service curb stops shall be provided.

B. Site grading and Drainage Water Collection and Disposal

1. All sets of plans which include plans for storm sewers shall include the current Township Storm Sewer Detail Sheets, which shall be considered an inseparable part of the plans when said plans are approved.
2. A Site Grading and Drainage Water Collection and Disposal Plan is required for all developments, except that if the building site is a site in a subdivision or other projects for which a general site grading plan has been submitted and approved, no separate grading plan or permit will be required. An enclosed storm drainage system shall be designed for all land development projects. If there are any upstream watershed drainage areas which need to be drained through the site under design consideration, sufficient capacity shall be provided to take fully developed upstream drainage into the system.
3. Site grading for all building sites shall be reviewed to determine that proposed and actual site grading is proper and that drainage from land lying upstream is not obstructed and that downstream properties will not adversely be affected by runoff from the property under design consideration. Before a Certificate of Occupancy for any building is issued, the Township shall approve the final site grading and drainage for each building site. The Township may require that a survey, drawing, and certificate, done by a Registered Professional Engineer or Registered Land Surveyor, be furnished by the developer

indicating that the work has been done in conformity to the approved site grading and drainage plan. It shall be unlawful for any person to interfere with, modify, or obstruct the flow or drainage water across any property in any manner different from the approved plan.

During periods of the year, when weather conditions make site grading work unfeasible, a temporary Certificate of Occupancy may be issued, subject to the furnishing of a satisfactory bond, letter of credit, or cash deposit guaranteeing the completion of the work when weather conditions permit.

4. The fall of the land away from any building shall be a minimum of six (6) inches in the first twenty-five (25) feet. From this elevation, the land shall slope to a drainage water collection swale at a minimum slope of one (1) foot in one hundred (100) feet (one percent).
5. The maximum slope of the land for the site, except for transitional ramps between usable site areas, shall be seven (7) feet in one hundred (100) feet (seven percent). The sodded ramp slopes shall be a maximum slope of one (1) foot vertically and three (3) feet horizontally.
6. Adequate soil erosion and sedimentation control measures shall be specified on the plans, and followed during construction, to conform to the requirements of Michigan Act 347, P.A. of 1972, entitled , Soil Erosion and Sedimentation Control Act of 1972, as amended.
7. All buildings, having foundation drains, shall direct the flow of drainage water from such foundation drains into a storm sewer or storm drain by means of an underground enclosed conveyance pipe. No building permit for any building having a basement shall be issued unless the plans for such building indicate a building service sewer (drainage water) with drainage to a storm sewer or storm drain. When the building service sewer (drainage water) is planned to be connected to a storm sewer located within the road right-of-way, the developer shall provide service extensions for each lot, from the public sewer to a point locate twelve (12) feet outside of the right-of-way; such service leads shall be installed prior to paving.
8. Drainage water run-off from building roofs shall be piped to a point five (5) feet away from the outside walls of any building.
9. The longitudinal grade of any drainage swale shall not be less than 0.4 feet per one hundred (100) feet (0.4%). The maximum distance drainage water shall travel in a drainage swale without an intercepting yard catch basin shall be three hundred fifty (350) feet. Not more than one hundred (100) feet of drainage water travel shall be upstream of an angle point (deflection angle 45 degrees or greater) in the drainage swale. Planned final grade elevations shall be indicated on the plans at a maximum spacing of fifty (50) feet.

10. Where required by the Township Engineer, a four (4) inch diameter, open joint drainage pipe shall be provided, with said pipe trench being backfilled entirely with pea gravel up to within four (4) inches of the grade line of the swale.
11. Storm water runoff drainage systems shall be designed for a ten (10) year storm by means of the rational method formula: $Q=CIA$; where Q is the peak rate of runoff in cubic feet per second, A is the area in acres, C is the intensity in inches per hour for a certain time of concentration. The rainfall intensity shall be determined by the formula; $I=175/25+T$; where T is the time of concentration equal to the time required for a drop of water to run from the most remote point of the watershed to the point for which runoff is being estimated. The design engineer shall use judgement in arriving at proper imperviousness factors, but in general the following factors are acceptable minimums:
 - a. Lawn areas – 0.1
 - b. Pavement and roof areas – 0.9
 - c. Overall area of single family subdivision – 0.35
 - d. Overall area of multiple family development – 0.55
 - e. Overall area of commercial development – 0.90
 - f. Overall area of industrial development – 0.80

The engineer shall submit a map outlining the various watershed drainage areas, including off-site upstream areas, which drain to each inlet point used for design. The map shall be accompanied by storm sewer design computation made on forms supplied by the Township Engineer. The minimum acceptable size of storm sewer downstream of any stormwater inlet structure is ten (10) inches in diameter.

For the design of storm sewers, use the Manning's formula for pipe sizing with an "N" factor of 0.313 for smooth wall pipe and an "N" factor of 0.025 for corrugated metal piping. Storm sewers shall be designed to provide a minimum velocity when flowing full of 2.5 feet per second. The maximum velocity of stormwater flow shall be ten (10) feet per second.

In general, trunk storm sewers or any sewer that carries street drainage water shall be located within a public street right-of-way. Such sewers shall not be located along rear lot line easements. Where public storm sewers are located outside of public streets, they shall be placed in a recorded public utility easement that provides for unlimited access to the storm sewer for repairs, connections, and maintenance. The minimum acceptable width

of easements for storm sewers shall be: 12 feet side for sewers 21 inches on under in diameter, and 20 feet for sewers 24 inches through 48 inches in diameter; and 30 feet wide for sewers over 48 inches in diameter. The sewer shall be placed within the middle third of the above designated easement width.

12. Where open drains are proposed for drainage water disposal, the Manning’s formula shall be used for determination of flow depth and capacity. However, if the Township Engineer or the Michigan Department of Natural Resources deem it advisable, the developer’s engineer may be required to furnish computations and plans showing the backwater curve for the open drain under fifty (50) year flood flow developed upstream watershed conditions.
13. Where possible, provide a minimum of three (3) feet of cover from the top of the finish road or earth grade to the top of any storm sewer. In some cases, it will be acceptable to allow the hydraulic gradient to be above the top of the sewer pipe. If this is the case, the design elevation of the hydraulic gradient profile shall be indicated on the sewer profile view, but hydraulic gradients shall not be less than two (2) feet below the surface at any location. However, hydraulic gradients shall be maintained within the pipe on any storm sewers considered to be trunk storm sewers.
14. Access manholes shall be provided along the storm sewer at every change of pipe size, change of grade, or change of direction. However, the maximum spacing for storm sewer manholes shall be as follows:

Diameter of Sewer	Absolute Maximum Manhole Spacing
12" to 30"	350'
36" to 42"	400'
48" to 60"	500'
66" and larger	600"

Note: Height of Lo-Hed pipe shall be used as the criteria for manhole spacing.

Catch basin leads may tap directly into sewers 42 inches and larger, except that taps shall not be made into a precast manhole tee pipe section.

15. Catch basins shall not be constructed over a main sewer line to replace manholes in street sewers or trunk sewers outside of streets. Moreover, a manhole normally shall not be used as a stormwater inlet structure. However, if a normal manhole location (outside of streets) coincides with a stormwater inlet structure location and at least 75% of the upstream stormwater inlet structures are catch basins (with sumps) the manhole may be used as a stormwater inlet structure by placing a catch basin cover on the manhole.

Not more than three (3) upstream catch basins will be allowed to discharge into another catch basin.

16. A prefabricated bar screen shall be installed on the end of all storm sewers eighteen (18) inches in diameter and larger which outlet into an open drain. Openings of the bar screen shall be no more than six (6) inches on center.
17. In general, pavement type catch basins shall be located as follows:
 - a. At the radius return of street pavement intersections, one hundred fifty (150) feet maximum distance of drainage water travel is allowed around a corner without an intercepting catch basin.
 - b. At all low points in streets.
 - c. At intermediated points along the street such that there is a maximum pavement drainage area per structure as follows:
 - (1) Intercepting Catch Basins – 7,500 S.F. per C.B.
 - (2) Low Point Catch Basins – 10,000 S.F. per C.B.
18. Yard type catch basins shall be provided at all low points in drainage swales. Provide intercepting yard type catch basins such that not more than three hundred fifty (350) feet of swale drainage runs into any one catch basin other than a low point catch basin where six hundred (600) feet of drainage is allowed.
19. Improved open drains may be permitted under special circumstances provided the Township Engineer has determined that the enclosure of such open drains would require a storm sewer sixty (60) inches, or larger, in diameter. When open drains are used, the easement width shall be sufficient to accommodate a thirty (30) feet wide maintenance plateau (with a maximum slope of ten (10) percent) on each side of the channel.
20. The side slopes of open drains shall have a maximum slope of one foot vertical to four feet horizontal, except that a low-flow channel may have side slopes of one (1) foot vertical to three (3) feet horizontal. Open drain side slopes shall have an established sod surfacing as soon as possible after construction. In any event, sufficient measures shall be taken to conform to the erosion and sedimentation control requirements of applicable state or local ordinances.

21. An extension of storm sewer system shall be provided to furnish an out lot for foundation drain service pipe for any buildings not otherwise services; such extensions shall have a minimum diameter of eight (8) inches.
22. When, in the opinion of the Township Engineer, or the St. Clair County Drain Commissioner, there is inadequate drainage water outlet capacity, the developer may be required to install retention basins or reservoirs. If this solution is deemed appropriate, the storage capacity of such retention basin shall contain a capacity equivalent to a minimum of the product of 0.2 feet of water times the entire watershed areas designed to drain into the retention basin. Discharge from the retention basin shall be at a controlled rate such that the entire capacity of the basin can be discharged in about forty-eight (48) hours. Additional requirements for storm water retention basins are as follows:
 - a. The maximum design elevation for storage in the retention basin shall be at least three (1) feet below the low point of the watershed surface area draining into the retention basin.
 - b. The retention basin shall be completely fenced. The fence shall be six (6) feet high chain link with top rail and three (3) strands of barbed wire at the top. A suitable access roadway sixteen (16) feet in width shall run from a hard-surfaced roadway to an access gate in the retention basin. The access gate shall be a double-opening gate, at least twelve (12) feet in total width, provided with proper locks.
 - c. The side slopes of the basin shall be one (1) foot vertical to four (4) feet horizontal and the top of the slope shall be a minimum of four (4) feet distant from the fenced enclosure.
 - d. The bottom of the basin shall have a minimum grade on one (1) percent to a gutter line. The slope of the gutter line to the outlet shall have a minimum grade of one-half (1/2) percent.
 - e. The entire retention basin area must be sodded or seeded with the turf fully established before Township approval will be granted.
 - f. Concrete rip-rap shall be provided at all pipe entrances to the basin. All pipe entering or leaving the basin shall have either a headwall or flared-end section at the end of the pipe.
 - g. An overflow system shall be provided. The overflow system shall consist of either a pipe having an invert at the design storage level elevation or a concrete spillway with an invert 0.5 feet above the design storage elevation. The concrete spillway shall extend from the inside bank slope to the outlet drain.

- h. For basins with pumped outlets, a silt trap and bar screen shall be installed on the inlet pipe to the pump station. The screen clear opening shall be a maximum of two (2) inches.
- i. Pumping stations for de-watering of the retention basins shall include duplicate pumps with each pump capable of handling the design flow. The controls shall include a lead-pump start and stop, a lag-pump start and stop, an alternator for alternating the lead-lag pump, a high water alarm system with a light and a horn, and a safety all pumps off control. The enclosure near the access gate and the controls shall be installed in a suitable weather-proof and vandal-proof enclosure. The size, make, and type of pumps and controls shall be subject to Township approval.
- j. When the basin abuts residential properties (existing or proposed), a dense hedge shall be planted along the inside perimeter of the fence. Trees may be required by the Township where the basin parallels a roadway and in other instances where improved aesthetics could be achieved without interfering with maintenance.

Section 61.10 – Street and Parking Lot Paving

- A. All sets of plans which include plans for street or parking lot paving shall include the current Township Paving or Parking Lot Detail Sheets which shall be considered an inseparable part of the plans when said plans are approved.
- B. Paving for all streets located within dedicated public road rights-of-way shall be designed and constructed in accordance with the currently adopted specifications of the St. Clair County Road Commission.
- C. Paving for all other street and parking lots shall conform to the specifications of the St. Clair County Road Commission or the following specifications, whichever is the more demanding requirement:
 - 1. The compressive strength of concrete at twenty-eight (28) days after pouring shall be at least 4,000 pounds per square inch.
 - 2. Asphalt pavement shall consist of Michigan Department of Transportation Specifications 4:11 Bituminous Aggregate (260 pounds per square yard) surfacing over an approved subbase adequately designed for sufficient thickness (minimum of six (6) inches) and type to be compatible with expected loading and subsoil conditions.
 - 3. The thickness and widths of the street pavements (back to back of curbs) shall be as indicted in Appendix B of this ordinance.

