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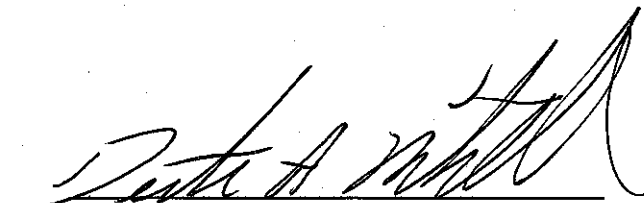
**BOARD OF TRUSTEES**  
**SPECIAL MEETING AGENDA**

**7:30 p.m. Tuesday, February 20, 2018**

The Board of Trustees of the *Charter Township of Kalamazoo* will meet in a "**Special Board Meeting**" to be held at 7:30 p.m., on Tuesday, February 20, 2018, in the *Charter Township of Kalamazoo* Administrative Offices, 1720 Riverview Drive, Kalamazoo, Michigan 49004-1099 for the purpose of discussing and acting on the below listed items and any other business that may legally come before the Board of Trustees of the *Charter Township of Kalamazoo*.

- 1 – Call to Order**
- 2 – Pledge of Allegiance**
- 3 – Roll Call of Board Members**
- 4 – Public Comment on Agenda and Non-agenda Items** (Each person may use three (3) minutes for remarks. If your remarks extend beyond the 3 minute time period, please provide your comments in writing and they will be distributed to the board. The public comment period is for the Board to listen to your comments. Please begin your comments with your name and address.)
- 5 – New Business**
  - A. Request to adopt Zoning ordinance text amendments to implement the provisions of PA 281 of 2016, and Ordinance No. 591 "Medical Marijuana Facilities Ordinance"
  - B. Request to adopt resolution for setting public water service fees
- 6 – Public Comments**
- 7 – Adjournment**

**Posted: February 20 , 2018**



**Dexter A. Mitchell, Manager**  
**Charter Township of Kalamazoo**

**CHARTER TOWNSHIP OF KALAMAZOO**

**ORDINANCE NO. 595**

**ADOPTED: February \_\_\_\_, 2018**

**EFFECTIVE: February \_\_\_\_, 2018**

**Zoning Ordinance Text Amendments**

An ordinance to implement the provisions of PA 281 of 2016, and Ordinance No. 591 “Medical Marijuana Facilities Ordinance” in the Township Zoning Ordinance by defining medical marijuana facilities; designating zoning districts in which such facilities shall be allowed as special land uses; by providing regulations related thereto; by eliminating obsolete definitions in the zoning ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

**THE CHARTER TOWNSHIP OF KALAMAZOO**

**KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**AMENDMENTS TO TOWNSHIP ZONING ORDINANCE**

The following amendments, insertions and deletions are hereby made to the Charter Township of Kalamazoo Zoning Ordinance:

*Add to the following zoning district's list of possible special land uses the following:*

**ARTICLE 17 C-1, LOCAL BUSINESS**

...

**Section 17.02 Permitted Uses & Structures**

...

**B. Special Land Uses**

...

10. A marijuana provisioning center as authorized by the Medical Marijuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.

**ARTICLE 18 C-2, COMMERCIAL CORRIDOR DISTRICT**

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**Section 18.02 Permitted Uses & Structures**

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**B. Special Land Uses**

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23. A marijuana provisioning center as authorized by the Medical Marijuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.

**ARTICLE 19 I-1, LIGHT INDUSTRIAL DISTRICT**

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**Section 19.02 Permitted Uses & Structures**

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**B. Special Land Uses**

...

26. A marijuana grower as authorized by the Medical Marijuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.
27. A marijuana processor as authorized by the Medical Marijuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.
28. A marijuana provisioning center as authorized by the Medical Marijuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.
29. A marijuana secure transporter as authorized by the Medical Marijuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.
30. A marijuana safety compliance facility as authorized by the Medical Marijuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.

**ARTICLE 20 I-2, GENERAL INDUSTRIAL DISTRICT**

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**Section 20.02 Permitted Uses & Structures**

...

**B. Special Land Uses**

...

- 32. A marijuana grower as authorized by the Medical Marihuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.
- 33. A marijuana processor as authorized by the Medical Marihuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.
- 34. A marijuana provisioning center as authorized by the Medical Marihuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.
- 35. A marijuana secure transporter as authorized by the Medical Marihuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.
- 36. A marijuana safety compliance facility as authorized by the Medical Marihuana Facilities Ordinance and subject to Article 8, Section 8.02, VV.

***ADD TO ARTICLE 8.00 THE FOLLOWING SITE DEVELOPMENT STANDARDS***

**ARTICLE 8 SITE DEVELOPMENT STANDARDS**

**Section 8.02 Scope of Requirements**

...

