

ARTICLE 6

GENERAL PROVISIONS

Section 6.01 Fence Regulations.

All fences and similar enclosures shall conform to the following:

A. General Standards.

The following shall apply to fences in all zoning districts:

1. **Corner clearance.** Fences shall comply with the unobstructed sight distance standards of Section 3.208 (Corner Clearance Zones).
2. **Materials.** It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence subject to approval per Article 10.0 (Site Plan Review), where deemed necessary for security purposes or public safety.
 - b. Barbed wire fences shall be permitted accessory to permitted public utility facilities and essential service uses in any zoning district.
 - c. Barbed wire and electrically charged fence wires shall be permitted accessory to permitted RURAL USES or on parcels where keeping of livestock is legally permitted under this Ordinance. Such fences shall be subject to the following:
 - (1) On boundary fences, the electrically charged wires shall be located on the inside face of the fence posts.
 - (2) Interior fencing, such as fencing located within the boundaries of the property and used for the purpose of protecting small livestock or fowl from predators, may utilize electrically-charged wires on the outside of said fencing, provided it does not create a hazard for neighboring properties.
 - (3) All electrically charged fences shall be of a type and make approved by the Underwriters Laboratories.
3. **Security fences.** Fencing used for security purposes shall not be permitted in any front yard, and any part of a yard forward of the rear wall of the principal building nearest to the road right-of-way.
4. **Existing fences.** Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this

Section shall be considered nonconforming structures subject to the provisions of Article 16.0 (Nonconformities).

5. **Location of fences.** All fences shall be constructed entirely upon the property of the owner of the fence, unless the adjoining property owner(s) consent otherwise.
 - a. Adjoining property owners may jointly apply for a permit to erect a fence upon a common property line.
 - b. Applicants for fence permits are advised to obtain a property survey to determine the location of lot lines along which a fence is to be erected. In issuing a Certificate of Zoning Compliance or other fence approval under this Ordinance, the Township shall not be responsible for the location of the fence with respect to property lines.

B. Fence Standards by Use.

Fences shall be subject to the following additional standards by zoning district or associated use:

1. **Rural fences.** Fences accessory to permitted Farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) on lots of record not included within the boundaries of a recorded plat and having an area in excess of two (2) acres and a minimum road frontage of 200 feet shall conform to the requirements of this Section, but shall not require Township approval prior to installation.
2. **Residential fences.** Fences in the Rural Residential and Urban Residential Districts, in Special Districts which include RESIDENTIAL USES, or that are accessory to RESIDENTIAL USES in any zoning district, shall be subject to the following:
 - a. **Rear and interior side yards.** Fences which are located in a rear or interior side yard shall not exceed six (6) feet in height, and shall not extend toward the front of the lot nearer than the front wall of the house or the required minimum front yard, whichever is greater.
 - b. **Front yards.** Fences located in the required front yard, or within any yard area between a road right-of-way and a front building line of the dwelling, shall not exceed three (3) feet in height except as follows:
 - (1) On corner lots, an ornamental, rail, or privacy fence, as defined in Section 17.03 (Definitions), shall be permitted within the area of the second front yard located between the rear lot line and the rear building line of the dwelling extended to the road right-of-way. Such fences shall not exceed six (6) feet in height.
 - (2) For RESIDENTIAL USES in any Rural Districts or Rural Residential Districts, an ornamental or rail fence, as defined in Section 17.03 (Definitions), shall be permitted in the required front yard, or within any yard area between a road right-of-way and a front building line of the dwelling. Such fences shall not exceed six (6) feet in height.