4. Maximum allowable pavement grade shall be seven (7) percent for concrete pavement and six (6) percent for asphalt pavement.
 5. Minimum allowable pavement grades shall be as follows:
 - a. Concrete pavement gutter grades – 0.30%
 - b. Asphalt pavement gutter grades – 0.50%
 - c. Concrete pavement surface grade to gutter line – 1.00%
 - d. Asphalt pavement surface grade to gutter line – 2.00 %
 6. Whenever a change in the grade of two (2) percent or more occurs, provide a vertical curve width at a length determined (to the nearest 50 feet) by the following formula: $L=1/2 (G1 - G2)$; where L is the length of stations of 100 feet per each station and G1 – G2 is the algebraic change of grade in percent.
 7. At all intersections, allow for a minimum of one (1) percent slope in elevation around the curb return.
 8. Center line curve data (radius, deflection angle, and total arc length) for all street pavement curves shall be indicated on the plan.
 9. The top of curb or gutter grade elevations every fifty (50) feet shall be indicated on the profile view for each street.
 10. The minimum sight distance for all roads shall be two hundred (200) feet for local roads, and three hundred (300) feet for collector roads.
 11. When street center lines have a deflection of more than ten (10) degrees, but less than seventy-five (75) degrees, the center line shall have a curve with a minimum radius of: one hundred fifty (150) feet for local streets, and three hundred (300) feet for collector streets. Between reverse curves, there shall be a tangent section of two hundred (200) feet for collector streets and fifty (50) feet for local streets. For deflections of seventy-five (75) degrees or greater, the curvature requirements shall be determined by the Township Engineer.
- D. All street pavement in residential areas shall have mountable curbs. However, where the pavement is a boulevard section, island curbs shall be six (6) inch high roll curbs.

- E. A detail shall be indicated for all intersections, “eyebrows”, and cul-de-sacs. The detail shall show jointing and detailed pavement surface grades, including gutters and tops of curbs. The minimum scale of the detail shall be one (1) inch equals thirty (30) feet.
- F. At the end of a street that will be extended in the future, installation of a one (1) foot header and standard road-end barricade and sign is required.
- G. Where the Township Zoning Ordinance requires off-street parking, the design of the parking area shall conform to the following requirements:
 - 1. All parking lot layouts shall be designed to meet the requirements of the Township Engineer.
 - 2. All parking areas shall be paved with either six (6) inches minimum thickness concrete or six inches minimum thickness of stone aggregate topped with 2-½ inches of bituminous concrete surface course. A six (6) inch high concrete curb shall be placed around the entire perimeter (except for drive entrances) of the paved parking area.
 - 3. When the area is to serve three or more automobiles, the individual car spaces shall be marked by painted-on yellow stripes a minimum of three (3) inches wide. The stripe shall extend from the front of the parking stall space to a distance of nineteen (19) feet. The distance center shall be a minimum of ten (10) feet, except where handicapped parking is required.
 - 4. Parking lots for residential areas shall have sixty-two (62) feet wide bays. However, for a single bay, a car overhang of two (2) feet may be assumed and the width between the face of curbs may be reduced to fifty-eight (58) feet. Moreover, on the curb side of a multiple bay parking lot, the two (2) feet overhang may be assumed for the purposes of reducing the pavement width of the outside bay to sixty (60) feet. Where the parking area is adjacent to the project boundary line, the face of curb shall be located at least six (6) feet from such boundary line.
 - 5. Parking lot layouts for other than residential areas shall be designed in accordance with the general standards indicated on the Township Parking Lot Detail Sheet.
 - 6. When sidewalks are provided adjacent to the parking area curbs where car overhangs occur, such walks shall be a minimum width of six (6) feet as measured from the face of the curb.

Section 61.11 – Water Supply Distribution System

- A. All sets of plans which include plans for water mains shall include the current Township Water Main Detail Sheets, which shall be considered an inseparable part of the plans when said plans are approved.
- B. All water mains shall be shown in a plan view. Water mains at location of crossings with other utilities or drains, and those water mains twelve (12) inches or larger in diameter shall also be shown on a profile view.
- C. The plan shall indicate the proposed finished grade elevations of all hydrants, gate wells, and other structures and, where a public main or hydrant is not located in a public street, shall show an easement for the main and hydrants. The easement shall extend a minimum of six (6) feet each side of the main.
- D. The type, capacities, location, and layout of a building service water supply pipe shall comply with all requirements of the Township Engineer, the St. Clair County Health Department, and the State of Michigan. A building service water supply pipe shall be shown on the plans for each building in the project. Where water mains are planned along the roadways, the building service water supply pipe for each lot shall be extended (by the developer). Across the roadways prior to paving. Each such service pipe shall be terminated with a curb stop and box that is located at a point ten (10) feet outside the road right-of-way.
- E. The type of pipe and joints indicated on the plans shall be in accordance with the current Township standards.
- F. All water mains shall be installed with a minimum cover of five (5) feet below finished grade. Where water mains must dip to pass under a storm sewer or sanitary sewer, the minimum clearance shall be eighteen (18) inches. At all open drain crossings, a five (5) foot minimum clearance between bottom of drain and top of water main shall be provided. The sections which are deeper than normal shall be kept to a minimum length by the use of vertical bends (maximum deflection of 22-1/2 degrees), properly anchored.
- G. Water mains, other than hydrant leads, shall be eight (8) inches minimum in diameter. All single hydrant leads longer than one hundred (100) feet shall be eight (8) inches minimum diameter and shall be valved as a dead end main.
- H. All valves, except hydrant valves, shall be installed in a standard gate well. Valves shall be located in the system such that not more than four (4) valves need to be turned off to isolate any individual section of water main. Moreover, sufficient valves shall be placed such that not more than thirty (30) dwelling units or service establishments shall be service within such section of water main that can be isolated. Where possible valves shall be located at street

intersections five (5) feet from the intersecting street right-of-way line. All dead end mains shall be valved near the tee.

- I. Hydrants shall be installed along the water main at least every five hundred (500) feet. However, in no case shall any external part of any building be more than three hundred (300) feet from a hydrant. In commercial or industrial districts, additional hydrants may be required. Hydrants shall be installed at the ends of all dead-end water mains. When near a street intersection, hydrants shall be located a minimum of fifteen (15) feet from the intersecting street right-of-way lines.

Section 61.12 – Wastewater Collection and Disposal System

- A. All sets of plans which include plans for sanitary sewers, shall include the current township Sanitary Sewer Detail Sheets which shall be considered an inseparable part of the plans when said plans are approved.
- B. For every sanitary sewer project, there shall be indicated on the profile view (near the downstream end of the sewer) a manhole with a twelve (12-inch deep manhole sump to be used for testing for infiltration. No sanitary sewer section having an infiltration rate, or an exfiltration rate, of more than 250 gallons per inch of pipe diameter per mile of pipe per twenty four (24) hour period shall be approved for connection to the Township Sanitary Sewer System.
- C. The minimum allowable size for public sanitary sewers shall be ten (10) inches diameter. The minimum size of building service sewer (wastewater) shall be six (6) inches in diameter, except that a single mobile home dwelling unit may have a four (4) inch sewer service (wastewater). However, a minimum of six (6) inch building service sewer shall be provided for a building containing from one (1) to (12) twelve dwelling units (or equivalent); a minimum of eight (8) inch building service sewer shall be provided for a building containing from thirteen (13) to one hundred (100) units (or equivalent).
- D. The following table of acceptable slopes for sanitary sewers shall be adhered to:

Sewer Size	Minimum Slope	Maximum Slope
4"	2.00%	
6"	1.00%	
8"	0.40%	
10"	0.30%	6.22%
12"	0.22%	4.88%
15"	0.15%	3.62%
18"	0.12%	2.84%

21"	0.10%	2.32%
24"	0.08%	1.94%

- E. Sanitary sewage force mains shall be designed for a minimum velocity of two (2) feet per second and a maximum velocity of twelve (12) feet per second, unless otherwise approved. Force mains shall be shown in a profile view with grades and elevations indicated thereon. An air relief and cleanout assembly manhole shall be provide at high points. Access (cleanout assembly) manholes shall be provided along the force main at least every 600 feet.
- F. A building service sewer shall be indicated on the plans for each building in the project. Where sanitary sewers are planned along roadways, the building service sewers shall be extended (by the developer) for each lot to a terminus that is located twelve (12) feet outside of the road right-of-way; such building service sewers shall be extended across the road right-of-way prior to paving.
- G. Manholes shall be provided along all sanitary sewers (8 inches and larger) at:
1. Points of horizontal deflection.
 2. Points where the size of sewer is changed.
 3. Points where the slope of the sewer is changed.
 4. At junctions with other sewer lines.
 5. At the upstream terminus of sewer run.
 6. Along the sanitary sewer at other locations such that the maximum spacing between manholes shall not exceed the following:
 - a. For 8 inch through 21 inch diameter – 350 feet.
 - b. For 24 inch and larger diameter – 400 feet.
- H. At manholes where size of sewer changes, the 0.8 diameter elevation points of inlet and outlet sewer shall be matched. At horizontal deflections in the sanitary sewer greater than forty-five (45) degrees, a minimum of 0.10 feet additional adjustment in grade elevation shall be provided to allow for loss of head. However, additional elevation adjustments may be made when conditions allow same; provided that, when the invert of nay inlet sewer is more than eighteen (18) inches above the outlet sewer, a drop assembly shall be provided.

- I. In general, sanitary sewers shall be located within a public street right-of-way. Sanitary sewers shall not be located within rear lot line easements, except in extremely unusual circumstances as determined by the Township Engineer. Where public sanitary sewers are located outside of public streets, they shall be placed in a recorded public utility easement that provides for unlimited access to the sanitary sewer for repairs, connections, and maintenance. The minimum acceptable width of easements for public sanitary sewers shall be twenty (20) feet wide; except that, if adjacent and parallel to the public street, it may be reduced to twelve (12) feet wide. The sanitary sewer shall be located within the middle third of the above designated easement width.
- J. Sanitary sewers shall be designed to have a minimum depth from finish grade elevation to top of sewer of 8.5 feet at local control points or nine (9) feet at locations where the sewer grade is parallel to the road grade. The sewer shall be designed deep enough to serve a standard depth basement for the type of building for which the land is zoned except in specific locations where the existing receiving sewer limits the available depth.
- K. Each wye or terminus of building service sewer shall be plugged with an infiltration-proof plug having a joint similar to those of the main sewer.
- L. The type of pipe and joints for sanitary sewers shall be in accordance with current Township standards.

Section 61.13 – Other Site Improvements

A. Sidewalks and Driveways

- 1. Sidewalks within public rights-of-way shall have a minimum thickness of four (4) inches in pedestrian areas and a minimum of six (6) inches in areas where vehicular traffic will cross the walk.
- 2. The width of the walk shall be a minimum of five (5) feet for public walks, and a minimum of three (3) feet for other than public walks, and are subject to review and approval by the Township.
- 3. Driveways within public rights-of-way shall be a minimum of six (6) inches thick. Commercial or industrial driveways shall have a minimum thickness of eight (8) inches.
- 4. Construction joints with a half inch pre-molded expansion filler shall be placed at maximum intervals of fifty (50) feet. Contraction joints shall be placed at maximum intervals of five (5) feet, or equal to the width of the walk, whichever is greater.

5. Sidewalks shall be constructed along a planned longitudinal grade line. The maximum longitudinal slope shall be six (6) percent. The transverse slope of the sidewalk shall be a minimum of two (2) percent (1/4 inch per foot) and a maximum of six (6) percent (3/4 of an inch per foot).

B. Other Public Utilities

1. Unless otherwise approved by Township Engineer, the installation of public utilities other than Township sanitary sewers, water mains, or storm sewers shall not be started until the finished grade has been established. The Utility Company's contractor shall be required to restore the ground to the finished grade. The drainage water swales shall be restored to a workable condition at least as good as existing prior to construction. Furthermore, all land and other physical features affected by the construction of the public utility shall be restored to a condition at least as good as that existing at the time construction was begun.

C. Trees

1. Trees required to be installed in public street rights-of-way under this Ordinance shall be of good sound nursery stock, shall be installed by a quality nurseryman, and shall be guaranteed by the developer for one (1) year after date of the certificate of occupancy.
2. The following species of trees shall be permitted: Norway Maple, London Plane, Pin Oak, Honey Locust, Cork Tree, Sugar Maple, Little Leaf Linden, Modesto Ash, Idaho Locust, Moraine Locust, Hop Hornbeam, Paul's Scarlet Hawthorn, or such other species approved by the Township.

Section 61.14 – Construction and Construction Inspections

- A. All work covered under Permit for Construction of Site Improvements shall be performed according to the approved plans and specifications and in accordance with the requirements of this Ordinance. By making an application for a Permit for Construction of Site Improvements, the developer grants the Township the right to perform inspection of any work covered under the permit, and the developer shall correct, at their expense, any work which is discovered to be done in conflict with the approved plans and specifications or in conflict with the requirements of this Ordinance.
- B. The developer shall pay a fee to cover all costs of inspection of work covered under the Permit for Construction of Site Improvements. The basis of the fee to be paid the Township shall be the actual cost of the Township plus an administration and overhead expense in the amount of twenty (20) percent of such cost. Actual cost, as used herein, shall be considered the actual gross payroll or contract cost per hour times the number of hours expended.

- C. The fee for construction inspection, as determined above, shall be deducted from the amount of the construction inspection deposit paid upon application for a Permit for Construction established by the Township Board, If the fee so determined exceeds the amount of the deposit, the developer shall make up such deficiency in deposit by paying forthwith, upon discovery, and additional deposit to cover the cost of inspection until the job is completed and approved. Upon completion and final approval of the work, and money left in the construction inspection deposit account will be returned to the developer.

 - D. The Township reserves the right to inspect all work covered under the Permit for Construction of Site Improvement, and intends to provide detailed inspection for all of the following:
 - 1. All types of construction where detailed inspection requirements are covered under the Township water and sewer ordinances.
 - 2. All sanitary sewers (public and private) including connection thereto.
 - 3. All water supply pipe (public and private) including connections thereto.
 - 4. All open and enclosed storm drains (public and private) including connections thereto, except in the case of those storm sewers considered private storm sewers in mobile home parks that do not receive drainage water from sites other than the mobile home park site.
 - 5. All site grading for any site.
 - 6. All sidewalk and driveway construction installed outside of those rights-of-way that are dedicated to the St. Clair County Road Commission.
 - 7. All street and parking lot pavement installed outside of those rights-of-way, that are dedicated to the St. Clair County Road Commission.