**VV. Marijuana grower, marijuana processor, marijuana provisioning center, Marijuana secure transporter, and Marijuana safety compliance facility:**

- 1. **General regulations:** A marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, and marijuana safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article 26 Section 26.03 in the specified zone(s), provided that:
  - a. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the Township. In the event that a court with jurisdiction declares some or all of this article invalid, then the Township may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.
  - b. For a special use permit the marijuana facility must be licensed by the state of Michigan and then must be at all times in compliance with the laws of the state of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
  - c. The use or facility must be at all times in compliance with all other applicable laws, codes and ordinances of the Township as well as the State of Michigan Fire Code as amended/updated, and the State Building Code. The provisions of the current NFPA-1 related to marijuana facilities are hereby incorporated by reference as if fully restated herein. NFPA 1 of 2018 is available at the office of the Township Fire Marshal and at the office of the Township Attorney for

reference as may be necessary. The Township Fire Marshal shall review all applications for compliance with the current marijuana rules in the most recent NFPA-1 and any and all other applicable fire codes facilities rules.

- d. The Township may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, the Medical Marihuana Facilities Ordinance, and/or the terms of the special use permit and approved site plan are not met.
- e. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
- f. Signage requirements for marijuana facilities, unless otherwise specified, are as provided in the Article 7.00 Signs.
- g. Application and Approval  
 After receiving the application for the grant of a special land use permit for medical marijuana facility business accompanied by the required plans, specifications and permit fees, the Planning Commission shall hold a public hearing and review the application following the procedures required for special land use uses set forth in Section 26.03.  
 Following such hearing, said Planning Commission shall grant or deny the application and set forth its reasons for its decision.
- h. Annual Review and Rescission: In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. The Planning Commission shall provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special land use permit where all standards and conditions are complied with and may revoke or refuse to renew a permit where noncompliance exists. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually.  
 The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.
- i. Liability Insurance  
 All operators shall be required to carry personal injury and property damage insurance while the medical marijuana facility exists, in the

amount of not less than \$1,000,000.00 (one million dollars) for each person or property injured or damaged and not less than \$2,000,000.00 (two million dollars) for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. The policy of insurance provided herewith shall name the township as an additional insured. A copy of the policy shall be filed with the Township Clerk.

2. **Marijuana Growers** shall be subject to the following standards:

a. **Buffer Zones.**

i. A marijuana grower facility shall not be located within a 1,000-foot radius of any property occupied by:

- (1) A public or private elementary, or secondary school;
- (2) A public library

ii. A marijuana grower facility shall not be located within a 500-foot radius of any property occupied by:

- (1) A public playground;
- (2) A public park;
- (3) Public housing;
- (4) A religious institution;
- (5) A public or private, vocational school, college, junior college, or university;
- (6) A state licensed child care center or preschool;
- (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;
- (8) A youth center;
- (9) A juvenile or adult half-way house;
- (10) Correctional facility or rehab center;
- (11) Property zoned R-1, R-2, RM-1, RM-2, RM-3, or MHP.

iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the "protected use". The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line

- regardless of nonconformity to the building housing the medical marijuana facility.
- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana grower facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.
  - vi. See Buffer Diagram B-1 of this Ordinance.
  - b. **Building Floor Space.** The following standards apply:  
If only a portion of a building is authorized for use in marijuana grow operation, a partition wall of a height as required by the applicable building codes, shall separate the marijuana grow operation space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana production space and the remainder of the building.
  - c. **Lighting.** Lighting shall be regulated as follows:  
Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
  - d. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
    - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
    - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
    - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
    - iv. Negative air pressure shall be maintained inside the building.
    - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
    - vi. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon

filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense, to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

- e. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- f. **Residency.** As a specific condition of this special use, an owner of the subject property, or the licensee associated with the subject property shall either provide a caretaker residence as defined herein in a separate building with 24-hour staffing or provide a 24-hour, seven-days-a-week staffed security presence on the property. A direct phone number shall be supplied to local law enforcement.
- g. **Waste Management Plan**  
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

3. **Marijuana Processors** shall be subject to the following standards:

- a. **Facilities.** A marijuana processing facility shall be located entirely within a fully enclosed, secure, indoor facility with rigid walls, a roof, and doors and shall comply with all sections of Article 9.00 Performance Standards.
- b. **Buffer.**
  - i. A marijuana processor facility shall not be located within a 1,000-foot radius of any property occupied by:
    - (1) A public or private elementary, or secondary school;
    - (2) A public library
  - ii. A marijuana processor facility shall not be located within a 500-foot radius of any property occupied by:
    - (1) A public playground;
    - (2) A public park;
    - (3) Public housing;
    - (4) A religious institution;
    - (5) A public or private, vocational school, college, junior college, or university;
    - (6) A state licensed child care center or preschool;
    - (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area(except trails), or public recreation facility;
    - (8) A youth center;
    - (9) A juvenile or adult half-way house;
    - (10) Correctional facility or rehab center;
    - (11) Property zoned R-1, R-2, RM-1, RM-2, RM-3, or MHP.



- iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.
- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana processor facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.
- v. See Buffer Diagram B-1 of this Ordinance.
- c. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
  - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
  - iv. Negative air pressure shall be maintained inside the building.
  - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  - vi. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon

filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense, to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.

- d. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- e. **Waste Management Plan**  
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

4. **Marijuana Provisioning Centers** shall be subject to the following standards:

- a. **Location.** A building occupied by a Medical Marijuana Provisioning Center shall not be located within 500 feet of another building occupied by a marijuana provisioning center either in the Township or any adjacent municipality.
- b. **Indoor Activities.** All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view.
- c. **Other Activities.** Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- d. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- e. **Buffer Zones.**
  - i. A marijuana provisioning center facility shall not be located within a 1,000-foot radius of any property occupied by:
    - (1) A public or private elementary, or secondary school;
    - (2) A public library
  - ii. A marijuana provisioning center facility shall not be located within a 500-foot radius of any property occupied by:
    - (1) A public playground;
    - (2) A public park;
    - (3) Public housing;
    - (4) A religious institution;
    - (5) A public or private, vocational school, college, junior college, or university;
    - (6) A state licensed child care center or preschool;
    - (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area(except trails), or public recreation facility;

- (8) A youth center;
- (9) A juvenile or adult half-way house;
- (10) Correctional facility or rehab center;
- (11) Property zoned R-1, R-2, RM-1, RM-2, RM-3, or MHP.
- iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.
- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana provisioning center facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.
- v. See buffer diagram B-1 of this Ordinance.
- f. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
  - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
  - iv. Negative air pressure shall be maintained inside the building.
  - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- vi. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.
- g. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- h. **Waste Management Plan**  
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

5. **Marijuana Safety Compliance Facilities** shall be subject to the following standards:

- a. As a Special Use, a marijuana safety compliance facility shall be subject to the regulations and standards applicable to Laboratories and research, testing, design, technical training, and experimental product development facilities in the ordinance.
- b. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
- c. If any a portion of a building is authorized for use in the storage of marijuana in any form, a partition wall of a height as required by the applicable building codes, shall separate the marijuana storage space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana storage space and the remainder of the building.
- d. Buffer
  - i. A marijuana safety compliance facility shall not be located within a 1,000-foot radius of any property occupied by:
    - (1) A public or private elementary, or secondary school;
    - (2) A public library
  - ii. A marijuana safety compliance facility shall not be located within a 500-foot radius of any property occupied by:
    - (1) A public playground;
    - (2) A public park;
    - (3) Public housing;
    - (4) A religious institution;

- (5) A public or private, vocational school, college, junior college, or university;
  - (6) A state licensed child care center or preschool;
  - (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area(except trails), or public recreation facility;
  - (8) A youth center;
  - (9) A juvenile or adult half-way house;
  - (10) Correctional facility or rehab center;
  - (11) Property zoned R-1, R-2, RM-1, RM-2, RM-3, or MHP.
- iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.
- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana safety compliance facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.
- v. See Buffer Diagram B-1 of this Ordinance.
- e. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
- i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

- iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
- iv. Negative air pressure shall be maintained inside the building.
- v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- vi. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.
- f. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- g. **Waste Management Plan**  
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

6. **Marijuana Secure Transporters** shall be subject to the following standards:

- a. A marijuana secure transporter shall be subject to the special use regulations and standards applicable to Motor Freight Warehousing uses in in Section 8.02, DD. and the following standards.
- b. If any a portion of a building is authorized for use in the storage of marijuana in any form, a partition wall of a height as required by the applicable building codes, shall separate the marijuana storage space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana storage space and the remainder of the building.
- c. **Buffer.**
  - i. A marijuana secure transporter facility shall not be located within a 1,000-foot radius of any property occupied by:
    - (1) A public or private, elementary, or secondary school;
    - (2) A public library
  - ii. A marijuana secure transporter facility shall not be located within a 500-foot radius of any property occupied by:
    - (1) A public playground;
    - (2) A public park;
    - (3) Public housing;
    - (4) A religious institution;

- (5) A public or private, vocational school, college, junior college, or university;
  - (6) A state licensed child care center or preschool;
  - (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area(except trails), or public recreation facility;
  - (8) A youth center;
  - (9) A juvenile or adult half-way house;
  - (10) Correctional facility or rehab center;
  - (11) Property zoned R-1, R-2, RM-1, RM-2, RM-3, or MHP.
- iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.
- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana secure transporter facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.
- v. See Buffer Diagram B-1 of this Ordinance.
- d. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
- i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

- iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
- iv. Negative air pressure shall be maintained inside the building.
- v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- vi. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.
- e. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- f. **Waste Management Plan**  
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

**Revise Article 9.00 Performance Standards**

**Section 9.02 Performance Standards**

...

**F. Impacts from Other Activities**

...

- 9. Medical Marijuana facilities.

