

Article 5. General Provisions for All Districts

Section 5.10 Intent and Purpose

This article outlines requirements that are applicable for situations that may occur in any location in Alma Township regardless of the zoning district designation unless otherwise specified.

Section 5.20 Fences and Walls

- A. **Measurement.** Fences and walls shall be measured from the natural grade to the uppermost portion of the fence or wall.
- B. **Requirements.**
1. Right-of-Way. Fences and walls are prohibited within the public right-of-way.
 2. Clear Area. Fences are subject to clear area requirements included in Section 2.90 C.
 3. Barbed Wire and Electric Fences.
 - a. Fences that contain barbed wire, electric current, or charge of electricity shall be permitted in any zoning district for commercial farming purposes such as keeping in animals and livestock, separating fields, or protecting crops.
 - b. Barbed wire fences are permitted on non-residential properties in C-1, C-2, and C-3.
 - c. In all other cases, barbed wire and electric fences are prohibited.
 4. Height. Fence height requirements are subject to the maximum heights in Table 5.20:

Table 5.20: Maximum Fence and Wall Height		
Location on Site	Zoning District	
	AG, AGMD, AGLD, WR, AS	C-1, C-2, C-3
Front Yard (ft.)	4	8
Secondary Front Yard on Corner Lot at or Behind Building Setback (ft.)	6	8
Side and Rear Yard (ft.)	6	8
Waterfront yard (ft.)	4	8

5. Construction Material. Fences and walls, including gates, shall be constructed of durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences, such as wood, metal, masonry, chain-link, composite, or vinyl. However, this provision shall not preclude the use of decorative architectural materials when consistent with the intent of this section and the character of the area in which the fence is to be placed, and as approved by the Zoning Administrator. Fence material shall be permitted subject to review and approval by the Zoning Administrator. Fences shall be maintained to ensure they remain free of deficiencies and are kept upright and firmly fastened to the ground and associated supporting structures.

Section 5.30 Flagpoles

- A. **Applicability.** The construction of permanent freestanding flagpoles and the display of flags on these structures are subject to the following requirements.
- B. **Requirements.** Freestanding flagpoles and flags are subject to the following requirements:

Table 5.30: Flagpole and Flag Requirements		
Requirement	Principal Use of Lot or Parcel	
	Residential or Farm	Non-Residential
Maximum number of freestanding flag poles	2	One (1) per 50 feet of street frontage per lot or parcel
Maximum height (ft.)	25	25
Minimum setback from property lines (ft.)	25	25
Maximum flag size (s.f.)	24	60
Number of flags per pole	2	2

Section 5.40 General Marihuana Regulations

- A. **Applicable to All Marihuana Establishments, Facilities, or Operations.** These provisions shall apply to all Marihuana Establishments, Facilities, Primary Caregiver Operations, or individual marihuana cultivation for personal use.
- B. **Code Compliance Required.** All marihuana cultivation, operations, or activity is subject to the State Construction Code Act, Act 230 of 1972, and all building, electrical, plumbing, and mechanical permits as determined by the building official must be obtained for any part of the structure altered for cultivation, growing, or harvesting of marihuana, including changes to electrical wiring, lighting, plumbing, heating, cooling, ventilation, or watering devices.
- C. **No Nuisance.** No marihuana cultivation, use, processing, or activity shall be operated in a manner that creates excessive noise, dust, vibrations, glare, and fumes or odors that are detectible to the normal senses beyond the boundaries of the parcel on which the marihuana establishment operates.
- D. **Indoor Operation.** All marihuana cultivation, growing, harvesting, and storage of marihuana must occur inside a building. Outdoor cultivation, growing, harvesting, or storage of marihuana is prohibited.
- E. **Control and Mitigation of Odor.** Odors from any marihuana cultivation must be abated to the fullest extent reasonably possible through the installation of operable filtration to ventilation and exhaust equipment. Odors must otherwise be effectively confined to the interior of the building from which the odor is generated. Air scrubbing and carbon filtration systems shall be required unless the Township Board or its designated representative approves of Reasonably Available Odor Control Technology for a specific premises.
- F. **Regulations Specific to Individual Use Only.**
1. **Cultivation Limit.** Marihuana grown on the premises of residential dwellings for individual, noncommercial use shall not exceed 12 marihuana plants and must comply with the applicable provisions of the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. ("MMMA"), and the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, et seq. ("MRTMA").