 - E. The Township will provide inspection sufficient to verify compliance with the requirements of Township ordinances for all private storm sewers, sidewalks, driveways, street pavements, and parking lot pavements. The developer shall provide competent construction inspector for detailed inspection for same in: mobile home parks; multiple residential developments except condominiums; motels; institutional and governmental developments, including schools and colleges; assembly halls, churches, hospital, and convalescent homes; all commercial developments, including stores, shops, offices; and all industrial developments.

 - F. When the Township is not to provide detailed inspection, the amount of the deposit for construction inspection will be reduced to ten (10) percent of the regular deposit established by the Township.
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Section 61.15 – Variances

- A. After recommendation of the Planning Commission, the Township Board may authorize a variance from the provisions of this Ordinance when it determines that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance. In granting any variance, the Board may prescribe other conditions that it deems necessary or desirable for the public interest. No variance shall be granted unless the Township Board finds:
1. There are special circumstances or conditions affecting the situation such that strict application of the provision of this Ordinance would deprive the applicant of reasonable use of the property.
 2. The variance is necessary for the preservation and enjoyment of substantial property right of the applicant.
 3. The granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the Township.
 4. Such variance will not have the effect of nullifying the interest and purpose of this Ordinance nor violate the provisions of other state or federal regulations.
- B. Any person may apply for such variance by requesting same in writing, stating fully and clearly the reasons for the request, and including any supplemental information and data which may aid in the analysis of the proposed request.

Section 61.16 – Enforcement, Penalties, for Failure to Comply with this Ordinance

Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding Five-Hundred (500.00) dollars, or ninety (90) days in the St. Clair County Jail, or both.

Appendix A
Schedule of Standard Utility Locations

A. Location of Utilities (existing and new streets)

1. Storm Sewers

- a. West side of road – 12 feet from the right-of-way
- b. South side of road – 12 feet from the right-of-way

2. Sanitary Sewers

- a. East side of road – 7 feet from right-of-way
- b. North side of road – 7 feet from right-of-way

3. Water Mains

- a. West side of road – 7 feet from right-of-way
- b. South side of road – 7 feet from right-of-way

4. Gas Mains

- a. East side of road – 9 feet from right-of-way
- b. North side of road – 9 feet from right-of-way

5. Other

By approval of County Engineer

B. In some instances, where one or more of the utilities have been installed in a location other than described above, the location of the remaining proposed utilities shall be determined by the Township Engineer with the concurrence of the St. Clair County Road Commission. Where, in the opinion of the Township Engineer, the locations are not desirable or possible, suitable adjustments may be made.

C. Sanitary sewers may be installed in twelve (12) feet wide easement adjacent to the street rights-of-way in lieu of these locations, if approved by the Township Engineer.

Appendix B
Schedule of Pavement Requirements

A. General

For all public streets, the requirements of the St. Clair County Road Commission shall govern. For all other streets, the provisions of this Ordinance shall govern.

B. Residential Areas

1. For condominiums and subdivisions where the average width of lots is less than ninety-eight (98) feet: provide a concrete pavement (minimum six inches thick) with integral curb and gutters having a minimum width of twenty-eight (28) feet for local streets and thirty-six (36) feet for collector streets; except if a dual roadway with an island is proposed, each roadway shall be a minimum of twenty-one (21) feet wide.
2. For mobile home parks and for subdivisions where the average width of lots is ninety-eight (98) feet or more: provide a bituminous aggregate surfaced pavement with concrete curbs and gutters or a concrete pavement with integral curb and gutters. The pavement shall have a minimum width of twenty-one (21) feet for local streets, and twenty-four (24) feet for collector streets. The bituminous aggregate surfaced pavement shall have a minimum six (6) inches of bituminous concrete base topped with two and one-half (2-1/2) inches of bituminous aggregate surface course. However, the developer's engineer shall design an adequate base thickness to be compatible with existing subbase conditions and the anticipated design loads in accordance with acceptable standard engineering practice.

C. Industrial Areas – Public and Private Streets

Industrial street pavement shall be a minimum of nine (9) inches thick concrete with integral curbs having a minimum width of thirty-six (36) feet.

D. Commercial and Other Areas – Public or Private Streets

Concrete pavement (with integral curb and gutter where appropriate) shall be provided for the driving and service lanes of these developments. The width of pavement shall be such as to provide at least two 11-foot-wide driving lanes unobstructed by parked vehicles. Appropriate additional allowances shall be made for situations where a high incidence of temporary or permanent parking is anticipated. The concrete pavement shall have a minimum thickness of eight (8) inches.

Chapter 62 - Subdivision Regulations

Article 1 – General Provisions

Section 62.1 – Title

This Ordinance shall be known and may be cited as the Casco Township Subdivision Regulation Ordinance.

Section 62.2 – Purpose

The purpose of this Ordinance is to regulate and control the subdivision of land within Casco Township in order to promote the safety, public health, and general welfare of the community. These regulations are specifically designed to:

- A. Provide for orderly growth and harmonious development of the community consistent with adopted development policies of the Township.
- B. Secure proper arrangement of streets in relation to adequate traffic circulation by coordinating existing and planned streets with the adopted Master Plan, and adequate traffic circulation through coordinating street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
- C. Achieve individual lots of maximum utility and livability, and lots of such size and layouts as to be in harmony with the existing and proposed development pattern of the area.
- D. Ensure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.
- E. Ensure adequate provision for recreational areas, school sites, and other public facilities.

Section 62.3 – Legal Basis, Scope, and Administration

- A. Legal Basis – This Ordinance is enacted pursuant to the statutory authority granted by the Township Planning Act 33 of 2008, as amended; and the Land Division Act, Act 5891 of 1997, as amended.
 - B. Scope – This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for dividing existing lots. It
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is not intended by this Ordinance to repeal abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township, the provisions of this Ordinance shall prevail.

- C. Administration – The provisions of this Ordinance shall be administered in accordance with the Land Division Act 591 of 1996, as amended, and the Township Planning Act 168 of 1959.
- D. Fees – The schedule of fees for the review of plans and plats, the impact of improvements for the administration of this Ordinance, and other costs incurred by the Township in the platting process, shall be determined, and may be modified from time to time, by resolution of the Township Board.
- E. Conformance with Zoning Ordinance – All plats reviewed under these regulations shall conform to all Zoning Ordinance provisions for the district in which the proposed plat is to be located. All required zoning changes shall be made prior to tentative approval of the preliminary plat by the Township Board.

Article 2 – Definitions

Section 62.4 – Rules Applying to the Text

For the purpose of the Ordinance certain rules of construction apply to the text, as follows:

- A. Words used in the present include the future tense; and singular includes the plural unless the context clearly indicates the contrary.
- B. The term “shall” is always mandatory and not discretionary; the word “may” or “should” is permissive.
- C. Words or terms not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

Section 62.5 – Definitions

- A. The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. Words not specifically defined in this Section shall be

defined in conformance with the definitions in the Casco Township Zoning Ordinance and the Land Division Act 591 of 1996, as amended.

1. Alley – A dedicated public right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.
2. As-Build Plans – Revised construction plans in accordance with all approved field changes which reflect all site improvements as actually constructed.
3. County Drain Commissioner – The St. Clair County Drain Commissioner.
4. County Health Department – The St. Clair County Health Department.
5. County Plat Board – The St. Clair County Plat Board.
6. County Road Commission – The Road Commission for St. Clair County.
7. Dedication – The intentional transfer (by the proprietor to the public) of the ownership of, or an interest in, land for a public purpose. Dedication may be affected by compliance with the statutes relating to dedication of land, by formal deed of conveyance, or by any other method recognized by the laws of Michigan.
8. Easement – The right of a person, governmental agency, or public utility company to use public or private land owned by another for a specific purpose. A grant of one or more of the property rights by the owner to, or for the use by the public, a corporation, or another person or entity.
9. Filing Date – The date which a complete application is received by the Township Clerk.
10. Flood Plain – The area of land adjoining the channel or a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood have a 1% chance of occurrence in any year (100-year flood).
11. Improvements – Any structure or material change incident to servicing or furnishing facilities for a subdivision such as, but not limited to grading, street surfacing, curb and gutter, drainage ditches, driveway approaches, sidewalks, pedestrian ways, water mains and lines, sanitary sewers, wells or well systems, septic systems, storm sewers, culverts, bridges utilities, lagoons, slips, waterways, lakes, bays, canal, and other appropriate items, with appurtenant construction; demolition of structure; planting; or removal of trees and other vegetation cover.

12. Master Plan – The Master Plan for the Township of Casco, Michigan, as adopted by the Planning Commission.
13. Open Space – Land dedicated or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural condition, with or without public access. Open space includes, but is not limited to, parks, parkways, playgrounds, school sites, wildlife or plant life preserves, and nature study areas.
14. Outlot – When included within the boundary of a recorded plat, means a lot set aside for the purposes other than a building site, park, or other land dedicated to public use or reserved for private use.
15. Park - A public or private park for outdoor recreation, such as a playground, playing field, picnic area, or similar use.
16. Pedestrian Way – A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses block or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.
17. Planning Commission – The Planning Commission of Casco Township as establish under the Michigan Planning Enabling Act xxx of 2006.
18. Persons – An individual, corporation, government, or governmental agency, business trust, estate trust, partnership or association, two or more persons having a joint or common interest, or a legal entity.
19. Proprietor – Any person or any combination of persons, including a government agency undertaking any development as defined in the Ordinance. The term Proprietor includes such commonly used references as subdivider, developer, and owner.
20. Soil Conservation District – St. Clair Count Soil Conservation District.
21. Street – A way of vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
 - a. Collector – Streets which carry traffic from local streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development, and streets for circulation within such a development, and streets which are identified as such in the Casco Master Plan.

- b. Cul-de-sac – A minor street with only one outlet and being permanently terminated at the other end by a vehicular turn-around, usually circular in nature.
- c. Future Connection (Stub) Street – A dead end street for the purpose of future connections to adjacent subdivisions or acreage parcels.
- d. Local Streets – Streets that are primarily for access to the abutting properties and which are identified as such in the Casco Township Master Plan.
- e. Major Thoroughfare / Arterial – Streets and highways which are used as through routes for traffic in the Township, and which are identified as such in the Casco Master Plan.
- f. Marginal Access Street – Minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- g. Secondary Thoroughfare / Arterial – Streets which are used as through routes while providing access to abutting properties and minor intersecting streets, and which are identified as such in the Casco Township Master Plan.

Article 3 – Plat Procedures and Specifications

Section 62.6 – Preapplication Conference

- A. Purpose – The purpose of the pre-application conference is to acquaint the proprietor with the planning policies of Casco Township as they apply to the property to be subdivided, to give the Township an opportunity to discuss the subdivision with the proprietor before expensive surveys and drawings are made, and to discuss the concepts and basic organization of the proposed development in relation to existing and future conditions on and around the site. The basic decisions as to the interpretation of planning policy for the site and area in question, and modification of such policy as a result of the proposed development will be made in this stage. The consensus reached in this stage will form the basis of the preliminary plat.
- B. Application
 - 1. The proprietor shall make application to the Township Clerk for a pre-application conference with the Township planning consultant and the Township consulting engineers.
 - 2. The proprietor is encouraged to consult the Casco Township Master Plan, Zoning Ordinance, this ordinance, and other ordinances which regulate the subdivision of land in

Casco Township, and other plans of any unit of government that affect the tract to be subdivide and the area surrounding it before submittal of an application for a preapplication conference.

3. The proprietor may also discuss the concepts of the proposed subdivision with the staff of all appropriate county and state agencies, and utility companies serving the area.
- C. Suggested Information – In order to gain maximum benefit from the preapplication conference, the proprietor should submit the following information with the application for a preapplication conference for the entire tract of land, whether or not the tract will be developed in stages. Information may be combined on one or more drawings.
1. Description of man-made or cultural features, existing and proposed, surrounding the site.
 2. Description of natural features, general topographic and general soil conditions on the site. (Information available from the St. Clair County Metropolitan Planning Department, and the Soil Conservation District.)
 3. A site analysis showing which of the site conditions the proprietor intends to retain or modify as part of the basic design of the subdivision.
 4. The concept, objectives, general layout, and location and extent of the various uses and facilities to be incorporated with the subdivision, including a general layout of the proposed street system, lot sizes and lot configuration.
 5. Stages of development.
 6. Property dimensions and areas.
 7. Aerial photograph of the site and surrounding area, with the site clearly defined. (Photos are available from the St. Clair County Metropolitan Planning Department.)
 8. Proprietor’s interest in the property, and verification of all persons having ownership interest in the parcel(s).

Section 62.7 – Preliminary Plat: Tentative Approval

- A. Filing Procedures – The proprietor shall file sixteen (16) copies of the tentative preliminary plat together with a completed application form and tentative preliminary plat review fees with the Township Clerk at least twenty-one (21) days prior to the regular Planning Commission meeting at which the tentative preliminary plat is to be considered. The Township Clerk shall

check the completeness of the submittal, and if complete, transmit same to the Planning Commission in adequate time for inclusion on the agenda for the Planning Commission's next regular available meeting. If the application is not complete, the Clerk shall so notify the applicant in writing and shall list deficiencies. The Clerk shall also mail one (1) copy of the application packet and tentative preliminary consultant and engineer for their review and comment. An application shall not be official received until all deficiencies noted by the Clerk have been corrected.