**Revise Article 3.00 Nonconformities**

**Section 3.03 General Requirements**

...

**M. Medical Marijuana Facilities**

- 1. No marijuana facility operating or purporting to operate prior to March 1, 2018, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this ordinance.
- 2. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.

**Definitions**

**Add the following definitions to ARTICLE 1.00. Section 1.03 Definitions.**

**G**



**"Grower"** means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

**"Grower, Class A"** means a medical marijuana grower authorized to grow not more than 500 Marijuana plants.

**"Grower, Class B"** means a medical marijuana grower authorized to grow not more than 1,000 marijuana plants.

**"Grower, Class C"** means a medical marijuana grower authorized to grow not more than 1,500 marijuana plants.

**L**

**"Licensee"** means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

**M**

**"Marijuana" or "marihuana"** means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

**"Marijuana facility"** means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

**O**

**"Outdoor production"** means growing marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

**P**

**"Processor"** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center.

**"Provisioning center"** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

**R**

**"Registered Primary Caregiver"** means a primary caregiver who has been issued a current registry identification card under the MMMA.

**"Registered Qualifying Patient"** means a qualifying patient who has been issued a current registry identification card under the MMMA.

“Registry Identification Card” means that term as defined in Section 3 of the MMMA.

S

“Safety compliance facility” means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

“Secure transporter” means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

“State Operating License” means a license that is issued under Act 281 that allows the licensee to operate as one of the following, specified in the license: a grower, processor, securer transporter, provisioning center or safety compliance facility.

“Statewide Monitoring System” means the Internet-based, statewide database established and maintained by the State Department of Licensing and Regulatory Affairs under the Michigan Marijuana Tracking Act, Act 282 of the Public Acts of Michigan of 2016, as amended, for the purpose of enabling authorized parties and agencies to confirm or verify relevant information with respect to medical marijuana uses authorized by Act 281.

U

“Usable Marijuana” means the dried leaves, flowers, plant resin or extract of the marijuana plant, but does not include the seeds, stalks and roots of the plant.

***DELETE ALL OF THE BELOW ITEMS FROM ARTICLE 1.00***

***Article 1.00 Definitions, Sec. 1.03, M.***

**Medical Marijuana Dispensary:** Any site, facility, location, use, cooperative, or business where more than one registered primary caregiver intends to or does distribute, exchange, process, deliver or give away marijuana for medical purposes to qualifying patients.

**Medical Marijuana Compassion Club:** A facility that is typically operated with the intent of dispensing advice about the use of marijuana for medical purposes. Compassion Clubs vary in size, organizational structure, and the services they provide. Services may include, but are not necessarily limited to: provision of information about baked goods and other edibles containing marijuana, tinctures, oils, concentrates, capsules, smoking, and sprays.

**Medical Marijuana Cooperative:** An organization owned and/or operated by a group of individuals for its mutual benefit (such as the distribution, exchange, processing, delivery, or cultivation of marijuana).

**Medical Marijuana Grow Facility:** Any site, facility, or location where more than one primary caregiver grows marijuana for medical purposes.