2. Accessory Use. Marihuana grown on the premises of a residential dwelling shall be considered an accessory use to the principal use of a residential dwelling. Any activity or use related to marihuana use or cultivation must be clearly incidental and a secondary use of a residential dwelling and shall not alter the exterior of the property or affect the residential character of the neighborhood.

Section 5.50 Outdoor Assembly

A. Application and Licensing.

1. License. A person shall not sponsor, operate, maintain or conduct an outdoor assembly in Alma Township without a license for each such assembly.
2. Deadline. The application for a license to conduct an outdoor assembly must be made in writing at least 60 days prior to the date of the proposed assembly and must include a non-refundable fee.
3. Checklists. The application shall include all materials required by this section and Section 22.10, as applicable.
4. Exceptions. The following events are exempt from the requirements of this section:
 - a. An event that is conducted or sponsored by a governmental unit or agency upon public property.
 - b. Any event held entirely within the confines of a permanent or enclosed and covered structure.
 - c. An event held at a permitted or approved facility designed specifically to hold outdoor assemblies.
 - d. An event with fewer than 500 attendees.

B. Process.

1. Outside Agencies. On receipt by the Township Clerk, copies of the application shall be forwarded to the following for review and comment:
 - a. The Van Buren County Sheriff's Office
 - b. The Van Buren/Cass District Health Department
 - c. The Fire Inspector with jurisdiction over the site
 - d. Any other agencies, as determined by the Township Zoning Administrator
2. Board Review.
 - a. The request shall be placed on a Township Board agenda for a meeting not more than 45 days from the receipt of the application. The Township Board may approve, deny, or approve the request with conditions.
 - b. Where conditions are imposed as a prerequisite to the issuance of a license, or where a license is denied, within five (5) days of such action, notice thereof must be mailed to the applicant by certified mail, and in the case of denial, the reasons therefore shall be stated in the notice.
3. Display of License.
 - a. A license shall specify the name and address of the licensee, the kind and location of

assembly, the duration of the license, and any other conditions imposed pursuant to this ordinance. It shall be posted in a conspicuous place upon the premises of the assembly and shall not be transferred to any other person or location.

C. Requirements.

1. **Security Personnel.** The licensee shall employ a professionally licensed security firm, at their own expense. Such security personnel as are necessary and sufficient to provide for the adequate security protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the assembly. Security personnel must be professionally licensed, certified, and insured.
2. **Water & Waste Facilities.**
 - a. The license shall provide potable water as approved by a County Health Officer of sufficient quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand. The number and type of facilities required shall be determined on the basis of the number of attendants in the following manner:
 - i. Toilets and lavatories at a ratio of one (1) to every 200 attendants.
 - ii. Drinking fountains at one (1) to every 500 attendants.
 - iii. Taps or faucets: one (1) for every 500 attendees
 - b. All facilities shall be installed, connected, and maintained free from obstruction, leaks, and defects and shall at all times be in an operable condition as determined by the County Health Officer. Public Bathing Beaches shall be provided or made available or accessible only in accordance with Act 218, Public Acts of 1967, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision of state or local law. Public swimming pools shall be made available only in accordance with Act 230, Public Acts of 1966, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provisions of state or local law). These regulations in this subsection may be altered or waived by the Van Buren/Cass District Health Department or Building Department.
3. **Liquid and Solid Waste Disposal.** The licensee shall provide proper liquid and solid waste disposal so as to neither create nor cause a nuisance or menace to the public health as determined by the Van Buren/Cass District Health Department.
4. **Temporary Building Facilities.** All building facilities erected or assembled on-site shall be reviewed and permitted by the local Building Official.
5. **Food Services.** If food is made available on the premises, it shall be delivered only through concessions licensed to operate in accordance with the provisions of Act 269, Public Acts of 1968, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any applicable state or local law.
6. **Medical Facilities.** Each assembly must have medical services available in a suitable building.
7. **Access and Traffic Control, Parking, Camping, and Trailer Parking.** Access, traffic control, and parking shall be provided to ensure proper ingress, egress, orderly flow of traffic, and orderly parking of vehicles brought to the assembly. Traffic lanes and other spaces shall be provided, designated and kept open for access by emergency vehicles. Prior to the issuance of a license, the Van Buren County Road Commission and Sheriff's Office must approve the plans for access and traffic control. MDOT approval may be required for sites abutting M-43 and M-40. The licensee shall provide a parking area in accordance with Section 7.40 C. The parking area need