- B. Information Required – The following information is required for all preliminary plats submitted for tentative approval. The required information may be combined for presentation on one or more drawings or maps. The Planning Commission may request that the information be presented on drawings or maps in addition to those submitted.
1. Name of proposed subdivision.
 2. Legal description of the entire site to be subdivided.
 3. Scale, date, and north point shall be indicated on each map or plan.
 4. Name and address of proprietor; other owners, if any, and planner, engineer, surveyor, or designer who prepared the subdivision layout. The plans shall be sealed by the professionals who prepared the drawings.
 5. Names of adjacent subdivisions, layout of streets indicating street names, right-of-way widths, and connections with adjoining streets, widths and locations of alleys, easements, and public walkways adjacent to or connecting the proposed subdivision; names and addresses of owner(s) of record of all adjacent property.
 6. Topography, existing and proposed, in two (2) foot intervals. Proposed grading and land filing shall be indicated on the plans along with a description of measures to be used to control sedimentation and erosion. All topographic data shall relate to NGV datum of 1929. Plans and specification of soil erosion and sedimentation control measures in accordance with standards and specifications of the Soil Conservation District.
 7. A site report for subdivisions that will not be served by public water and sewer shall be submitted which provides an analysis of the site soil conditions and other site characteristics which demonstrate ability to meet required St. Clair County Health Department criteria for septic and well installations.
 8. Proposed deed restrictions or protective covenants. (May be delayed until the Final Preliminary Plat.) If no deed restrictions are proposed, a statement of such in writing must be submitted.

9. Layout and width of rights-of-way and surfacing of all streets, or public ways proposed for the subdivision.
 10. Lot layout, dimensions, setback requirements, area in square feet, and lot number of the proposed lots.
 11. All parcel, public facilities, or land to be dedicated or reserved for public use, open space, or for use in common by property owners in the subdivision shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation. The plat shall clearly specify dedication of such areas or facilities to the public.
 12. Location and size of all existing and proposed sanitary sewer, septic, storm sewer, and water supply lines, wells, or other facilities; location of, and points of connection to proposed lines; location of valves and hydrants; location, description, and details of any on-site facilities to serve the entire subdivision.
 13. Identification, location, and nature of all uses other than single family residences to be included with the subdivision.
 14. Staging of development of the entire subdivision shall be clearly shown on the plat, and the relation of each stage to the entire subdivision plan shall be clearly indicated.
 15. Location, dimensions, and purpose of all existing structures shall be shown on the plat.
 16. Location and types of sidewalks, street lighting, street trees, curbs, water mains, sanitary sewers and storm drains, manholes, catch basins and underground conduits.
 17. Zoning status of the property included in the preliminary plat, and all adjacent properties and civil jurisdiction of such properties.
- C. Review Procedures: Tentative Preliminary Plat Approval – The Planning Commission shall review the preliminary plat for conformance with the Master Plan and to standards and specifications set forth in the Land Division Act, the Casco Township Zoning Ordinance, and this Ordinance.

The Planning Commission shall take action on the preliminary plat within sixty (60) days of the date of filing of the plat. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat and transmit all copies of the preliminary plat together with the reasons for its action to the Township Board. The review period may be extended by written agreement between the Planning Commission and the proprietor. If no action is taken by the

Planning Commission within the 60-day period, and if no extension is secured, the Township Board shall assume that the preliminary plat has been approved by the Planning Commission.

The Township Board shall, within thirty (30) days of receiving the Planning Commission's recommendation, tentatively approve or disapprove the preliminary plat.

- D. Effect of Tentative Approval of Preliminary Plat – The tentative approval of the preliminary plat shall confer upon the proprietor for a period of one (1) year from the approval date by the Township Board, approval of the lot size, lot orientations and street layout of the proposed subdivision. The tentative approval may be extended for a single period of one (1) year if an extension is applied for in writing by the proprietor, and granted in writing by the Township Board.

Section 62.8 – Preliminary Plat: Final Approval

- A. Filing Procedures – The proprietor shall submit sixteen (16) copies of the preliminary plat, as tentatively approved by the Township Board and approved by all county and state plat approval authorities as required by the Land Division Act, together with the required information, completed application form, and fees, to the Township Clerk at least twenty (20) days prior to the meeting of the Township Board at which the preliminary plat is to be considered for final approval. The Township Clerk shall determine if the application is complete, and if complete, transmit same to the Township Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Township Clerk shall so notify the proprietor in writing and shall list deficiencies. An application shall not be officially received until all deficiencies identified by the Township have been corrected.
- B. Information Required for Final Approval of Preliminary Plat – The proprietor shall submit the following information to the Township Board for final approval of the preliminary plat:
 - 1. A listing of all county and state authorities required by the Land Division Act to approve the preliminary plat, including certification that the list is complete, and that each authority has approved the preliminary plat.
 - 2. One (1) approved copy of the preliminary plat from each county and state authority required by the Land Division Act to approve the preliminary plat.
 - 3. One (1) copy of a receipt from the Township Treasurer indicating that all fees required under this Ordinance have been paid.
 - 4. Certificates of approval from the Township Engineer for all improvements proposed to be

completed prior to final approval and construction schedules.

5. Elevations, grades, direction of flow, and profiles of all existing and proposed sanitary sewer, storm sewer, and water supply lines.
 6. Location of electricity, gas, and telephone lines.
 7. Location, dimensions, and purpose of all proposed easements.
 8. Sixteen (16) copies of the final preliminary plat.
- C. Review by the Township Board – The Board shall review the preliminary plat at its next regular meeting after submittal of the complete application, provided that the submittal is made at least twenty (20) days in advance of the Board meeting. The Board shall approve the preliminary plat if it conforms to the preliminary plat as tentatively approved by the Board, and if all other required approvals have been obtained by the proprietor. The Township Clerk shall promptly notify the proprietor of the final approval, in writing.

The Board shall disapprove the preliminary plat if it does not conform to the preliminary plat as tentatively approved by the Board, or if any other approvals required by the Land Division Act, have not been obtained. The Township Clerk shall promptly notify the proprietor of the disapproval and the reasons thereof, in writing. The reasons for the disapproval shall be recorded in the minutes of the meeting of the Board. Notice of disapproval shall also be sent to each of the other plat approval authorities.

In case of disapproval of the preliminary plat, further consideration of a plat for subdividing the same land, can be obtained only if the proprietor first applies for tentative approval of the preliminary plat.

The proprietor and the Board may agree in writing to extend the twenty (20) day review period. Any changes made in the plat during the period of extensions shall be sent to each of the other authorities, which have approved the preliminary plat. This provision is intended to be used only in situations where, in the opinion of the Board, objections to final approval are minor.

- D. Effect of Final Approval of Preliminary Plat – For a period of two (2) years from the date of Township Board approval of the final preliminary plat, the proprietor shall be granted the conditional right that the general terms and conditions under which the final approval of the preliminary plat was granted will not be changed. The two (2) year period may be extended if applied for by the proprietor and granted by the Township Board in writing. Written notice of any extension shall be sent by the Township Clerk to all other plat approval authorities.

Section 62.9 – Improvement Design, Review and Approval

- A. Submission – Engineering plan review and approval, consistent with Township engineering standards, shall be obtained after final preliminary plat approval, and prior to final plat approval. Once engineering plan approval is granted, construction permits for the site improvements can be issued by the Township and other applicable regulatory agencies. The subdivider shall file the following with the Township Clerk: an application for design review, plans for all improvements to be installed within the proposed subdivision, and all plan review fees. The Township Clerk shall forward all plans received, to the Township Engineer and Township Planner.

Said improvement plans shall be held for review by the Township engineer and planner for a period not to exceed forty-five (45) calendar days, which shall include only those days in which the improvement plans are in the possession of the Township.

- B. Plan Contents – All improvement plans shall be prepared in accordance with Article 5 of this Ordinance, and with all Township engineering standards.

C. Plan Review

1. The Township engineer shall initially review all plans submitted to determine their conformance with Township engineering standards, and the approved preliminary plat. The Township Planner shall review the plans for their conformance with Township standards for traffic impact and design.
2. The improvement plans shall also be reviewed by the other appropriate Township departments.
3. After review and final approval by the Township engineer, planner, departments, and other appropriated governmental agencies, the Township engineer shall issue approval to the subdivider's engineer, with copies to the subdivider and Township Clerk.
4. The subdivider's engineer shall submit to the Township engineer cost estimates for all approved improvements.
5. The Township engineer shall then prepare and submit a detailed summary of required deposits in an amount sufficient to ensure construction of the required improvements. Copies shall be sent to the Township Clerk and subdivider.

D. Site Work, Construction of Improvements, and Models

1. No preliminary site work, such as clearing and grubbing, shall commence until the subdivider has:
 - a. Been issued all necessary wetland, watercourse, and soil erosion permits.
 - b. If final approval of all improvement plans has not been obtained, the subdivider shall execute an agreement acknowledging that it is proceeding at its own risk and that permission to proceed with the preliminary site work does not in any way guarantee approval of the final plat.
 - c. Completed a pre-construction meeting with staff and consultants, and verification that all necessary permits have been obtained. The purpose of the pre-construction meeting shall be to review the manner in which the preliminary site work shall be performed and inspected.
 - d. Deposit an amount of money with the Township sufficient to restore the site by grading, redistributing topsoil, seeding and mulching all areas disturbed. The amount of the deposit shall be approved by the Township engineer, but shall not be less than three thousand (3,000.00) dollars per acre. The deposit shall be refunded upon final approval or completion of restoration by the developer.
2. No construction of improvements shall begin until the subdivider has:
 - a. Received approval of all improvement plans;
 - b. Received necessary approvals from all other governmental agencies;
 - c. Deposited with the Township all necessary inspection fees, applicable water supply connection fee (capital fee), and applicable sanitary sewer service connection fee.
3. No building permit shall be granted for a permanent building within a subdivision until final plat approval, and completion of all improvements, except as follows:
 - a. Streets, water supply, sewage disposal, storm drainage, and other utilities to service model home lots shall be completed and determined to be acceptable for use prior to issuance of building permits. The Building Department may issue building permits for model homes upon the proprietor submitting metes and bounds legal descriptions of the properties upon which the homes will be constructed. Permits shall be issued for not more than four (4) model homes nor more than ten (10) percent of the total number of lots, whichever is less. Certificates of occupancy for such homes shall be limited to occupancy and use for model purposes until such time as the final plat is approved and all streets, water supply, sewage disposal, and other utilities throughout

the subdivision have been installed and deemed acceptable for use.

- b. The Building Department may issue building permits after substantial completion of all site improvements if the developer has guaranteed completion of all remaining site work in compliance of this Ordinance. Certificates of Occupancy may not be issued prior to Final Plat approval by the Township.

Section 62.10 – Final Plat

A. Filing Procedures

1. Final plats shall be submitted to the Township Clerk in the form required in the Land Division Act, together with the following:
 - a. Completed application form.
 - b. Fees for filing, recording, plat review, and inspection of improvements.
 - c. Agreement and security required to guarantee performance.
 - d. One (1) reproducible copy of the final plat on mylar or other dimensional stable material, signed by the County Treasurer, Township Treasurer, County Road Commission, County Drain Commissioner, and four (4) paper prints, thereof.
 - e. One (1) copy of the final plat drawings in AutoCAD compatible, digital media.
2. All required information and submittals shall be submitted to the Township Clerk at least twenty-one (21) days prior to the meeting of the Township Board at which the plat is to be considered. The Township Clerk shall determine if the submittal is complete, and if complete, transmit same to the Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete, the Township Clerk shall so notify the applicant in writing and shall list deficiencies. A final plat shall not be accepted for review after the date of expiration of the final approval of the preliminary plat. The final plat shall be submitted to the following agencies, in the indicated order, and the proprietor shall obtain signatures from the agency thereon, in the indicated order, prior to filing the plat with the Board for approval.
 - a. County and Township Treasurer
 - b. Drain Commissioner

c. County Road Commission

3. The final plat shall be sealed and signed by the registered land surveyor who prepared the final plat, and by the proprietor(s) prior to filing with the Township Clerk.

B. Information Required – Final Plat Approval

1. All plats shall be in the form, and contain the information, required by the Land Division Act.
2. Abstract of title or other certificate establishing ownership interest and to ascertain if proper parties have signed the plat, for all land included in the subdivision.
3. The proprietor shall provide the Township Clerk with a certificate from the design engineer indicating that improvements have been installed in conformance with the approved engineering drawings, with any changes noted therein and attached in drawings, and proof of a guarantee of completion for those improvements to be installed after final plat approval, as finally approved in the preliminary plat.
4. A detailed estimate of all costs of all required improvements not to be installed prior to final plat approval, as provided in Article 5, herein. The estimate of costs shall be verified and approved by the Township engineer prior to review of the final plat by the Township Board.

C. Review of Final Plat

1. The final plat shall substantially conform to the preliminary plat as finally approved. The final plat may cover only a portion of the area covered by the preliminary plat as finally approved.
2. All improvements and facilities to be provided by the proprietor shall be installed, or adequate security in lieu thereof shall be provided, and all dedications and easements shall be evident as having been made before the Township Board may approve the final plat. However, approval of the final plat shall not constitute acceptance of items for dedication. The Township Board may request review of the final plat by its consultants or staff.
3. The Township Board shall review all recommendations and either approve or disapprove the final plat at its next regular meeting after the date of submission, or at a meeting called within twenty (20) days of the date of submission. The Board shall approve the plat if it conforms to the final preliminary plat approval, other applicable Township ordinances, and to the provisions of the Land Division Act.

4. If the final plat is approved, the Township Clerk shall transmit the reproducible copy of the plat and the filing and recording fee to the County Plat Board. The reproducible copy shall be a reduced size mylar image which does not exceed 11 x 14 inches. One paper print shall be forwarded to the Township planner and Building Department; and one print shall be retained by the Township Clerk. The reproducible copy and paper prints shall have the date of approval marked thereon.
5. If the final plat is approved, the Township Clerk shall sign a certificate signifying approval of the final plat by the Township Board, which shall include the date of approval and the date on which the Clerk signs the certificate.
6. If the final plat is disapproved, the Township Clerk shall record the reasons for the rejection in the minutes of the meeting, notify the proprietor in writing of the action and the reasons therefor, and return the plat to the proprietor.