- c. **Orientation.** Where one side of a fence or wall in the Urban Residential Districts has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
 - d. **Approval required.** Construction, alteration or relocation of fences exceeding ten (10) feet in length in the Rural Residential and Urban Residential Districts, or accessory to RESIDENTIAL USES, shall be subject to Zoning Inspector approval per Section 1.07 (Certificates of Zoning Compliance). Township approval shall not be required for alteration or relocation of fences of ten (10) feet or less in length, provided that such fences shall conform to the requirements of this Section [amended 4/1/2011, Ord. 174-05].
3. **Non-residential fences.** Fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES in any zoning district shall be subject to the following:
 - a. **Location.** Such fences may be located within any required yard, subject to height, corner clearance zones, and other applicable regulations of this Ordinance.
 - b. **Height.** Such fences shall not exceed six (6) feet in height, except where otherwise provided for in Article 5.0 (Use Standards).
 - c. **Approval required.** Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to approval of a minor site plan per Article 10.0 (Site Plan Review).
4. **Fences on public lands and enclosing public utilities.** Fences that enclose public parks, playgrounds, and buildings; and public utility and essential service facilities shall be subject to the following:
 - a. Fences that enclose public parks, playgrounds, and buildings shall be permitted in any required yard in any zoning district.
 - b. Fences that enclose public utility and essential service facilities shall not be permitted in a required side yard in the Urban Residential Districts, but may be permitted in any required yard of any other zoning district.
 - c. Such fences shall not exceed shall not exceed a maximum of eight (8) feet in height, unless the Zoning Inspector determines that a higher fence is necessary for safety reasons.
5. **Temporary construction fences.** Temporary construction fences, and fences required for protection around excavations, shall comply with the State Construction Code. Such fences shall be removed within 14 calendar days following completion of construction activity on the site. The Zoning Inspector may order the removal of temporary construction fences by a date certain where such fences have remained in place for a period exceeding 545 calendar days.

6. **Retaining walls.** Retaining walls shall be considered fences subject to the provisions of this Section if the wall extends more than 30 inches above the adjacent ground level. Fences shall be required on top of retaining walls when required by the State Construction Code.

C. Height Measurements.

The height of a fence shall be measured from the ground level at the lowest grade within four (4) feet of any side of a fence post, except that the height of a retaining wall, or a fence located on top of a retaining wall, shall be measured from the ground level at the higher side of the wall (see illustration).

D. Maintenance.

Fences shall be maintained so as not to endanger life or property. Any fence that endangers life or property through lack of repair, type, or construction, or otherwise is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Zoning Inspector shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located.

1. The notice shall describe the unsafe condition(s), shall specify the repairs or modifications required to make the fence safe, and shall require an unsafe fence or portions thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal.
2. Failure to make repairs or modifications or to remove the fence within the time limit specified in the notice shall constitute a violation of this Ordinance and shall be punishable in accordance with the provisions of Section 1.13 (Violations and Penalties).

E. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals in accordance with this Section and Ordinance.

Section 6.02 Swimming Pools.

Outdoor swimming pools, spas, and hot tubs erected or maintained in the Township with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or an area exceeding 100 square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts shall comply with the following requirements:

1. The pool or its fence shall not be located within any required front yard, or within any yard area between a road right-of-way and front building line of a dwelling.

2. Rear and side yard setbacks shall be a minimum of ten (10) feet between the property line and the outside wall of the pool or its enclosing fence or deck.
3. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.
4. Such pools shall not be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire. Such pools shall be located outside of any easement area.
5. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured in accordance with the requirements of the Michigan Residential Code.
6. Construction, alteration or relocation of such pools shall be subject to Zoning Inspector approval per Section 1.07 (Certificates of Zoning Compliance).

Section 6.03 Accessory Structures and Uses.

Where a lot is devoted to a permitted principal use or an approved conditional use, accessory uses are permitted if specifically listed as accessory uses in the applicable zoning district, or if substantially similar to such listed uses. Accessory uses shall be secondary and incidental to the principal use(s) of the parcel. Accessory structures and uses shall be subject to the following:

1. Where the accessory structure is attached to the principal building, the accessory structure shall be subject to all regulations of the district in which it is located.
2. In the Rural, Rural Residential, and Urban Residential Districts, detached accessory structures shall be set back behind the rear line of the principal building, and shall be set back a minimum of five (5) feet from interior side or rear property lines, except as follows:
 - a. In the case of a corner lot in the Urban Residential Districts, a detached accessory structure shall be set back behind the rear building line opposite the primary front entrance to the principal building, and shall be set back behind the front building line for the second road frontage (see "Accessory Structure Location on Corner Lot" illustration).
 - b. In the Rural and Rural Residential Districts, accessory structures shall be set back behind the front building line of the principal building, except when all of the following conditions have been met:
 - (1) The accessory structure shall be located on a lot with a minimum lot area of 10.0 acres;
 - (2) The accessory structure shall be set back a minimum of 300 feet from all front lot boundaries and road rights-of-way, and a minimum of 75 feet from all side lot boundaries;
 - (3) The accessory structure shall be screened from all road rights-of-way and from dwellings on adjoining lots by any combination of

topography, existing vegetation, fences permitted per Section 6.01 (Fence Regulations), other permitted structures, or the installation of additional landscaping elements per Section 14.10D (Methods of Screening); and

- (4) The accessory structure and any additional screening shall be subject to review and approval by the Zoning Inspector per Section 1.07 (Certificates of Zoning Compliance).
 - c. In the Rural and Rural Residential Districts, accessory structures shall not encroach into the minimum required side yard.
 - d. Detached accessory structures in the Rural Districts larger than 832 square feet in floor area shall comply with the minimum required yard setback standards for the zoning district.
3. In any zoning district, a detached accessory structure shall not exceed fifteen (15) feet in height, except as follows:
 - a. In the Rural Districts and R-1 (Single-Family Residential) zoning district, non-farm accessory structure height shall not exceed 20 feet.
 - b. Structures accessory to farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from these requirements.
 - c. Other accessory structure height exceptions as permitted per Section 3.201 (Height Exceptions).
4. In the Rural Residential and Urban Residential Districts, not more than twenty-five percent (25%) of the area of the minimum required rear yard may be occupied by accessory structures.
5. In any Business District, any accessory use or structure not attached to the principal building shall comply with all area, placement, and height regulations of the district in which it is located.
6. In any zoning district, the ground floor area of all detached accessory structures except farm structures, private stables, and riding arenas shall not exceed the ground floor area of the principal building, subject to the following:
 - a. In the Rural Districts and R-1 (Single-Family Residential) zoning district, the ground floor area of such accessory structures shall not exceed one and one-half (1-1/2) times the ground floor area of the principal building, up to a maximum of 4,000 square feet.
 - b. In the Rural Residential and Urban Residential Districts, the floor area of a residential garage shall not exceed the habitable floor area, not including basement floor area, of the principal dwelling.
 - c. In no case shall such accessory structures exceed 4,000 square feet.
7. In any zoning district, a detached accessory structure shall be located at least ten (10) feet from any other principal building or accessory structure.

8. No accessory structure shall be used prior to the principal building, except as a temporary construction structure per Section 6.04 (Temporary Structures) [amended 6/18/2012, Ord. 174-10].

Section 6.04 Temporary Structures.

Temporary dwellings, temporary construction structures, and other temporary structures in all zoning districts shall be subject to the following:

A. Requirements and Procedures.

Placement of a temporary structure on a parcel, where permitted, shall conform to the following requirements and procedures:

1. A Certificate of Zoning Compliance indicating approval of the location of the proposed temporary structure shall be obtained from the Zoning Inspector. The Zoning Inspector shall provide to the owner/occupant of a temporary structure two (2) copies of a written statement setting forth the conditions of the Certificate of Zoning Compliance, which shall be signed by the owner/occupant indicating full knowledge of such conditions. At a minimum, the following conditions shall be placed on any Certificate for a temporary structure:
 - a. The Zoning Inspector shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed two (2) years from the date of the Certificate of Zoning Compliance.
 - b. The Certificate of Zoning Compliance shall not take effect until the Zoning Inspector has received the signed copy acknowledging compliance with the conditions from the owner or occupant. The Zoning Inspector shall provide a signed copy to the Township Clerk for the Township records.
 - c. Any approval under this Section shall not be transferable to another owner or occupant.
 - d. A temporary structure shall be connected to on-site private water supply and sewage disposal systems approved by the Washtenaw County Environmental Health Division or to publicly owned and operated water supply and sanitary sewage systems.
2. The Zoning Inspector shall notify the Township Board and Planning Commission in writing of each Certificate issued under this Section.