not be paved. The licensee shall provide electrical service for camping vehicles.

8. **Sound Producing Equipment.** Including, but not limited to, public address systems, radios, phonographs, musical instruments, and other sound-producing devices shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township, in the opinion of a local, county, or a state police officer responding to the scene of the assembly.
9. **Insurance.**
 - a. **Amount.** Before the issuance of a license, the licensee shall obtain liability insurance with bodily injury limits of not less than \$300,000.00 and property damage limits of not less than \$50,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons, or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license.
 - b. **Notification.** The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of the Township in writing at least 10 days before the expiration or cancellation of said insurance.
 - c. **Additional Named Insured.** The Liability Policies obtained by the licensee shall include Almena Township as an additional named insured. Original copies of said policies and all renewals shall be delivered to the Township Clerk immediately upon issuance. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Township Clerk in writing at least 10 days before the expiration or cancellation of the insurance policy.
10. **Bonding.** Before the issuance of a license, the licensee shall obtain from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$100,000.00 in a form to be approved by the Township Board, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers, employees, and the board against any and all loss, injury, or damages whatsoever arising out of, or in any way connected with the assembly and which shall indemnify the attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.
11. **Fire Protection.** The licensee shall take adequate steps, as determined by the fire department with jurisdiction, to ensure fire protection.
12. **Fencing.** The licensee shall erect a fence, completely enclosing the site of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.
13. **Miscellaneous.** Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or citizens of the Township.
- D. **Revocation of License.** The Township Board may revoke a license whenever the licensee, his employee, or agent fails, neglects, or refuses to fully comply with all provisions and requirements set forth herein or with all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

- E. **Violations.** It shall be unlawful for a licensee, his employee, or agent to knowingly:
1. Advertise, promote, or sell tickets to conduct or operate an assembly without first obtaining a license as herein provided.
 2. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
 3. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment, or amusement.
 4. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
 5. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
 6. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs, or other substances as defined in Act 343, Public Acts of 1952, or as may be amended.

Section 5.60 Pools

- A. **Permit Required.** Zoning and building permits are required for the installation of a pool.
- B. **Requirements.**
1. Location. No pool shall be located in a front yard unless 100 feet from abutting street right-of-way or street easement.
 2. Setbacks.
 - a. Side and rear. 10 feet minimum.
 - b. Waterfront. 50 feet minimum.
 3. Building Code. Pools and pool fencing shall be installed per the Michigan Building Code.

Section 5.70 Private Streets

- A. **Purpose.** The purpose of this section is to hold privately developed and maintained streets to the same standards and requirements as public streets to protect public health, safety, and welfare for users and residents served by the streets.
- B. **Process.** Private streets shall be reviewed per Article 12, Site Plan Review, and plan requirements are included in Section 22.50.
- C. **Construction Requirements.** Construction shall comply with the specifications of the Van Buren County Road Commission for paved public streets. In the event that the private street is proposed to serve less than 10 lots or parcels and will connect to an unpaved County Road, the Township Board may approve an unpaved street meeting the specifications of the Van Buren County Road Commission for unpaved public streets.
- D. **Speed Limit.** All private street shall be posted with a maximum speed of no more than 25 miles per hour located at each entrance to the private street. Additional speed limit signs shall be located as recommended by the Sheriff's Department, the Township Board, and/or the Van Buren County Road Commission.
- E. **Approval by the Road Commission.** No private street construction permit shall be issued until the applicant(s) secures a private street connection permit by the Van Buren County Road Commission.