D. Effect of Final Plat Approval

1. Approval of the final plat by the Township Board shall not constitute legal acceptance of dedicated streets, alleys, or other public areas indicated on the plat. The proprietor shall be responsible for obtaining all required approvals of the final plat and/or construction plans for the County Road Commission and other governmental agencies having jurisdiction over any aspect of the plat.
2. Upon approval of the final plat by the Township Board, the Township Clerk shall cause the final plat to be stamped approved and shall provide written notification of the Township Board's approval to the proprietor.

Article 4 – Design and Development Standards

Section 62.11 – General

In reviewing applications for approval of subdivision plats, the standards set forth in this Article shall be considered minimum requirements. Where another ordinance requires higher standards, such higher standards shall apply. Variances from the standards set forth in this Article shall be granted only as provide in Article 6 of this Ordinance.

Section 62.12 – Design and Development Standards

A. Streets and Alleys

The specifications contained in this Ordinance are the standards for all highways, streets, and alleys that might hereafter be platted within the Township.

1. Street Layout

- a. Street layout shall conform to the adopted Casco Township Master Plan, Township Zoning Code, as applicable, and all applicable County Road Commission road and right-of-way design standards.
- b. The arrangement of streets in the subdivision shall provide for the continuation of streets in adjacent subdivisions. The layout shall provide for proper extension of principal streets onto adjoining properties not yet subdivided. Where future connections to adjacent areas are to be provided, the land for such connection shall be shown on the various plats in accordance with the Township Zoning Code, where applicable, and County Road Commission standards. Each such connection shall be shown on the plat at the time of filing of the preliminary plat for tentative preliminary approval.
- c. In general, all such streets shall have a pavement and right-of-way width at least as great as the street being extended. In no such instance shall the right-of-way width be less than sixty-six (66) feet.
- d. Each lane of travel shall be a minimum of twelve (12) feet in width.
- e. Local streets shall be laid out so as to discourage their use by through traffic.
- f. Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.
- g. The street layout shall not isolate parcels or lots from streets or roads, unless suitable access is provided, and that such access be granted by easement or dedicated to public use.
- h. Jogs in continuous streets at points of intersection with other streets shall not be permitted. The minimum distance between centerlines of the intersecting streets shall be in accordance with County Road Commission standards.
- i. Intersecting streets shall be laid out so that the angle of intersection is approximately ninety (90) degrees, but in no case shall the angle of intersection vary by more than ten (10) degrees from the ninety (90) degree standards.

- j. The street layout shall provide more than one point of external access to the subdivision. A boulevard street entrance shall not be considered as providing secondary access. Multiple access points shall be as remote from one another as is feasible. The requirement for secondary access may be satisfied by access to an adjacent subdivision. Secondary access shall not be required when each lot in the subdivision is no farther than six hundred fifty (650) feet in street length from the point of external access to the subdivision.
- k. Intersections of local or residential roads with collector and arterial roads shall be designed in accordance with County Road Commission standards.
- l. All street construction shall be centered on the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township engineer or County Road Commission approves an exception.

2. Cul-de-sac Streets

Each cul-de-sac street shall not be more than six hundred fifty (650) feet in length, unless approved by the Township Board and the Road Commission for St. Clair County. The cul-de-sac street shall be designed, constructed, and maintained in accordance with Road Commission standards. In no case shall the paved surface of the cul-de-sac turnaround have an outside diameter less than one hundred eight (108) feet.

3. Drainage

- a. All streets and alleys shall be provided with facilities for adequate surface drainage. This may be accomplished by the use of ditches, county drains, natural watercourses, or tributaries constructed thereto.
- b. Drainage facilities shall be designed, constructed, and maintained in accordance with the standards of the County Road Commission, County Drain Commission, and Casco Township.
- c. Casco Township shall not be responsible for the maintenance of drainage facilities located within County rights-of-way, or on private property.

4. Alleys

- a. Where alleys are provided, they shall be at least twenty-two (22) feet wide. Dead-end alleys shall be prohibited.

- b. Alleys shall be designed in accordance with standards of the County Road Commission and/or the Township Engineer.

5. Marginal Access Streets

- a. Where marginal access streets are required or proposed, the proprietor shall be responsible for improving said streets according to County Road Commission standards.
- b. Where a subdivision borders or contains a limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land and in accordance with applicable County Road Commission standards. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- c. When a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require a marginal access street, side or reverse frontage lots with screen plantings contained in a non-access reservation along the side or rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
- d. A greenbelt at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street. Said greenbelt shall be designed and planted in accordance with the Casco Township Zoning Ordinance, subject to County Road Commission standards for tree location.

6. Future Connection Streets

- a. Future street connections shall be required to provide future access to an adjacent parcel or parcels at intervals along the property boundary not to exceed two thousand (2000) feet, unless one of the following are found to exist:
 - (1) The extension is impractical because of topography, the dimensions of the property subdivided, or other natural features, including but not limited to regulated wetlands, floodplains, open water bodies, and steep slopes.
 - (2) The extension will result in the creation of undesirable traffic patterns not customarily found in residential areas.
 - (3) The extension would connect to property zoned or master planned for

nonresidential use.

- b. The future connection right-of-way and street shall be designed and built in conformance with the Zoning Ordinance, where applicable, and the County Road Commission standards.
- c. Future connection streets that exceed four hundred (400) feet in length shall be constructed with a turn-around. The Planning Commission may require a turn-around at the terminus of other future connection streets.

7. Street Names

- a. Street names shall not duplicate names of any existing street in St. Clair County, except where a new street is the continuation of an existing street. Duplication shall be avoided by checking new street names with the County Road Commission.
- b. Street names that are spelled differently but sound the same, shall be avoided.
- c. Generally, no street shall change direction by more than 90 degrees without a change in street name.
- d. Street names shall not include numbers, or single letters.

8. Location for Utilities

- a. Utilities shall be located so as to best conform to the layout of existing facilities. In streets where no pattern has been established, utilities shall be located in conformance with the standards of the County Road Commission.
- b. The proprietor shall contact the Township Engineer and public utility involved to locate and design utilities.

9. Street Standards and Specifications

- a. Streets shall be provided in accordance with the street standards and specifications adopted by the County Road Commission and as provided for in the Zoning Ordinance, as applicable.

B. Blocks

- 1. Blocks generally shall not be less than five hundred (500) feet or more than one thousand three hundred twenty (1,320) feet in length as measured from the center lines of the

street.

2. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or subdivision boundary. A block shall be designed so as to provide two (2) tiers of lots, except where the lots back onto a major street, natural feature, or subdivision boundary or other feature or facility which necessitates double frontage.
3. The Planning Commission may require reservation of an easement through blocks to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that sidewalks be provided by the proprietor. Blocks intended for non-residential uses shall be designed in accordance with Zoning Ordinance provisions. In such cases, the above dimensions do not apply.

C. Lots

1. Lots shall conform to the requirements of the Zoning Ordinance for the district(s) in which the subject parcel(s) are located.
2. Corner lots shall have extra width to permit appropriate building setbacks. At a minimum, corner lots shall maintain the minimum lot width, as specified in the Zoning Ordinance, adjacent to both street or road frontages. Lots abutting a pedestrian mid-block crosswalk, or other right-of-way shall be treated as corner lots.
3. Residential lots shall not front directly onto a freeway, arterial, or collector right-of-way, shopping centers, industrial districts, or parks, and other similar non-residential areas. In such situations, lots shall be designed in accordance with one of the following:
 - a. Lots may back onto the above features, but shall be separated from the proposed future right-of-way or property line, whichever is greater, by the following:
 - (1) A twenty-five (25) foot wide landscaped greenbelt along the rear property line of all lots which abut an arterial or collector right-of-way, shopping center, industrial district, or park or other similar non-residential area. Within the greenbelt there should be provided a 3.5-foot-high landscaped berm with a 3 (horizontal) to 1 (vertical) maximum slope and a two (2) foot wide crown planted with a minimum of one large deciduous or evergreen tree, and four (4) shrubs for every thirty (30) lineal feet. The 25-foot wide greenbelt shall be considered part of the contiguous lot, shall be reserved as an open space easement and shall not be located in any road right-of-way or utility easement. All landscape materials shall comply with Zoning Ordinance standards.

(2) A sixty (60) foot wide landscaped greenbelt along the rear property line of all lots which abut a freeway right-of-way. Within the greenbelt there shall be provided an eight (8) foot high landscaped berm with a 3 (horizontal) to 1 (vertical) maximum slope and a two (2) foot wide crown planted with a minimum of one (1) large deciduous or evergreen tree and four (4) shrubs for every thirty (30) lineal feet. The sixty (60) foot wide greenbelt shall be considered part of the contiguous lot, shall be reserved as an open space easement, and shall not be located in any road right-of-way or utility easement. All landscape materials shall comply with Zoning Ordinance Standards.

b. Lots may face onto a marginal access street.

c. Corner lots shall front onto intersecting local streets. All driveway openings shall access the intersecting local streets. Corner lots which abut a major street right-of-way or non-residential area shall be separated from the proposed future right-of-way or property line, whichever is greater, by a twenty (20) foot wide landscaped greenbelt along the property line of all lots which abut the feature. Within the greenbelt there shall be provided a 3.5-foot-high landscaped berm with a 3 (horizontal) to 1 (vertical) maximum slope and a two (2) foot wide crown. The twenty (20) foot wide greenbelt shall be considered part of the contiguous lot, shall be reserved as an open space easement, and shall not be located in any road right-of-way or utility easement.

4. All lots shall abut and have access to a street in conformance with the frontage and lot width requirements in the Zoning Ordinance.

5. Where a lot borders a lake, stream, regulated wetland, or similar amenity, the front yard shall be the street side area of the lot. Minimum setbacks for any yard shall be determined in conformance with the Zoning Ordinance.

6. Re-Subdividing

Where a tract is to be subdivided into lots substantially larger than the minimum size required in the Zoning Ordinance, or when the tract is in an area which the Planning Commission can reasonably expect to be served with sewer and water lines in the future, but which at the time of subdividing does not have sewer or water services available, the Commission may require that streets and lots be laid out so as to permit future re-subdivision in a logical manner and in accordance with provisions of this Ordinance. Lot arrangements shall allow for ultimate extension of adjacent streets through blocks or the splitting of lots into smaller lots. The plan for such future re-subdividing or lot splitting shall be approved by the Planning Commission before division of lots may be made.

7. Lot Lines

Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines shall be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when, in the opinion of the Planning Commission, such variations would result in a better arrangement of lots.

8. Lots to be Buildable

Lots shall be designed such that in constructing a building in compliance with the Zoning Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots shall be avoided. The size, shape, and location of each lot shall have the following qualities:

- a. A suitable site for placing a house without excess grading.
- b. A usable area for outdoor living and other activities.
- c. Adequate surface drainage away from the house site and outdoor living areas.
- d. Reasonable driveway grades.
- e. General site grading shall be minimized with significant trees and other vegetation retained.

9. Non-Residential Lots

Lots intended for uses other than residential shall be identified on the plat, and shall be specifically designed for such uses, in accordance with provisions of this Ordinance and the Zoning Ordinance.

D. Setback and Yard Requirements

1. Placement of the building on the site shall conform to all yard requirements of the Zoning Ordinance.
2. Variation in the placement of the building on each lot is encouraged.
3. The setbacks provided shall conform to topography and natural features of the site.

E. Access to Lots

Driveways and curb cuts shall conform to the design, construction, and locational standards of the County Road Commission, and the Casco Township Zoning Ordinance, where applicable.

F. Lot Division

1. The division of a lot in a recorded plat is prohibited unless approved following application to the Township Board in conformance with the Land Division Act and the Casco Township Land Division Ordinance. The application shall be filed with the Township Assessor and shall state the reasons for the proposed division.
2. No building permit shall be issued, nor any construction commenced, until the division has been approved in accordance with the provisions of the Casco Township Zoning Ordinance.

G. Pedestrian Ways and Sidewalks

1. Pedestrian ways, other than sidewalks in street rights-of-way as regulated below, shall be located within an easement at least fifteen (15) feet wide, when required. The Planning Commission and/or Township Board may require a paved walkway to be provided by the proprietor or, may permit other surfacing material appropriate to the design and function of the walkway.
2. Sidewalks shall be required on one side of all streets included in a plat. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street. Streets leading directly to a school, recreation areas, or other public facility shall have sidewalks on both sides of the streets.
3. Walkways in pedestrian ways and sidewalks shall have a minimum pavement width of five (5) feet, and shall have a minimum lateral slope of $\frac{1}{4}$ inch per foot of width. Sidewalks shall be placed within the street right-of-way, one (1) away from the property line. Sidewalks shall be concrete, 4 inches thick, with six (6) inch thickness under driveways. Driveway aprons shall not break the sidewalk level. The Planning Commission may permit asphalt or other surfacing material for walkways within pedestrian ways, excluding sidewalks, such as bike paths, nature walkways, and the like. Where a pathway is designed to accommodate bicycle traffic, the pathway shall be a minimum of eight (8) feet in width and shall be designed in accordance with engineering specifications adopted by the County Road Commission, or where applicable, the Township Board.
4. The surface of a pedestrian way shall consist of concrete, asphalt, stone, or other surface material. In accordance with engineering specifications adopted by the County Road Commission, or where applicable, the Township Board. The surface treatment shall be

approved by the Planning Commission. Fences and/or other improvements may be required if the Planning Commission and/or Township Board determine such are necessary to buffer adjacent property owners or pedestrians, and shall be designed, constructed, and maintained in conformance with the Casco Township Zoning Ordinance. The Planning Commission may require that pedestrian ways be lighted, with the lighting to be located and designed in conformance with the performance standards on the Zoning Ordinance.