**Medical Use of Marijuana:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with debilitating medical condition.

***DELETE ALL OF THE BELOW ITEMS FROM ARTICLE 2.00***

***Article 2.00 General Provisions:***

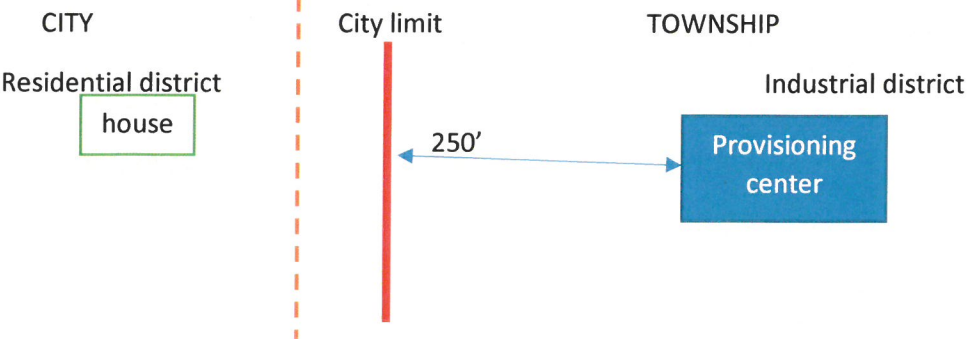
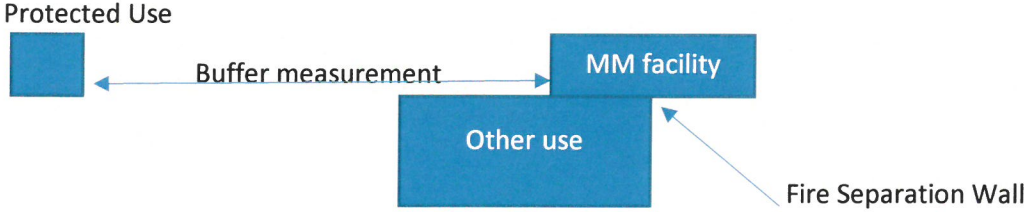
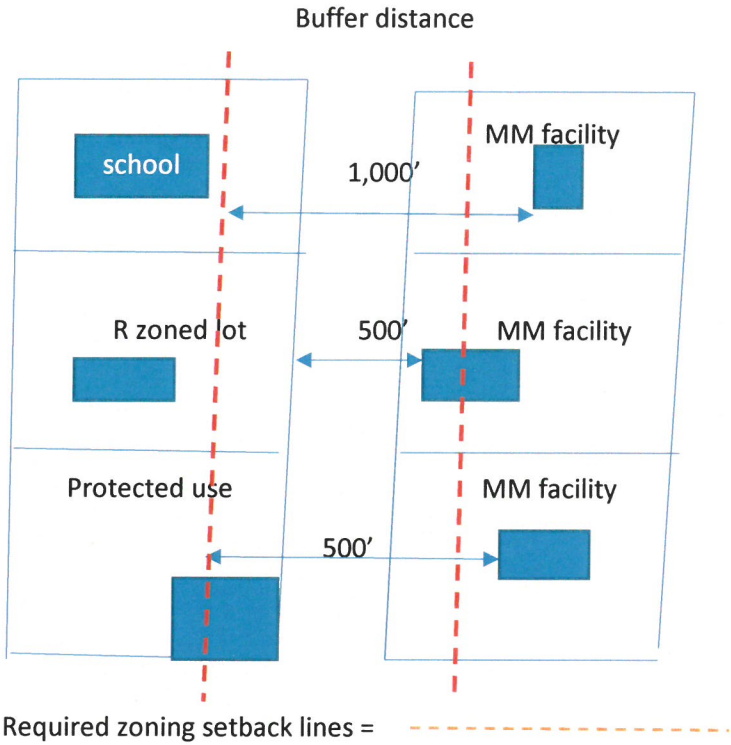
**B. Prohibited Uses**

Uses and structures that are not expressly permitted in this ordinance are prohibited. The following uses, as defined in Section 1.03, shall not be allowed anywhere in the Township:

1. Medical marijuana dispensaries.
2. Medical marijuana cooperatives.
3. Medical marijuana grow facilities.
4. Medical marijuana compassion clubs.

***ADD THE FOLLOWING: DIAGRAM B-1 TO THE ORDINANCE***

**DIAGRAM B-1 "METHODS FOR MEASURING BUFFER DISTANCES FOR MEDICAL MARIJUANA FACILITIES"**



**SECTION II**  
**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marihuana facilities pursuant to PA 281 of 2016, as may be amended.

**SECTION III**  
**REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION IV**  
**EFFECTIVE DATE**

This ordinance shall take effect on the 8<sup>th</sup> day after publication, after adoption.

Mark Miller, Clerk  
Charter Township of Kalamazoo  
1720 Riverview Drive  
Kalamazoo, MI 49004  
269-381-8080  
[www.ktwp.org](http://www.ktwp.org)

**KALAMAZOO TOWNSHIP BOARD**

**KALAMAZOO COUNTY, MICHIGAN**

**RESOLUTION ADOPTING PUBLIC WATER SERVICE FEES**

**Adopted:**\_\_\_\_\_

**Effective:**\_\_\_\_\_

WHEREAS, Charter Township of Kalamazoo Ordinance No. 552 entitled “Kalamazoo Charter Township Public Water Service Ordinance” prescribes, among other things, procedures for the securing of private water connections to the public water service within the Township and allowing for the charging of costs for the same; and

WHEREAS Section III C. of Ordinance No. 552 provides for private connections to the public water system and requires an owner or occupant that wishes to make a new public water system connection to a private property within the Township to pay a “connection fee” in an amount to be determined by the Township Board from time to time; and

WHEREAS the Township Manager has undertaken a cost study of the current public water service connection fee charges made under Section III C. of Ordinance No. 552 which was presented to the Township Board at a work session on February 12, 2018; and

WHEREAS the Township has been notified by the City of Kalamazoo (the water service provider) that certain components of the connection charge will increase; and

WHEREAS the costs of a connection to a particular property can be approximated, but not finally accounted until several variables, including the length of line needed for connection, environmental circumstances (such as tree roots) and other issues can be determined; and

WHEREAS it is the opinion of the Township Board at the request of the Township Manager that an “escrow fee” shall be charged for water main connections which shall henceforth function in the manner of escrow fees for zoning and planning uses.