B. Certificate of Occupancy.

A Certificate of Occupancy indicating approval of the temporary structure as acceptable for human habitation shall be required. The Building Inspector shall refuse to issue the Certificate if the design or construction of the structure indicates that it is intended to stand as a permanent building, or that it will be inimical to the public health, safety, and welfare of the occupants or surrounding residents.

C. Extension.

The time limit for use of a temporary structure may be extended upon written application to the Zoning Board of Appeals (ZBA) before the expiration of the Certificate of Zoning Compliance. The ZBA may, on showing that completion of the dwelling was delayed by physical disability of the person holding the permit or other circumstances not created by the permit holder, grant one (1) extension for a period not to exceed 180 calendar days after the Certificate's expiration date.

D. Temporary Dwellings.

The following additional standards and conditions shall apply to temporary dwellings:

1. A temporary dwelling shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.
2. No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, or moved or used in whole or in part for any dwelling purpose whatsoever for any time except as permitted in the following situations:
 - a. A manufactured home may be used as a temporary dwelling in the Rural Districts by a family constructing a new permanent dwelling on the lot.
 - b. If a dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling may be moved onto the lot and occupied by the family so displaced.
3. Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in the amount of one thousand dollars (\$1,000) to ensure removal of the temporary dwelling per this Section.
4. The temporary dwelling shall be vacated and shall be removed from the lot within 14 calendar days of the date of occupancy of the constructed, replaced, or repaired permanent dwelling, with the date of occupancy to be listed on the Certificate of Occupancy of the permanent dwelling.

E. Temporary Construction Structures.

Temporary construction structures shall be subject to the following additional standards:

1. In the event that the construction project involves more than one (1) phase or an extended construction schedule, the Zoning Inspector may grant an extended Certificate not to exceed four (4) years.
2. The location of temporary construction structures, including any temporary sales office or model, shall be subject to Zoning Inspector approval. Such structures shall be located outside of road rights-of-way and corner clearance zones.
3. The temporary construction structure shall be vacated and shall be removed from the site within 14 calendar days following completion of the final phase.
4. Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in the amount of one thousand dollars (\$1,000) to ensure removal of the temporary dwelling per this Section.

F. Temporary Business and Industrial Buildings.

Temporary buildings used for commercial, office, or industrial purposes subject to the following additional standards:

1. A temporary structure shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.
2. Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in the amount of five thousand dollars (\$5,000) to ensure removal of the temporary dwelling per this Section.

Section 6.05 Transient and Amusement Enterprises.

Circuses, carnivals, other transient amusement enterprises, music festivals, fundraising events, temporary gatherings of people, and similar for-profit or non-profit activities shall be subject to the following:

A. Acceptance of Applications by the Township Board.

Applications for approval of such activities shall be forwarded to the Township Clerk for review and acceptance by the Township Board. Upon a finding by the Township Board that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare, the application shall be deemed to be accepted by the Township for review. Applications not accepted by the Board shall be returned to the applicant with a written statement of the Board's reasons for rejection.

The Township Board may require posting of a performance guarantee in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

B. Approval of Non-Profit Activities.

Activities operated by a permitted institutional use, public charity, or non-profit organization for the sole purpose of raising funds for that organization or its programs shall be permitted in any zoning district, subject to approval of a certificate of zoning compliance per Section 1.07 (Certificates of Zoning Compliance). A public charity or non-profit organization shall include any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1943 [26 U.S.C. 501(c)(3)], as incorporated by reference in Section 201 of the Michigan Income Tax Act (P.A. 281 of 1967, as amended).

C. Approval of Other Activities.

All other activities regulated by this Section may be permitted as a conditional use in any zoning district, subject to review and approval in accordance with Article 11.0

(Conditional Uses). Such activities shall further comply with the applicable standards of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

Section 6.06 Vehicle Repair in Residential Zoning Districts.

