

Greenwood Township Electrical Transforming Capacity Ordinance

TOWNSHIP OF GREENWOOD

COUNTY OF ST. CLAIR, STATE OF MICHIGAN

ORDINANCE NO 2021-1

AN ORDINANCE OF THE TOWNSHIP OF GREENWOOD, ST. CLAIR COUNTY, MICHIGAN, FOR THE PURPOSE OF REGULATING THE INSTALLATION OF ELECTRICAL TRANSFORMING CAPACITY RESULTING IN TOTAL ELECTRICAL TRANSFORMING CAPACITY OVER 50 kVA PER SITE AND TO REGULATE CHANGES TO FACILITY STRUCTURAL, ELECTRICAL, HEATING, COOLING, VENTILATION, FIRE SAFETY AND SITE USE AS THEY RELATE TO SITES CONTAINING OR THAT WILL CONTAIN OVER 50 kVA OF TOTAL ELECTRICAL TRANSFORMING CAPACITY WITHIN THE TOWNSHIP.

SECTION I
TITLE

This Ordinance shall be known and cited as the "Greenwood Township Electrical Transforming Capacity Ordinance" (hereinafter referred to as "Ordinance").

SECTION II
PURPOSE

The purpose of this Ordinance is to secure the public health, safety, and general welfare of residents of Greenwood Township by protecting life and property from all hazards related to the design, erection, repair, change, addition, removal, demolition, and/or use and occupancy of buildings, structures, or premises, involving higher amperage electrical installations, in relation to structural strength, adequate egress facilities, sanitary equipment, power, light, heating, cooling, ventilation, and fire safety, to regulate the installation of electrical transforming capacity resulting in total electrical transforming capacity over 50 kVA per site, and to regulate changes to the facility's structural, electrical, heating, cooling, ventilation, fire safety and site use as they relate to sites containing or that will contain over 50 kVA of total electrical transforming capacity within the Township of Greenwood, St Clair County, Michigan.

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SECTION III **DEFINITIONS**

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given unless the context clearly indicates otherwise:

HIGHER AMPERAGE – More than 50 kVA total electrical transforming capacity.

kVA – 1,000 volt amps.

PERSON – An individual, firm, corporation, company, association, partnership, limited liability company, trust, estate or other entity.

PROPERTY – Any lot or parcel of land owned, used and/or occupied by any person, whether or not improved with any house, dwelling, building or other structure, whether inhabited or temporarily or continuously uninhabited or vacant.

SITE – Any property. Additionally, any adjacent and/or adjoining property or properties where the use of a house, dwelling, building and/or other structure, or provided electrical power is shared between, over, under and/or across the properties.

SPECIAL APPROVAL – Developments that are viewed to be supportive of the existing land use in certain zoning districts, that require special use permits for the protection of the community because of actual or potential impacts on neighboring uses or public facilities.

SPECIAL LAND USE – Another term for special approval.

TRANSFORMER – An apparatus, device and/or equipment for reducing or increasing the voltage of an alternating current.

SECTION IV **PROHIBITION**

The following conditions and activities are prohibited within Greenwood Township except in accordance with the provisions of this Ordinance.

1. Permitted Use. The installation of electrical transforming capacity resulting in total electrical transforming capacity over 50 kVA per site, changes to the facility's structural, electrical, heating, cooling, ventilation, and fire safety as they relate to sites containing or that will contain over 50 kVA of total electrical transforming capacity, and site use as it relates to sites containing or that will contain over 50 kVA of total electrical transforming capacity is only permitted within the Township, consistent with:

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- a. Such installations, activity and use will be considered a Special Land Use in all zoning districts;
- b. A Special Land Use Permit will be required;
- c. Changes to facility structural, electrical, heating, cooling, ventilation, and fire safety configuration or changes to the use of the site will require Planning Commission review and approval before any change occurs;
- d. The land use must be consistent with all applicable Township ordinances, as well as County and State Laws and regulations, and must be a legal use within the Township;
- e. A yearly Special Land Use Permit review will be required;
- f. Per the provisions of the Special Land Use Permit, two (2) random site facility inspections may occur by the Zoning Enforcement Officer and/or their designee or aids per year to ensure that the structural, electrical, heating, cooling, ventilation, and fire safety configuration has not changed without approval and inspection, and is in proper operating order, and that the use of the site is consistent with the Special Land Use Permit. These inspections will be in addition to any building, mechanical or electrical inspections associated with permits for new changes to the site. Such inspections will include reviewing the inside of any buildings that have access to the provided power;
- g. The owner, occupant and/or operator of the property, if possible, shall be notified in writing of the date of a site inspection at least seven (7) days in advance of the site inspection. Such notice may be served personally or by regular first class mail or by certified mail, return receipt requested, addressed to the owner, occupant or operator of the property. Mailing to the owner may be to the address shown on the latest Township property tax rolls, and mailing to the occupant/operator may be to the address of the premises involved. If the owner, occupant or operator cannot be served personally or by mail, a copy of the notice shall be posted in a conspicuous place on the premises. If the owner, occupant, or operator cannot be at the site for the inspection, the Township may or may not grant an extension of up to seven (7) days;
- h. If the Zoning Enforcement Officer and/or designee or aids are not allowed proper access to inspect the site or if non-compliance is discovered, the Zoning Enforcement Officer shall notify the property owner that they are in violation of the Special Land Use Permit. The Planning Commission will also be notified. The Planning Commission may hold a public hearing at any regular Planning Commission meeting to determine and verify the non-compliance. Following such hearing, the Planning Commission may terminate the Special Land Use Permit and order the use(s) approved under the permit terminated;
- i. Inspections shall be recorded on a Greenwood Township form and all costs associated with the inspection shall be borne by the property owner and invoiced annually.