NOW THEREFORE BE IT HEREBY RESOLVED that the Township Board hereby adopts an “escrow” policy and fee for the costs of new private water service connections made pursuant to Section III. B. of Ordinance 552; and

IT IS FURTHER RESOLVED that an applicant for Private Water Service Connection to the public water system serving in Kalamazoo Township pursuant to Section III of Ordinance 552 shall be charged an initial escrow fee deposit of \$2,700.00 from which the actual costs of connection to the Township may be deducted as they become known to the Township; and

IT IS FURTHER RESOLVED that once the Township's costs to implement the private water service have been deducted from the escrow fee deposit, the Township shall refund the unused escrow fee paid in accordance with Ordinance No. 552; and

IT IS FURTHER RESOLVED that, in the event that the escrow fee deposit is insufficient to cover the actual costs to the township for the implementation of the private water service connection to a particular property; the Township shall invoice the property owner for the additional amounts required, which invoice if not paid shall become a lien on the property in accordance with Section IV. D. of Ordinance No. 552.

Motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, to adopt the foregoing Resolution.

Upon roll call vote the following voted "aye":

The following voted "nay":

The Chairman declared the motion carried and the Resolution duly adopted.

**CERTIFICATE**

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Kalamazoo Township Board held at the Township Hall on \_\_\_\_\_, 2018 which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

\_\_\_\_\_  
Mark E. Miller, Clerk  
Township of Kalamazoo

Attest:

\_\_\_\_\_  
Donald D. Martin, Supervisor

**CHARTER TOWNSHIP OF KALAMAZOO**

**ORDINANCE NO. 552**

**ADOPTED: APRIL 26, 2010**

**EFFECTIVE: IMMEDIATELY FOLLOWING  
PUBLICATION AFTER ADOPTION**

An Ordinance to regulate and control the construction, installation, extension, service connection, and operation of public water mains and public water service within the Charter Township of Kalamazoo; to prescribe procedures for securing such public water service and the rates and charges for the same and to provide sanctions for the violation of such ordinance regulations.

**THE CHARTER TOWNSHIP OF KALAMAZOO  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**  
**TITLE**

This Ordinance shall be entitled the “Kalamazoo Charter Township Public Water Service Ordinance”.

**SECTION II**  
**EXTENSION OF PUBLIC WATER MAIN SYSTEM**

**A. Payment for Water Main Extensions.** Where no public water main or line is available for the connection(s) requested by an applicant for connection to the public water main system, the applicant shall be required to pay a cash deposit sufficient to satisfy all costs of the extension of the existing water main system. Costs of each project shall be determined by the Township Board. In the alternative, the applicant (with the approval of the Township Board) may pay the costs of the extension project, together with interest and administrative costs, by installment over a limited number of years through the creation of a special assessment district.

**B. Application.** Any person, firm or corporation desiring a public water main extension shall file an application therefor with the Township Clerk, containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use(s) anticipated for the water; the distance, if known, that the property is located from any existing public water main; the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay cash for the necessary water main extension or wishes to pay for the extension in installment payments through the creation of a special assessment district.



C. **Special Assessment District.** In the event an applicant desires to proceed by installment payments and sufficient similar interest is disclosed on the application or petition by those property owners abutting the proposed water main extension, special assessment proceedings may be instituted by the Township Board under Michigan Public Act 188 of 1954, as amended, (MCL 41.721 et seq), to accomplish the requested project and, if successful, the necessary system will be installed by the Township following the completion of such proceedings and the obtaining of the necessary funds therefor.

D. **Cash Payment for Extension.**

1. **Contract.** In the event an applicant desires to deposit with the Township the total cost of the necessary project to furnish the requested water main service, as determined by the Township Board, the applicant may do so under a contract with the Township, whereby the Township, together with the City of Kalamazoo, will supervise and/or construct the installation of the water main in accordance with the design standards of the said City and Township.

2. **Reimbursement.** Any such contract may provide for reimbursement to the applicant of a portion of the project costs from water main connection fees collected by the Township from those connecting directly to the water main extension who did not contribute to the initial cost thereof and are not the successors in title to any such contributor. Any such reimbursement shall be limited to a period of not to exceed fifteen years following the completion of the project requested and any connections made thereafter shall not require any refund to the applicant. The amount of the water main connection fee shall be in the discretion of the Township Board.

3. **Refund Limit.** The amount of refund, if any, to an applicant per water main connection fee collected by the Township shall be specified in the contract with the applicant and shall be based upon a portion of the total project cost, computed on the cost per lineal feet of main installed; provided, however, that the total refund shall never be greater than the total cost of the project charged to the applicant.

4. **Contract Provisions.** Any contract with an applicant shall contain, in addition to the foregoing, the following:

- (a) A description of the district within which extensions or connections may be made to the system, entitling the applicant to a refund of a portion of its initial project cost.
- (b) A map disclosing the design of the system and the location of the mains, valves, fittings and all other accessories thereto which are to be installed.
- (c) A description of the area, if any, within which no water main connection fees are to be charged by the Township.
- (d) The amount and condition of any performance bond which shall be required in the event the installation is to be made by anyone other than the Township or the City of Kalamazoo, which shall be 150% of the total cost

of the installation and shall be conditioned upon the completion of the installation in a proper and workmanlike manner in accordance with the plans and specifications of the Township and City and the furnishing of satisfactory evidence of the fact the project is free of present and future liens of contractors, sub-contractors and materialmen.