The repairing of an automobile or motor vehicle in the Rural Residential or Urban Residential Districts, or accessory to any RESIDENTIAL USES in any zoning district, shall be subject to the following:

1. Motor vehicle repairs and maintenance outside of a completely enclosed structure shall be limited to:
 - a. Changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil;
 - b. Replacement of spark plugs and ignition points;
 - c. Rotation of tires and checking of adequate pressure; and
 - d. Replacement of drive belts and hydraulic and coolant lines.
2. Adequate provision shall be made for the safe and proper handling and disposal of used, drained, or replaced fluids.
3. Any other motor vehicle repairs or maintenance shall be restricted to within a completely enclosed structure.
4. All repair and maintenance activities shall be limited to licensed and registered vehicles owned and operated by the lot's property owner(s) or occupant(s). Such repairs and maintenance shall be performed only at the address shown on the vehicle registration.

Section 6.07 Completion of Construction.

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance. Actual construction shall be considered as the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently.

1. Where excavation, demolition, or removal is deemed to be actual construction, a building permit for the actual construction of a new structure shall be issued by the Building Inspector within 365 calendar days following the effective date of adoption or amendment of this Ordinance, or the activity shall lose its status as actual construction and shall not be entitled to the protections of this Section.

2. Where a building permit has been issued within 365 calendar days of such effective date and diligently pursued to completion, the structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and may be occupied by the use for which it was originally designed, subject thereafter to the provisions of Article 16.0 (Nonconformities), if applicable.

Section 6.08 Access Through Yards.

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Any walk, terrace or other pavement serving a like function and not in excess of 18 inches above grade shall be permitted in any required yard and not be considered to be a structure.

Section 6.09 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter in accordance with this Ordinance and the Township's adopted property maintenance code. Any hazardous places on a lot shall be fenced and secured.

Section 6.10 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 6.11 Voting Place.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

Section 6.12 Essential Services.

Essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation, or Township ordinance.

Section 6.13 Performance Standards.

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

A. Purpose and Scope.

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

Farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from these requirements. No other structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.

Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

B. Noise.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.

1. **Noise disturbance examples.** Examples of noise disturbances include, but are not limited to:
 - a. Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.
 - b. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across any residential zoning district boundary or within a noise sensitive zone as defined in Section 17.03 (Definitions).
 - c. Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across any residential zoning district boundary or within a noise sensitive zone as defined in Section 17.03 (Definitions). This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.
 - d. Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration

perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

- e. Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the specific limits set forth in this Section, provided that conspicuous signs are displayed indicating the presence of the zone.

2. **Exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:

- a. The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.
- b. Snow plowing and other public works activities.
- c. Church bells, chimes, and carillons.
- d. Lawncare and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.
- e. Licensed vehicles operated on a road.
- f. Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities.

3. **Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Receiving Zoning District	Time	Average Sound Level
Rural Residential Districts Urban Residential Districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

- a. **Correction for tonal sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b. **Correction for impulsive or impact sounds.** For any source of sound that emits an atypical impulsive or impact sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- c. **Special Districts.** Where the receiving district is a Special District, the applicable standards of this table shall be based on the types of uses within the planned development.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

D. Odor.

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of

Environmental Quality, the Washtenaw County Environmental Health Division, and the U.S. Environmental Protection Agency.

G. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

H. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 μ g/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 μ g/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes Related to Table:

- ppm = parts per million
- μ g = micrograms
- mg = milligrams
- cc = cubic centimeters

I. Electromagnetic Radiation and Radio Transmission.

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall

not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. Radioactive Materials.