5. Casco Township shall not be responsible for the maintenance of pedestrian walkways and sidewalks located within County rights-of-way, or on private property.

H. Natural Features

1. The Planning Commission shall, wherever possible and reasonable, require the preservation of natural features such as large trees or groves of trees, water courses, vistas, historic structures, places and features, wildlife habitats and ecological areas, and similar irreplaceable assets.
2. The location, nature, and extent of such features shall be identified in the initial review stages of the preliminary plat and shall be made a part of the subsequent plats to the greatest possible extent. The preservation and/or inclusion of such features may be made a condition of tentative approval of the preliminary plat.
3. Designated floodplains, regulated wetlands, and open water bodies shall not be platted for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be retained in their natural state as permanent open space. Any area of land within the proposed subdivision which lies either wholly or partly within the flood plain of a river, stream, creek, or lake, any designated wetland, or any other areas which are subject to flooding shall be clearly shown on the preliminary plat and the final plat.

I. Utilities

1. Storm Drainage

- a. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided in accordance with standards of the County Drain Commissioner. Such easements shall be placed so as not to interfere with use of lots. Existing drainage ways may be re-channeled, but such re-channeling shall not increase the flow or level, or cause impoundment of water on properties upstream or downstream from the proposed subdivision. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

- b. All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area shall be reserved in the public interest, a storm drainage easement(s), of a width and/or to an elevation specified by the Drain Commissioner, shall be required and reserved as a public storm drainage easement or impoundment area. Access rights for maintenance purposes to same shall be dedicated to the public through the Drain Commissioner and placed on file with the County Register of Deeds.

The proprietor may be required to carry away by pipe or open ditch, in appropriate easements, any spring or surface water that might exist either previous to, or as a result of, the subdivision.

- c. A culvert or other drainage facility to be provided in the proposed subdivision shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the subdivision. The design and size of the facility shall be based on anticipate run-off from a fifty (50) year storm under conditions of total potential development permitted by the Zoning Ordinance, and other applicable ordinance, and recommended in adopted development policies for the lands lying within the drainage area.
- d. The effect of the subdivision on existing downstream drainage facilities outside the subdivision shall be reviewed by the proprietor and the County Drain Commissioner. Where it is anticipated that the addition run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a fifty (50) year storm, the County Drain Commissioner shall notify the Township Board of such potential condition. In such situations the Board shall not approve the subdivision until provision has been made for improvement of said condition, or storm detention facilities have been provided to limit the discharge to an amount permitted by the County Drain Commissioner or Township standards.
- e. All drainage improvements shall be approved by the Township Engineer and shall conform to the duly adopted and published Master Plan for the area covered by the proposed subdivision and for the upstream and downstream areas involved, and to the standards and specifications of the County Drain Commissioner. The Planning Commission may, if it considers such requirements necessary for the proper and safe development of the subdivision and surrounding area, require that the drain be enclosed.

2. Sewer and Water Facilities

- a. Sanitary sewer and water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Environment, Great Lakes, and Energy.
- b. On-site services and private sanitary sewer and water systems shall be designed according to requirements of the County Health Department.

3. Gas, Wire, or Cable Utilities

- a. All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout a subdivision. This Section shall not be construed to prohibit the construction above ground or surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, streetlights, and streetlight poles.
- b. All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for review before filing for final approval of the preliminary plat. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with Section 62.2 J below.

J. Easements

1. All underground public utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility or shall be in the public road right-of-way.
2. Such easements shall be so located as to not interfere with use of any lot or other part of the subdivision.
3. The size of, and restrictions pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act, and shall be indicated on the preliminary plat submitted for tentative approval.

K. Reservation of Public Use Areas

1. Where a proposed park, playground, open space area, public school, library, or other public use area is shown on the adopted Master Plan and is located in whole or in part in a proposed subdivision, such area or areas shall be shown on the plat.
2. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication.

L. Commercial Subdivisions

1. Where commercial developments for retail sales, wholesale sales, business services, offices, and similar establishments fall with the definition of “subdivision” as set forth in the Land Division Act, such development shall conform to the provisions of this Ordinance, except for modifications provided for in this Section.
2. The development shall conform to all Zoning Ordinance requirements for the zoning districts in which the development is located.
3. Streets shall conform to the requirements of Section 62.12. All streets in a commercial subdivision shall be paved, and shall have curb and gutter, and underground storm drainage. Streets shall be designed and constructed in accordance with the County Road Commission industrial subdivision standards to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any street in a commercial subdivision unless approved by the Planning Commission. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted, or provide for, on a commercial subdivision street. Such movements shall be adequately provided for on each lot.
4. Entry drives for the subdivision shall be located and designed in conformance with the design and construction standards of the County Road Commission.
5. Block shall be designed to meet the needs of commercial uses in conformance with the lot standards for commercial uses in the Zoning Ordinance. Block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.
6. Lots in a commercial subdivision shall have access from subdivision or frontage streets, and shall have access from subdivision or frontage streets, and shall not open directly onto an arterial or collector street.
7. Sidewalks shall be required in commercial subdivisions, except where the Planning

Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.

8. Landscaping and screening shall be provided in accordance with the provisions of the Zoning Ordinance for the proposed use(s).

M. Industrial Subdivisions

1. Where industrial developments fall within the definition of “subdivision” as set forth in the Land Division Act, such development shall conform to the provisions of this Ordinance, except for modifications provided for in this Section.
2. The development shall conform to all Zoning Ordinance requirements for the zoning district in which the site is located.
3. Streets shall conform to the requirements of Section 62.12 herein. All streets shall have concrete curb and gutter with enclosed underground storm drainage.
4. All streets within the subdivision shall be designed and constructed to accommodate the movement of large trucks in conformance with County Road Commission standards for design and construction.
5. Parking and loading on all streets in an industrial subdivision shall be prohibited. Adequate parking and loading areas, and space necessary for maneuvering of trucks in loading and unloading operations shall be provided on each site in accordance with the requirements for parking and loading in the Zoning Ordinance. Layouts which permit use of streets for turnaround and other maneuvers shall not be acceptable.
6. Entry drives for the subdivision shall be located and designed in conformance with the design and construction standards of the County Road Commission.
7. Streets within an industrial subdivision normally shall not be extended to the boundaries of adjacent existing or potential residential areas or connected to streets intended for predominantly residential traffic. Streets within the subdivision, except collector and arterial streets, shall be laid out so as to discourage through traffic.
8. Blocks shall be designed to meet the needs and characteristics of industrial operations in conformance with the lot standards for industrial uses in the Zoning Ordinance. Block sizes may vary in size and shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.
9. Lots in an industrial subdivision shall have access only from subdivision or frontage roads,

and shall not open directly onto arterial or collector streets.

10. Sidewalks and pedestrian ways shall be required in industrial subdivisions, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.
11. Landscaping and screening shall be provided in accordance with the provisions of the Zoning Ordinance for the proposed uses(s).
12. Any intended future expansion of the industrial development shall be shown on the preliminary plat as submitted for tentative approval.
13. The proprietor's continuing interest, if any, in the subdivision shall be clearly describe.

N. Soil Erosion and Sedimentation Control

1. Plans for a subdivision shall contain proposed erosion and sedimentation control measures for review by the Township Engineer, The control measures shall be incorporated into the final plat and final construction draqwings. Erosion and sedimentation control measures shall conform to applicable standards and specifications established by the County Drain Commissioner, or other agency of jurisdiction. These standards shall be applied in their current form and as modified from time to time, it being the intent of this Section to incorporate such standards and specifications into this Ordinance by reference. The measures shall apply to all street and utility installations as well as to individual lots. Measures shall be instituted to prevent or control erosion and sedimentation during all stages of construction of the subdivision.

O. Restrictive Covenants

1. Covenants may be provided by the proprietor. Such covenants shall be recorded with the plat and shall apply to the entire subdivision.
2. Covenants shall be reviewed by the Planning Commission during the initial procedures and/or preliminary plat stages for conformance with Township standards.
3. Covenants may require more stringent restrictions on use of land or the design and construction of a subdivision. However, they shall not in any way constitute a reduction or variance from the provisions of this Ordinance or any other ordinance of the Township. Where there is a conflict between the provisions of this Ordinance and another ordinance, the provisions of said ordinance shall apply.
4. The Township shall not be responsible for enforcement of private covenants or deed

restrictions, unless specifically designated in such capacity through open space agreements, easements, or other form of conveyance approved by the Township.

5. Covenants shall be recorded with the County Register of Deeds prior to the sale of any lot within the subdivision.

P. Trees

1. Trees shall be provided along both sides of all streets, and shall be placed at the minimum rate of two (2) per single family residential lot, or at a maximum distance apart of sixty (60) feet, whichever results in a greater number of trees.
2. Trees may also be required by the Planning Commission to be installed according to the same spacing standards, along one (1) or both sides of pedestrian ways.
3. Trees to be installed adjacent to streets, shall be large deciduous trees. Ornamental trees may be installed adjacent to pedestrian pathways. All trees shall be planted in accordance with the standards of the Zoning Ordinance.
4. The following trees are not permitted in any landscaped area: box elder, soft maples, American Elm, poplar ailanthus (Tree of Heaven), and willow.
5. All trees shall be protected from damage by wind and other elements during the first full year after planting.
6. All trees shall be located in conformance with applicable County Road Commission and Casco Township Zoning Ordinance standards for planting location and setbacks from roadways.
7. Full size shade and evergreen trees shall not be located within ten (10) feet of the water main, storm sewer, or sanitary sewers. Shrubs and ornamental trees may be permitted, subject to Township approval.

Q. Streetlights

1. Streetlights shall be provided in all commercial and industrial subdivisions. Streetlights may be required in residential subdivisions at the discretion of the Planning Commission.
2. Where provided, streetlights shall have underground wiring.
3. Light standards shall meet minimum specifications of the electric utility company serving

that area of the proposed subdivision.

4. Where lights are to be provided, they shall be installed prior to the occupancy of the structures within the subdivision.

R. Maintenance of Common Areas and Vacant Lots

1. Maintenance of all common areas located within the plat shall be the responsibility of the Subdivision Association, unless such areas have been dedicated to the Township Board of other public agency, or specifically designated through open space agreements, easements, or other forms of conveyance approved by the Township.
2. All vacant lots shall be properly maintained by the Subdivision Association.

Article 5 – Subdivision Improvements

Section 62.13 – Purpose

It is the purpose of this Article to establish and define the improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the planning, design, construction, financing, and administration of improvements; and to establish procedures for assuring compliance with these requirements.

Section 62.14 – General Standards

A. Improvements

1. Improvements shall be provided by the proprietor in accordance with this Article and/or with any other applicable standards and requirements which may, from time to time be established by the Township Board or by any of the various Township departments or county and state agencies, in the form of ordinances or published rules.
2. The improvements required under this Article shall be considered the minimum acceptable standards.
3. Where the standards or requirements of this Ordinance are different than the provisions of another Ordinance, the more stringent of the two shall apply.

B. Preparation of Plans

1. It shall be the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for streets, utilities, and other improvements as required in Section 62.16.
2. Such construction plans shall conform to the preliminary plat as finally approved.
3. Construction plans are subject to approval by the Township and responsible agencies and shall be prepared in accordance with the Casco Township Engineering Design Standards and with the applicable agency standards and specification.

C. Timing of Improvements

1. Except as otherwise provided in this Ordinance, no grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change, except for that which is required by any reviewing agencies for purpose of aiding in the review of the preliminary plat, shall commence on the subject property until the proprietor has:
 - a. Received a written notice for the Township Clerk that the Township Board has given final approval to the preliminary plat.
 - b. Deposited with the Township a bond or other form of security as required by this Ordinance for the provision of improvements.
 - c. Entered into subdivision agreement with the Township Board for the completion of all improvements required in the preliminary plat as finally approved.
 - d. Received a certificate of approval or similar evidence of approval of the engineering plans from the Township Engineer of each improvement to be installed prior to approval of the final plat. Where approval of such plans must be obtained from the County Road Commission, County Drain Commissioner, County Health Department, or other county or state agency, the proprietor shall provide evidence of such approvals to the Township Engineer prior to his report and recommendation to the Township Board. Such plans and approvals shall include those for soil erosion and sedimentation controls.

D. Staging

1. Where a subdivision is to be developed in stages, the provisions of this Article shall apply to each stage. However, improvements and financial guarantees may be required to extend beyond the boundaries of a subdivision stage if such extension is necessary to

ensure the relative self-sufficiency of the stage pending completion of the entire subdivision. Such extension, schedules, and similar arrangements shall be set forth in an agreement between the proprietor and the Township Board prior to final approval of the preliminary plat.

Section 62.15 – Engineering Drawings of Improvements

A. Required Prior to Construction

1. Engineering drawings of all required improvements shall be reviewed and approved by the Township Engineer or Building Inspector. Improvements to be made under the jurisdiction of the County Road Commission, County Drain Commissioner, or other state or county agencies shall also be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a county or state agency, the Township Engineer or Building Inspector shall obtain written confirmation of such approvals prior to issuance of any approval or permits.
2. No grading, land filling, removal of trees or other vegetation, construction or improvement, or other land development activity shall commence until the engineering drawings of same have been approved by the Township Engineer and all county and state agencies having approval or permit jurisdiction.

B. Modification During Construction

1. All installation and construction shall conform to the approved engineering drawings.
2. Modification to approved construction plans shall require approval by the original approval agency or individual prior to construction or installation of the improvement. Modification in design and/or specifications during construction, are at the proprietor's own risk, without any assurance that the Township or other public agency will accept the completed facility. It shall be the responsibility of the proprietor to notify the appropriate agency of any changes in the approved drawings and secure necessary reviews and/or approvals.