- (e) The amount and condition of any public liability insurance which shall be required to insure the Township, the City, and the County of Kalamazoo in the event the installation is to be made by anyone other than the Township or the City of Kalamazoo, which shall be not less than \$1,000,000.
- (f) The amount, if any, to be paid the Township for administrative, legal and engineering costs or for the value of the availability of the water service to which the property of the applicant is to be connected.

**SECTION III**  
**CONNECTIONS TO THE PUBLIC WATER MAIN;**  
**PRIVATE WATER SERVICE CONNECTIONS**

**A. Public Water Main Connection.**

1. Owners or occupants desiring to connect any premises to a public water main for public water services shall apply for the same on a form approved by the Township Board and pay a water main connection fee, the amount of such water main connection fee to be determined by the Township Board from time to time. The term “water main connection fee” as used in this Ordinance pertains to a charge for the privilege of connecting to the water main and the cost of providing such utility in the right-of-way and does not pertain to the construction cost of such private water service connection. The water main connection fee as set forth herein shall be due and payable in cash upon application for connection to the public water system; provided, however, that pursuant to resolution of the Township Board, said fee may be payable in installments plus accrued interest to be paid annually on the unpaid balance. The terms of payment, amount of initial down payment, rate of interest and other characteristics of installment payment plans shall be determined from time to time by resolution of the Township Board. All installment agreements shall be in writing. The Township Board may, based upon cost of funds and financing arrangements/commitments, determine that allowing installment payments for a given period of time may negatively impact the ability of the Township to meet its short-term obligations, and therefore, the Township Board may deny the use of installment plans for a given period of time.

2. The amount of the water main connection fee shall be in the discretion of the Township Board but shall approximate the amount a property owner would have paid had his or her property been included in a water special assessment district created for the purpose of financing the project. Such charges may be changed from time to time by resolution of the Township Board to reflect changes in construction costs and to maintain a fairly uniform charge between different current projects and special assessment districts.

3. No connection to the water main shall be allowed until the water main connection fee has been paid to the Township in such an amount as is determined by the Township Board (or until an installment agreement for the payment of such fee has been entered into) and the water main connection has been fully inspected and approved by the Township and/or the City of Kalamazoo in compliance with the ordinances administered by the City and Township.

**B. Private Water Service Connection**

1. Owners or occupants desiring a private water service connection shall apply for the same on a form approved by the Township Board and pay a private water service connection fee, the amount of such private water service connection fee to be determined by the Township Board from time to time. The term “private water service connection fee” as used in this Ordinance pertains to a charge for extending the water service connection to the property line of the owner(s) or occupant(s) in accordance with City of Kalamazoo and Township standards.

2. Water service connection in the right-of-way shall be installed under the direction and control of the Township or its designated representative at the request of the property owner or his or her duly-authorized representative. The Township reserves the right to install any private water service connection or to sub-contract the same to any approved private licensed contractor selected by resolution of the Township Board. Any applicable inspection service fee shall be paid by the applicant.

3. No private water connection shall be allowed until the private water service connection fee has been paid to the Township. The Township shall establish unit charges for the various classes for such private water service connection from time to time. These charges shall be predicated upon the Township’s cost experience for the various classes of construction and projected changes in the cost of labor and materials and shall be a weighed cost average for each class of private water connection.

4. All private water service connections to the required water meter shall be not less than 1 ¼ inches in size and shall be installed by the City of Kalamazoo, the Township or a licensed contractor selected by resolution of the Township Board upon payment of a private water service connection fee established by resolution of the Township Board.

**SECTION IV**  
**GENERAL REGULATIONS**

**A. No Free Service.** No free public water service shall be allowed, and all those properties connected to a public water system shall be subject to the payment of such water fees, rates and charges as shall be determined by the Township Board.

**B. Termination of Service.** The Township shall have the right to terminate any water service to any premises within the Township when any delinquency exists with respect to

any water payments due under this Ordinance or otherwise, or where any premises does not comply with the plumbing code administered by the Township and the City of Kalamazoo and with any and all restrictions and limitations on the use of the particular water service imposed by the Township Board, the contract between the Township and the City of Kalamazoo, the contract between the Township and any applicant, or otherwise.

**C. Service Deposit.** The Township or its authorized agent shall have the right to require an initial deposit from any owner or tenant who applies for water service, as security for the payment of the rates and charges for such service, and to apply the same against such rates and charges if and when it deems it advisable. Such deposit or portion thereof not applied as aforesaid shall be refunded to the depositor upon the voluntary termination of service by the depositor and its subsequent application for such refund, provided no delinquency then exists.