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

K. Procedures for Determining Compliance.

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

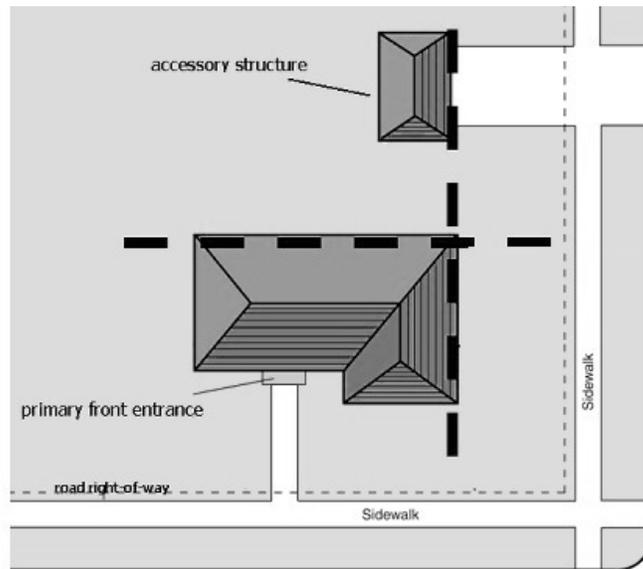
1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Inspector or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. Upon initiation of an official investigation, the Zoning Inspector or designated Township consultant shall be empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:
 - a. Plans of the existing or proposed facilities, including buildings and equipment.
 - b. A description of the existing or proposed machinery, processes, and products.
 - c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
 - d. Measurement of the amount or rate of emissions of materials purported to be in violation.
2. **Method and cost of determination.** The Zoning Inspector or designated Township consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and

specialized equipment or instruments shall be secured to make the required determination.

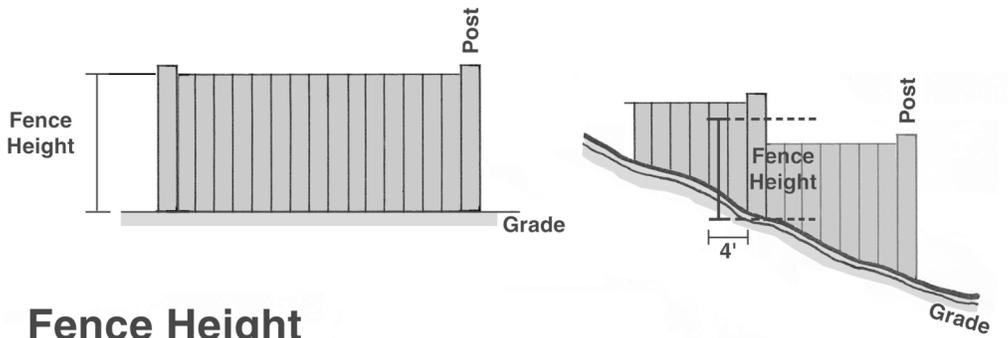
If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Inspector or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators of the facility deemed responsible requesting that the violation be corrected within a specified time limit.
 - a. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, the Zoning Inspector or designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.
 - b. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation. in accordance with the regulations set forth in this Section.
 - c. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Township may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.
 - d. **Reply requesting technical determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.
4. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to other applicable penalties under this Ordinance.

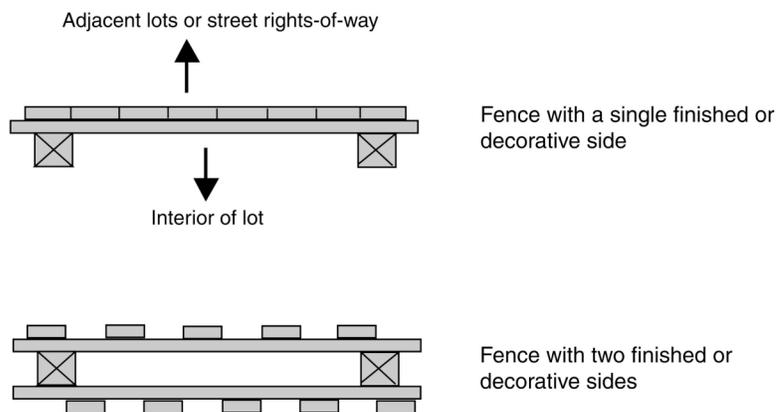
ILLUSTRATIONS



Accessory Structure Location on Corner Lot



Fence Height



Orientation of Finished Side - Top View