C. As-Built Drawings

1. The proprietor shall submit to the Township Engineer and Building Inspector, one (1) reproducible set of "as-built" engineering drawings of each of the required improvements that have been completed prior to final plat approval. As-built drawings may be provided in digital format (AutoCAD compatible). Each set of drawings shall be certified by the proprietor's engineer. The Township Engineer shall review a copy of the "as-built" engineering drawings to verify compliance with the Checklist of As-Built Drawing

Requirements, as contained in the Casco Township Engineering Design Standards.

D. Construction Schedule

1. The proprietor shall submit to the Township Engineer or Building Inspector, all approving agencies, and to public utility companies that will service the subdivision prior to final approval of the preliminary plat, a general schedule of the timing and sequence for the construction of all required improvements. The schedule shall meet the procedural requirements and inspection needs of township, county, and state agencies.

Section 62.16 – Required Improvements

- A. The proprietor shall install the following improvements in accordance with the conditions and specification of this Ordinance.

1. Monuments

- a. Monuments and iron lot corner markers shall be set in accordance with the Land Division Act and applicable state administrative rules, as from time to time may be promulgated.

2. Streets and Alleys

- a. All streets, curbs, gutters, and alleys shall be constructed in accordance with the standards and specification of the County Road Commission and this Ordinance. All streets and alleys shall be public.

3. Public Utilities

- a. Public utilities placed in street rights-of-way shall be located in accordance with County Road Commission requirements and this Ordinance.

4. Storm Drainage

- a. Storm drainage, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions, and shall be provided by the proprietor.
- b. All proposed storm drainage construction plans shall be approved by the Township Engineer, County Drain Commissioner, and the County Road Commission, where applicable. Construction shall follow the specifications and procedures of the State

Drain Code, as amended, and specifications of the County Road Commission where applicable.

5. Water Supply System

- a. When a proposed subdivision is to be serviced by a public water supply system, water lines and appurtenances shall be provided by the proprietor.
- b. Where a water supply system for the common use of the lots within the subdivision is proposed, said system shall be designed in accordance with all applicable standard of the township, state and county departments.
- c. All easements and improvements for such systems shall be dedicated to the Township for administration, operation, and maintenance.
- d. Individual wells may be permitted where public water supplies are not available, in accordance with the requirements of the County Health Department.

6. Sanitary Sewer System

- a. When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and their appurtenances shall be provided by the proprietor in compliance with provisions of Act 451, P.A. 1994, as amended.
 - b. If there is not an existing or accessible public sanitary sewer system, septic tanks and disposal fields on individual lots may be approved in compliance with standards and specifications of the County Health Department and state.
 - c. Sewer systems for the common use of lots within a subdivision (commonly drain fields) shall be permitted where all of the following conditions are met:
 - (1) Sanitary sewers are not currently available to the site.
 - (2) Sanitary sewers are not planned to extend or be available to the site according to the adopted Master Plan.
 - (3) There exists an environmental pollution problem that may be partially or wholly abated by installation and operation of such a system.
 - (4) The design, construction, and maintenance of such a system are determined to be satisfactory in the judgement of the Township Engineer and the County Health Department, or state.
-

(5) Such a system complies with P.A. 451 of 1994.

(6) If the permitted system produces under 10,000 gallons per day, it shall be maintained by the homeowner's association under contract with a licensed operator. Approval of systems under 10,000 gallons per day shall include a clause that the Township may intervene, if necessary, to maintain the health, safety, and general welfare, of the community. Systems which may produce over 10,000 gallons per day are classified as treatment systems and shall be maintained and operating by the St. Clair County Health Department.

7. Gas, Wire, and Cable Utilities

a. The proprietor shall arrange for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be installed underground, and may arrange for gas distribution facilities throughout a subdivided area.

8. Oversize Facilities

a. Facilities installed as part of a subdivision plat may be designed to accommodate land areas or developments outside the lot. The amount of proprietor responsibility and the means for allocation costs shall be agreed to prior to approval of the preliminary plat by the Township Board.

9. Street Name and Traffic Control Signs

a. Street names and traffic control signs shall be installed in conformance with the design, location, and construction standards of the County Road Commission at the expense of the proprietor.

10. Sidewalks and Pedestrian Ways

a. Sidewalks and pedestrian ways shall be provided by the proprietor in accordance with Section 62.12.

11. Open Space and Public Use Area

a. Open space and public use areas shall be provided by the proprietor as set forth on the approved final plat, in accordance with the provisions of this Ordinance and the Zoning Ordinance.

12. Trees

- a. Trees shall be provided by the proprietor in accordance with the provisions of this Ordinance and the Zoning Ordinance, where applicable.

13. Streetlighting

- a. Streetlighting, where provided, shall be located, and installed in accordance with applicable public utility company, township, and county standards.

14. Driveways

- a. All driveways shall be installed in conformance to standards of the Township, County Road Commission, or where applicable, the standards of the Michigan Department of Transportation.

15. Erosion and Sedimentation Control

- a. The proprietor shall install and maintain erosion and sediment control measures as specified on the approved final preliminary plat.
- b. Installation and maintenance of soil erosion and sedimentation control measures shall be in conformance with applicable county and state agency requirements.

Section 62.17 – Performance Guarantees

A. Financial Guarantees

In lieu of actual installation of improvements, as required in Section 62.16 above, the Township may require a financial guarantee of performance. Financial guarantees shall be in one or a combination of the arrangements describe below. Financial guarantees are not required for those improvements for which county or state agencies obtain performance guarantees, in accordance with the Land Division Act. Township performance guarantees shall be required for those improvements that have not been installed and approved prior to the date of application for final plat approval.

B. Performance or Surety Bonds shall not be acceptable to Casco Township.

C. Cash Deposit, Certified Check, or Irrevocable Bank Letter of Credit.

- 1. A deposit by the proprietor with the Township Clerk in the form of cash, a certified check,

or irrevocable letter of credit shall accrue to the Township for administering the construction, operation, or maintenance of the improvement.

2. The amount of the cash deposit, certified check, or irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the improvement, including contingencies and Township administrative fees, as estimated by the proprietor's engineer and approved by the Township Engineer.

3. Length of Escrow

a. Cash deposits and certified checks shall be deposited in an escrow account by the Township prior to the issuance of permits for the work. Said deposits shall be maintained until the improvements are completed.

b. Upon application by the proprietor, irrevocable bank letters of credit issued for a minimum period of two (2) years may be accepted by the Township. Irrevocable bank letters of credit shall be extended annually to cover a new two (2) year period.

c. In the case of cash deposits or certified checks, the proprietor may request a partial refund of the cash escrow, to the extent of the estimated cost of the completed, inspected, and approved portion of the improvements. There shall be no progressive reduction in the amount of the irrevocable bank letter of credit.

D. Contingency Fee

In addition to the actual estimate of costs, an amount of twenty (20) percent shall be added to the calculated performance guarantee amount to cover such contingency expenses that might occur due to failure, defects in construction, unforeseen costs, etc. of any improvement required herein.

E. Protection and Repair Bond

The Township may also require, in addition to the security and contingency fee, a bond to cover damage that might occur during the construction to existing improvements, facilities, and features on or around the construction site or to adjacent properties. This bond shall include the costs of any cleaning of construction debris from the subdivision and from adjacent parcels that might be necessary.

F. Penalty in Case of Failure to Complete the Construction of an Improvement

In the event the proprietor fails to complete the construction, within the period of time required by the conditions of the guarantee, for improvements under the Township

jurisdiction, the Township Board may have such work completed. In order to accomplish this, the Board may reimburse itself for the cost and expense thereof by appropriating the cash deposited by the proprietor, or by collecting the irrevocable bank letter of credit.

Section 62.18 – Inspection of Improvements

A. Inspection Required

All improvements required by this Ordinance shall be inspected by the Township Engineer or Building Inspector, except for improvements made under the jurisdiction of the County Road Commission. Where inspections are made by other agencies, the proprietor shall submit the written reports of such inspections to the Township Engineer and/or Building Inspector.

B. Inspection Schedule

It shall be the responsibility of the proprietor to notify the Township or other appropriate public agencies when installations are ready for inspection.

C. Inspection of Improvements Under Construction

Before approving a final plat and construction plans and specifications for the required improvements, an agreement between the proprietor and the Township Board shall be made to provide for inspecting the construction or installation of each improvement under its jurisdiction and its conformity to the approved plans. The proprietor shall be responsible for all staff or consultant expenses associated with construction inspections.

D. Compliance with Standards

The proprietor shall bear the final responsibility for the installation and construction of all required improvements according to the provisions of this Ordinance, all applicable Township ordinances, and to the standards and specifications of all other applicable public agencies.

E. Acceptance

Approval of the installation and construction or any improvement(s) shall not constitute acceptance by the Township of any improvement for dedication purposes.

F. Fees

The proprietor shall pay all inspection costs incurred by the Township according to schedules determined by resolution of the Township Board, by deposit made at the time of the pre-

construction meeting. Any funds not used by the Township in its inspections shall be refunded to the proprietor when the subdivision, or stage thereof, is completed. Where the actual inspection costs exceed the deposited fee escrow, the proprietor shall pay to the Township an amount by which the inspection charges exceed the deposited fee prior to Township final approval of the improvements.

G. Site Cleanup

The proprietor shall remove all equipment, material and general construction debris from the subdivision and from any lot, street, or public way, or property therein or adjacent to the subdivision.

Article 6 – Variances

Section 62.19 – General

Variances from the provisions of this Ordinance shall apply only to improvements, standards, and specifications set forth herein. No variances shall be granted on procedures required herein. Variance from the specification, standards, and procedures under the jurisdiction of other agencies shall be in accordance with the policies of those agencies. Written verification and certification of any such variances shall be provided to the Township prior to Township approval of any aspect of the subdivision which includes or relates to the improvements which are the subject of said variance.

Section 62.20 – Variances

- A. Variances may be granted if the proprietor can show that strict compliance with the provisions of this Ordinance, as they apply to the subject property, will result in extraordinary hardship or practical difficulty. The proprietor shall make a formal request for such variance to the Township Board, in which the reasons for the request are clearly stated.
- B. No variance shall be granted unless the following findings are made:
 - 1. There are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable.
 - 2. The conditions requiring the variance were not created by the proprietor.
 - 3. The variance is necessary for the preservation and enjoyment of a substantial property

right of the proprietor, and is not primarily intended for economic gain.

4. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 5. The variance will not have the effect of nullifying the intent and purpose of this Ordinance, the adopted Master Plan, and the Zoning Ordinance.
 6. The variance will not violate the provisions of the Land Division Act.
- C. The Township Board may request review of the requested variance by the Township's consultants or other reviewing agencies. A copy of these reports shall be made a part of the record of the meeting at which action is taken, and one (1) copy of the report shall be transmitted to the proprietor.
- D. In granting a variance, the Township Board may attach conditions to the variance which will substantially secure the objectives of this Ordinance, and which will further the adopted policies expressed in the Township's Master Plan, or part or parts thereof, land in various ordinances and resolutions.
- E. Variances from the provisions of the Zoning Ordinance shall be granted only by the Zoning Board of Appeals.
- F. Application for any such variance shall be permitted in writing by the proprietor to the Township Board at the time the preliminary plat is filed for tentative approval by the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

Article 7 – Enforcement

Section 62.21 – Building and Occupancy Permits

A. Building Permits

Building permits shall not be issued until the final plat has received approval, except as provided in Section 303 – D, and until the building inspector has been officially notified of such approval by the Township Board.

B. Occupancy Permits

Permits for occupancy of structures, or any parts thereof, shall not be issued until all improvements required by this Ordinance and agreed to in the preliminary plat as finally approved have been completed or otherwise provided for according to this Ordinance. Completion shall constitute inspection, approval, and acceptance of improvements, where applicable by the Township. A certificate of completion shall be issued by the Township Building Inspector or Engineer as evidence of adequate and complete installation of facilities.

Section 62.22 – Presumption of Civil Infraction

A violation of the Casco Township Subdivision Regulations shall be deemed to be a municipal civil infraction.

Section 62.23 – Violation and Penalties

- A. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified with a particular ordinance provision:
1. The First Offense – The civil fine for the first offense shall be in an amount of seventy-five (75.00) dollars, plus costs and other sanctions, for each offense.
 2. First Repeat of Offense – The civil fine for any offense which is a first repeat offense shall be in an amount of one hundred fifty (150.00) dollars, plus costs and other sanctions, for each offense.
 3. Second (or any subsequent) Repeat of Offense – The civil fine for any offense which is a second or subsequent repeat offense shall be in an amount of five hundred (500.00) dollars, plus costs and other sanctions, for each offense.
- B. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgement, writ, or order necessary to enforce, or enjoin violation of, this Ordinance.

C. Continuing Offense

Each act of violation, and each day, upon which any such violation shall occur, constitutes a separate offense.

D. Remedies Not Exclusive

In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought.

E. Judge or Magistrate

The Judge or Magistrate shall also be authorized to impose costs, damages, and expenses, as provided by law.

F. Default on Payment of Fines and Costs

A default in the payment of a civil fine, costs, damages, or expenses ordered under Subsection A or B, or an installment of the fine, costs, damages, or expenses, as allowed by the court, may be collected by the Township of Casco, by means authorized by State statute.

G. Failure of Comply with Judgement or Order

If a defendant fails to comply with an order or judgement issued pursuant to this section within the time prescribed by the court, the court may proceed under Section 62.23.