**D. Lien Rights.** The charges for water service which become due and payable pursuant to this Ordinance, or otherwise, are hereby recognized to constitute a lien on the premises receiving such service. Whenever any such charge against any property shall be delinquent for six months, the Township Treasurer may certify to the tax assessing officer of the Township the fact of such delinquency, where upon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced. Nothing in this Section, however, shall be deemed to prevent the Township from suing in a court of law to collect the amounts due for water services or to pursue any other remedy which the Township may have. In addition to the other remedies provided for in this Section, the Township shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of service charges when due.

**E. Turn-on.** No person other than an authorized employee of the Township or the Township's designated representative or the City of Kalamazoo shall turn on or off any water service to any public or private premises at the curb box connection of said premises to the water main.

**F. Water Meters.** All premises connected to a public water system shall be equipped with a public water meter such that all water entering the premises shall pass through such meter and be measured as to volume consumed for periodic computation of water charges.

1. Meters shall be located in an accessible space provided by the property owner at the point where the service connection enters the structure and shall not be in a crawl space or a locked storage room. Where it is impractical to place the meter elsewhere, the owner shall provide a meter pit on private property adjacent to the public right-of-way.

2. Meter sizes shall be prescribed by the Township and City of Kalamazoo. Meter sizes shall be changed when it appears that a meter of the wrong size is in use, except that changes shall not be made for seasonal variations.

**G. Surplus Funds.** Any surplus funds collected from water service or from capital improvements or extensions thereto shall be deposited into a water improvement revolving fund

of the Township for use in further extending, improving, repairing, relocating and/or financing the public water system of the Township.

**H. Cross-connections.** No cross-connections between any private water system and the Township water system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected or part of any private system.

**I. Right-of-Way Connections.** For all water main extensions hereafter commenced, one (2 for a two-family residence) private water service connection not less than 1 ¼ inch in size shall be installed under the abutting right-of-way to each single-family or two-family residential lot or building site fronting on the nearside and opposite side of such right-of-way and terminating in the right-of-way, not more than seven feet from the property line.

**J. Use of Fire Hydrants.** No fire hydrant shall be used for any purpose other than fire protection without the prior approval of the Township and City of Kalamazoo.

**K. Plans and Permits.** No public water construction shall be commenced until all plans and specifications therefor have been submitted to and approved by the Township and the City of Kalamazoo and all required state, county and municipal permits have been obtained.

**L. Service of More Than One Premises by Same Meter.** Not more than one residence or commercial/industrial facility shall be served by one meter, provided that the regular water main is laid past any such premises or is easily accessible to such premises. When a main is installed on the street past any premises previously served by a meter also measuring water to another premises, the connection previously installed shall be removed and the premises connected to the main in the regular way.

**M. Bypassing Meter Prohibited; Exception.** It shall be unlawful for any person to open any valve or make any connection which will make possible the use of water which has not passed through a meter properly installed and recorded on the records of the Township, except that, in special cases where it is impractical to meter the water and where the amount used can be accurately estimated and where proper arrangements are made for the payment of water so used, the Township and City of Kalamazoo may grant temporary permission in writing for such use of water without a meter.

**N. Unlawful Tapping, Removing, Installing, Etc. of Mains, Pipes, Meters, Etc.** It shall be unlawful for any person, except employees of the City of Kalamazoo or the Township's designated agent acting in their official capacity, to tap, change, remove, disconnect, repair, install, break a seal, turn on or in any way molest any water mains, branch pipes, services, meters, valves, fittings or other appurtenances of the water distribution system.

**O. Preliminary Deposit.** All applications for public water service other than by petition for a special assessment district, requiring preliminary engineering analysis, review and plans, shall be accompanied by a cash deposit with the Township in such amount as shall be determined by the Township Board to be sufficient to cover the foregoing engineering work necessary to develop preliminary cost estimates for the proposed project.

**P. Printed Regulations.** The Township Board may adopt and prepare for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and rates and charges for public water service and shall have the authority to modify, enlarge and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety, and general welfare of the Township.

**Q. Utility Board.** The Township Board shall act as a water utility board for the Township until such time as it wishes to delegate such duties and position to a separate appointed board or commission, with authority in either to decide all questions which might arise in the interpretation, enforcement and application of the within Ordinance and to grant variances from the requirements thereof where, in its opinion, the health, safety and general welfare of the Township would not be thereby impaired and the spirit and purposes of the within Ordinance would continue to be served.

#### **SECTION V** **SANCTIONS**

Any violation of the provisions of this Ordinance shall constitute a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. The foregoing sanctions shall be in addition to the right of termination of public water service to a violator and the right to obtain injunctive relief in a court of law.

#### **SECTION VI** **REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### **SECTION VII** **EFFECTIVE DATE**

This Ordinance shall take effect immediately upon publication after adoption.

Donald Z Thall, Clerk  
Charter Township of Kalamazoo