F. Easement and Maintenance Agreement.

1. Review and Recording.
 - a. Applications for private streets shall include a recordable legal instrument describing and granting the easement and a maintenance agreement.
 - b. The easement shall be recorded in the Van Buren County Register of Deeds Office, and a copy of the recorded easement shall be provided to the Zoning Administrator.
2. Easement Width. A private street easement no less than 66 feet shall be established.
3. Content. A copy of a recordable travel surface maintenance agreement, signed by all owners of the lands served by the access easement and other parties in interest, which includes the following:
 - a. Provisions that assure that the travel surface will be maintained, repaired, and snowplowed for the full width and length to ensure safe travel and accessibility by emergency vehicles at all times.
 - b. Provisions that assure that the costs of maintenance of the travel surface and its easement are paid for in an equitable manner.
 - c. A legal description of the easement and a legal description of the individual lots or parcels to be served. All properties served by the easement and travel surface shall be subject to the maintenance agreement.
 - d. Provisions declaring that the maintenance agreement constitutes a restrictive covenant, running with the benefitted lands, and binding on all current and future owners and other parties in interest as to the respective obligations stated therein.
 - e. Provisions to indemnify, save and hold the Township and its officers, employees, and agents harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair, or replace the travel surface.
 - f. Township Authority. Notwithstanding the following, the Township shall have no obligation for private street or maintenance or upkeep. However, the following shall be included:
 - i. Provisions authoring the Township, in its sole discretion, to perform reasonably necessary maintenance of the private street, subject to reimbursement by the owners of the properties served by the private street.
 - ii. Provisions authorizing the Township, in its sole discretion, to enforce the terms of the private street maintenance agreement, by any lawful means, in addition to such enforcement by any of the owners of the lands served by the private street, or by another interested party.

G. Land Divisions, Building, Permits, Occupancy Permits.

1. No land division which results in parcels fronting a private street shall be approved until the 66-foot easement is approved by the Zoning Administrator and recorded.
2. Building permits for any lot or parcel that is served by a private street shall not be issued until the private street and maintenance agreement are approved and the maintenance agreement is recorded.
3. Sealed as-built drawings and an engineer's certification of construction compliance is required to be submitted prior to the approval of completion by the Township. No building occupancy

permit on a lot or parcel that is served by a private street shall be issued until approval of private street completion is issued by the Township.

4. If a land division involves a parcel with an existing dwelling that will be served by the private street in addition to a newly created parcel or parcels, a private street shall be approved and constructed within one year of land division and private street easement approval.

H. Additional Lots and Parcels.

1. **Street Upgrades.** No lot or parcel of land shall access an existing private street, and no existing lot or parcel with frontage on a private street shall be divided unless the street is compliant with this section. If additional lots or parcels are added to a private street or if a lot or parcel fronting on a private street is divided, then the entire length of the private street (that is, the total distance from the point where the private street intersects the public street to the very end of the private street) shall be upgraded or improved to comply with this section.
2. **Maintenance Agreement.** No additional lot or parcel of land may access a private street unless the maintenance agreement is amended to include the owner and future owners of the additional lot or parcel.

Section 5.80 Well and Septic

- A. **Purpose.** The purpose of this section is to protect public health and the natural environment by requiring proper permitting for water and sanitary disposal systems.
- B. **Requirement.** Zoning and building permits shall not be issued for any structure required to have water and sanitary facilities unless well and septic permits are issued by the Van Buren/Cass District Health Department or are proposed to be connected to a public or community water and sewer systems. No building meant for human occupancy may be used without connection to an approved water source and sanitary disposal system.