H. Failure to Appear in Court

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance, is guilty of a misdemeanor, punishable by a fine of not more than five hundred (500.00) dollars, plus costs, and/or imprisonment not to exceed ninety (90) days.

I. Civil Contempt

1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the court, upon motion of the Township of Casco, or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, cost, damages, or expense, the individuals authorized to make disbursements shall pay the fine, costs, damages, or

expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.

3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
 4. If it appears the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment, or of each installment, or revoking the fine, costs, damages, or expenses.
 5. The term of imprisonment on civil contempt for nonpayment of a civil fine, cost, damages, or expenses shall be specified in the order of commitment and shall not exceed one (1) day for each thirty (30.00) dollars due. A person committed for nonpayment of a civil fine, costs, damages, or expenses, shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at a rate of thirty (30.00) dollars per day.
 6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, cost, damages, or expenses, shall not be discharged from custody until one of the following occurs:
 - a. Defendant is credited with an amount due pursuant to Subsection I.
 - b. The amount due is collected through execution of process or otherwise.
 - c. The amount due satisfies this Ordinance.
 7. The civil contempt shall be purged upon discharge of the defendant.
- J. Lien Against Land, Building or Structure

If a defendant does not pay a civil fine, costs or installment ordered under Subsection A or B within 30 days after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land, building or other structure, the Township of Casco may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for St. Clair County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by Casco Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
3. The lien may be enforced and discharged by Casco Township in the manner described by its Charter, by the General Property Tax Act 206 of Public Acts of 1893, or an ordinance duly passed by the Township.
4. A lien created under this Section has priority over any other liens unless one or more of the following apply:
 - a. The other lien is a lien for taxes of special assessments.
 - b. The other lien is created before the effective date of this Ordinance.
 - c. Federal law provides that the other lien has priority.
 - d. The other lien is recorded before the lien under this Section is recorded.
5. The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this Ordinance. However, an attempt by the Township to collect fines or costs does not invalidate or waive the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

Article 8 – Amendments

Section 62.24 – Amendment Procedures

The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance in a manner prescribed by law. A proposed amendment, supplement, or repeal may be originated by the Township Board, Planning Commission, or by petition. All

proposals regarding changes in this Ordinance not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Board.

Chapter 63 - Land Division

Section 63.1 – Title

This Ordinance shall be known and cited as the Casco Township Land Division Ordinance.

Section 63.2 – Purpose and Authorization

The purpose of this Ordinance is to regulated and control the portioning, dividing, and/or splitting of parcels or tracts of land in Casco Township, to carry out the provisions of the State Land Division Act PA 591 of 1997, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable Township Ordinances, state laws, and said Michigan Land Division Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety, and welfare of the residents and property owners of the Township, by establishing reasonable standards for prior review and approval of land divisions (sometimes referred to a “splits” within the Township.

Section 63.3 – Definitions

- A. Acreage Parcel – Any parcel of land which is not within an approved and recorded plat or condominium development.
- B. Divide or Division – The partitioning or splitting of an acreage parcel or tract into two (2) or more parcels for purposes of sale, lease, or building development.
- C. Exempt Split (Exempt Division) – The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representative, successor or assigns, that does not result in one or more parcels of less than forty (40) acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easement, or through areas owned by the owner of the parcel that can provide access.
- D. Forty Acres of Equivalent – Either forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot no less than thirty (30) acres.
- E. Lot – A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.

- F. Parent Parcel or Parent Tract – An acreage parcel or tract, respectively, lawfully in existence on March 31, 1997.
- G. Resulting Parcel – The acreage parcel(s) which result from an approved division.
- H. Tract – Two or more acreage parcels that share a common property line and are under the same ownership.
- I. Terms not defined shall have the meaning as set forth in the Casco Township Zoning Ordinance, and PA 591, Of 1996 – The Land Division Act.

Section 63.4 – Division of Property

- A. Any real property which is divided or split, or proposed to be divided or split, must first be reviewed and approved by the Casco Township Assessor, Township Zoning Administrator, and the Township Supervisor, except for the following:
 - 1. A parcel proposed for subdivision through a recorded plat pursuant the State of Michigan Land Division Act, and applicable Township ordinances.
 - 2. An exempt split as defined in Section 63.3 of this Ordinance. Such split must be reported to the Township if the landowner desires a separate tax roll number.

Section 63.5 – Application Requirements and Procedures

- A. The said review and approval must be obtained prior to the real property being recorded as a separate, and individual, parcel on the Casco Township tax rolls. Applications shall include the following required information and submittals:
 - 1. A completed property division application form as provided by the Township.
 - 2. Proof that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of PA 591. Acceptable proof would include a tax bill, dated survey, and sworn affidavit.
 - 3. A true an accurate survey, including both a drawing to scale, and full legal description of the parent parcel or tract, and of all parcels which would result from the proposed division of the parent parcel or tract. The survey shall include the following:

- a) All adjoining property within one-hundred (100) feet of the parent parcel or parent tract.
 - b) All dimensions of existing and proposed property lines and easements (including utility easements).
 - c) Locations of all existing buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, and wells and septic fields in relation to the proposed divisions, and the remainder of the parent parcel. No divisions will be approved that would result in non-conforming setbacks of a pond or structure from any lot line or structure.
 - d) The size (in square feet and acres) of each resulting parcel.
 - e) The proposed location and type of access to each resulting parcel.
 - f) Setbacks from property lines to all proposed buildings, drives, easements, wells, and septic systems.
4. Written verification and recorded documents proving ownership, by Warranty Deed, Quit Claim Deed, Land Contract, or other legal document of conveyance, which identifies the owner(s) of the parent parcel or parent tract.
 5. Conformance with Section 105(g) of PA 591 regarding water supply. If the proposed land division is not being created as a development parcel, and Affidavit shall be recorded with the deed to the parcel at the St. Clair County Register of Deeds stating that the parcel is not approved for development purposes. Under this option, a copy of the recorded Affidavit shall be submitted to the Township.
 6. Conformance with Section 105(g) of PA 591 regarding sewage disposal. If the proposed land division is not being created as a development parcel, and Affidavit shall be recorded with the deed to the parcel at the St. Clair County Register of Deeds stating that the parcel is not approved for development purposes. Under this option, a copy of the recorded Affidavit shall be submitted to the Township.
 7. A written statement from DTE Energy (if applicable), indicating that necessary easements are available.
 8. A written statement from the Southeast Michigan Gas Company (if applicable), indicating that necessary easements are available.

9. A written statement from the telephone company (if applicable), indicating that necessary easements are available.
 10. A written statement from other applicable utility companies (cable, etc.) indicating that necessary easements are available.
 11. A written statement, signed and attached to the application form by the applicant and all owners of record, stating whether the right to make further divisions exempt from the platting process requirements of PA 591 – The Land Division Act, has been transferred or otherwise conveyed.
 12. A written statement, signed and attached to the application form by the applicant and all owners or record, stating that the deeds for all resulting parcels, that are subject of this application, contain the following statement: *“This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act”*.
 13. Additional information as required by the Township to verify application information, geographic site data, or to clarify status of other governmental reviews and approvals.
 14. Proof that all due and payable taxes or installments of special assessments, pertaining to the land proposed to be divided, are paid in full.
 15. All applicable review fees, as established by resolution of the Township Board.
- B. All legal descriptions and survey sketch drawing must be prepared by a Licensed Civil Engineer or Registered Land Surveyor, with the preparer’s seal affixed to all drawings. In addition, all drawings shall properly show the location of all existing structures so that the conformance with setback requirements can be verified prior to approval.
- C. Approval of any land division by the Township shall indicate that the application meets the Zoning Ordinance requirements of the Township. No other representations are made by the Township by the approval of a land division application.

Section 63.6 – Division Design

- A. The following standards shall be observed when designing any division of property in Casco Township:
1. All parcels created by a division, including the remainder of the parent parcel, shall comply with Township requirements for minimum lot area and width.

2. Cul-de-sac streets shall not be more than six hundred fifty (650) feet in length, unless approved by the Township Board and the Road Commission for St. Clair County. Cul-de-sac streets shall be designed, constructed, and maintained in accordance with County Road Commission standards. In no case, shall the paved surface of the cul-de-sac turnaround have an outside diameter less than one hundred eight (108) feet.
3. All parcels, created and remaining, must be accessible for vehicular traffic and public utilities.
4. Adjoining lots shall not have a front yard to rear yard relationship, where houses on the same side of the same street are situated behind one another.
5. The layout and design of land divisions and lot splits shall demonstrate that any future divisions will be logical and promote sound community planning and design.
6. For lot sizes less than ten (10) acres, lot depth shall not be greater than twenty (20) times the lot width. Lot width and depth shall be calculated in accordance with the definitions contained within the Casco Township Zoning Ordinance.
7. Plan for division of property shall avoid excessive numbers of driveways onto major thoroughfares where new public streets would increase safety by reducing points of conflict. (The Land Division Act does allow bonus divisions for such designs.)

Section 63.7 – Review Process

All applications for proposed divisions of acreage parcels shall be reviewed in conformance with the following process:

A. Preliminary Review

1. The Casco Township Supervisor, Assessor, and Zoning Administrator shall review the application and all attachments for conformance with this Ordinance and applicable sections of the Zoning Ordinance, including but not limited to, minimum lot area, lot width, frontage, lot width to depth ratio, and division design. For preliminary review, applicants shall submit all information described in Section 63.5.
2. If all required information has been submitted, and all information and the proposed division(s) demonstrate conformance with this Ordinance, the Township Supervisor, after consultation with the Zoning Administrator, and Township Assessor, shall grant preliminary approval of the division(s). If the proposed application and division(s) do not comply with

the Ordinance, the application shall be denied or granted conditional preliminary approval. All approvals and denials shall be in writing. Conditional approvals shall include all conditions, in writing, that must be met prior to final approval.

B. Final Approval

1. Following Preliminary Approval or Approval with Conditions, the applicant can request the required permits and written verification from the various entities as outlined in Section 63.5 (A). Upon receipt of all necessary information, the applicant may seek Final Approval from the Township Supervisor, after review by the Assessor and Zoning Administrator. Final Approval will be based upon:
 - a. Verification that all conditions of Preliminary Approval have been met.
 - b. Verification that all information required for Final Approval has been provided.
 - c. Documentation that all stakes and monuments have been set in accordance with the approved survey.
2. The Supervisor shall grant Final Approval of the proposed division(s) upon verification of the information indicated in Subsection 1 above.
3. After Final Approval, the Assessor shall process the proposed division(s), assign and issue new tax roll number(s), and update taxation and assessment records, accordingly.

Section 63.8 – Time for Review and Approval of Division

Casco Township shall have thirty (30) business to complete its final review of a completed application of a proposed division of real property to verify that it complies with PA 591 of 1996 and amendments thereto, other applicable statutes of the State of Michigan, and all applicable ordinances of the Township. Property division proposals, presented to the Township after October 1 of any year, will not appear as separate new tax parcels on the Township tax rolls until the subsequent tax year.

Section 63.9 – Divisions Not Approved by Township

Any real property division, which has not been first approved by Casco Township, will not be considered a valid division of such property under the terms of this Ordinance; and any parcel of real property, which has not received approval by the Township pursuant to the provisions of this

Ordinance, will not be placed on the Township tax rolls as a separate and individual parcel of property.

Section 63.10 – Parcels Less Than Minimum Area

- A. If the proposed division will result in a parcel or parcels of real property that is less than the minimum size required by Act 591, Michigan Public Actos of 1996, as amended, or the Casco Township Zoning Ordinance, the applicant shall also file with the Township a duly executed affidavit suitable in form for recording with the St. Clair County Clerk, Register of Deeds, signed by all persons having a legal or equitable interest in said parcel or parcels of real property, stating that the parcel(s) will not thereafter be developed or used separately, but only in conjunction with adjoining parcels which, when joined together, shall satisfy the minimum area and size requirements of Act 591 of 1996, as amended, and the Casco Township Zoning Ordinance. Said affidavit shall be duly recorded with the County Register of Deeds within five (5) business days of issuance of final land division approval by the Township, and proof that said recording shall be provided to the Township Assessor within ten (10) days of final land division approval.

Section 63.11 – Issuance of a Building Permit

- A. Prior to the issuance of any Building Permit for construction upon a parcel of real property which has been divided, the person or entity applying for said building permit must first provide the following items to the Casco Township Building Inspector:
1. Written verification and evidence of the approval of division of real property in the Township of Casco.
 2. A tax roll number which has been assigned to the particular property division.
 3. A recorded copy of the survey with legal description and drawing of said parcel, or parcels of property, including location of utility easements (as heretofore described in this Ordinance).
 4. A recorded copy of the legal document which established the applicant's ownership interest in the property (that is, a Warranty Deed, quit Claim Deed, Land Contract, or other written evidence of ownership; and title to the property).
 5. Health Department approval of an on-site water supply and on-site sewage disposal system (if applicable).

Section 63.12 – Fees

In order to defray the costs of review, processing and administrative expenses incurred in regard to such property division requests, there is hereby established an application fee. The amount of the application fee shall be set by resolution of the Township Board.

Section 63.13 – Violation and Penalties

- A. After the recommendation of the Planning Commission, the Township Board may authorized a variance from the provisions of this Ordinance when it determines that practical difficulties or undue hardship may result from strict compliance with specific provisions or requirements. In granting any variance, the Board may prescribe the conditions that it deems necessary or desirable for the public interest. No variance shall be granted unless the Township Board finds:
1. There are special circumstances or conditions affecting the situation such that a strict application of the provisions of this Ordinance would deprive he applicant of reasonable use of his property.
 2. That the variance is necessary for the preservation and enjoyment of the substantial property rights of the applicant.
 3. That the granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the Township.
 4. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance.

[Chapter 64 – Zoning Ordinance](#)