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2. Prohibited Use. The following are prohibited within the limits of the Township:

- a. The installation of electrical transforming capacity resulting in total electrical transforming capacity over 50 kVA per site without a valid Special Land Use Permit;
- b. Changes to structural, electrical, heating, cooling, ventilation, and fire safety as they relate to sites containing or that will contain over 50 kVA of total electrical transforming capacity without a valid Special Land Use Permit and valid building, electrical and mechanical permits as required;
- c. Changing site use as it relates to sites containing or that will contain over 50 kVA of total electrical transforming capacity without a valid Special Land Use Permit.

SECTION V **PENALTY FOR VIOLATION**

Any person who fails to comply with any of the provisions of this Ordinance shall be guilty of a municipal civil infraction. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, tenant, operator, lessee, agent, servant and/or employee, shall, except as herein otherwise provided, be equally liable as principals. Each day during which a violation exists shall be deemed a separate offense. This remedy shall be cumulative to any other remedy granted by this Ordinance or by law.

This article shall be enforced by the Ordinance Enforcement Officer designated by the Township Board.

Any person violating any of the provisions of this Ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500), along with the costs of prosecution. Each day that a violation continues shall constitute a separate violation of this Ordinance.

Upon observing a violation of the standards established under this section, the Enforcement Officer shall issue and serve upon the owner, possessor, lessee, occupant, tenant or user of any real or personal property either a municipal civil infraction violation notice or a municipal civil infraction citation.

Should the Special Use Permit be revoked for a violation of the standards established under this section, the owner, possessor, lessee, occupant, tenant or user of any real or personal property shall be considered in violation of this ordinance until the supplied power over 50 kVA has been severed.

Should the owner, possessor, lessee, occupant, tenant or user of any real or personal property fail or refuse to admit responsibility for the municipal civil infraction violation notice and abate the violation within fifteen (15) days of the issuance of the municipal civil infraction notice, the owner, possessor, lessee, occupant, operator, tenant or user of any real or personal property shall be issued a municipal civil infraction citation by the Enforcement Officer.

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Should the owner, possessor, lessee, occupant, tenant or user of any real or personal property fail or refuse to admit responsibility for the municipal civil infraction violation notice and pay the fine stated on the notice within three days of the issuance of the notice, the owner, possessor, lessee, occupant, tenant or user of any real or personal property may be issued a municipal civil infraction citation by the Enforcement Officer.

Notwithstanding the other provisions of this section, the Enforcement Officer shall issue a municipal civil infraction citation, as opposed to the municipal civil infraction violation notice, under the following circumstances:

1. When the owner, possessor, lessee, occupant, tenant or user of any real or personal property so requests; or
2. When, in the Enforcement Officer's exercise of judgment and discretion, the violation is of such a nature so as to be substantially serious, chronic and/or willful.

No person shall molest, hinder, obstruct and/or interfere with an Enforcement Officer or designee or aids while they are engaged in carrying out the provisions of this section.

Whoever violates this section shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized and provided for under Michigan state law.

Any alleged violation of this Ordinance may be reported to any Township Trustee, Township Ordinance Enforcement Officer and/or the Township Zoning Administrator.

SECTION VI **ENFORCEMENT**

The Zoning Administrator, the Township Ordinance Enforcement Officer, the County Sheriff or a County Deputy Sheriff may issue a municipal civil infraction citation or an appearance ticket for a violation of this Ordinance.

SECTION VII **SEVERABILITY**

If any section of specific provision or standard of this Ordinance is found by a court to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this Ordinance.

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SECTION VIII
REPEAL

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

SECTION IX
EFFECTIVE DATE

This Ordinance shall take effect October 6, 2021 at 12:00 pm

GREENWOOD TOWNSHIP
Sonya O'Brien, Clerk

PUBLIC HEARING: August 11, 2021
ADOPTED: September 14, 2021
PUBLISHED: September 29, 2021
EFFECTIVE: October 6, 2021 at 12:00 pm

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Ordinance adopted by the Township Board of the Township of Greenwood, County of St. Clair, Michigan at a regular meeting held on September 14, 2021, and that said meeting was conducted and public notice was given in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan 1976, and that the minutes were kept and will be or have been made available as required by said Act.

Sonya O'Brien
Sonya O'Brien
Greenwood Township Clerk

09/14/2021
Date