

Vassar Township  
General  
Ordinances/Policies/  
Bylaws

As of December 2021

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## ADULT-USE MARIHUANA ESTABLISHMENTS

This Ordinance hereby repeals and replaces Ordinance No. 2019-02

An Ordinance to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”), initiated Law 1 of 2018, which authorizes the licensing and regulation of Marihuana Establishments and affords Vassar Township the option whether or not to allow Marihuana Establishment; to regulate Marihuana Establishments by requiring a Permit and compliance with requirements as provided in this Ordinance, in order to maintain the public health, safety and welfare of the residents and visitors to the Township.

Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use, sale or distribution of marijuana, in any form, that is not in compliance with the Michigan medical Marihuana Act, MCL 333.26421 et seq. As amended; the Medical Marihuana tracking Act, MCL 333.27901 et seq.; the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. and all other applicable rules promulgated by the State of Michigan

As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C Sec 801 et seq., which makes it unlawful to manufacture, distribute or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

THE TOWNSHIP OF VASSAR ORDAINS:

### **Section 1. Definitions**

The following words and phrases shall have the following definition when used in this Ordinance. Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.

Act: the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, MCL 333.27951 to 333.27967 (“MRTMA”).

Agency: the marijuana regulatory agency.

Application or Application Package: An application for a permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the person filing the Application shall be known as the “Applicant”.

Clerk: The Vassar Township Clerk or his/her designee.

Complete Application: An Application that includes all of the information required by this Ordinance and the Vassar Township Zoning Ordinance for a Marijuana Establishment.

Cultivate: As that term is defined in the “MRTMA”.

Designated Consumption Establishment: A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed to operate by the agency under the act or the rules of the agency.

Marihuana Grower: As that term is defined in the MRTMA; and

Excess Marijuana Grower: As that term is defined in the Michigan Marijuana Regulatory Agency Adult-Use Emergency Rules; and

Marihuana Microbusiness: As that term is defined in the MRTMA; and

Marihuana Processor: As that term is defined in the MRTMA; and

Marihuana Retailer: As that term is defined in the MRTMA; and

Marihuana Secure Transporter: As that term is defined in the MRTMA; and

Marihuana Safety Compliance Facility: As that term is defined in the MRTMA; and

Temporary Marihuana Event: As that term is defined in the Michigan Marijuana Regulatory Agency Adult-Use Emergency Rules; and

Designated Marijuana Consumption Establishment: As that term is defined in the Michigan Marijuana Regularity Agency Adult-Use Emergency Rules.

Department: The Michigan State Department of Licensing and Regulatory Affairs or any designated Michigan Agency (M.R.A) authorized to regulate, issue or administer a Michigan License for a Marihuana Establishment.

License: A current and valid License for a Marihuana Establishment issued by the State of Michigan.

Licensee: A person holding a current and valid Michigan License for a Marihuana Establishment.

Permit: An approval issued by the Township pursuant to the MRTMA that allows a Person to operate an Establishment in the Township under this Ordinance, which Permit may be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.



Permit Holder: The person that holds a current and valid Permit issued under this Ordinance.

Permitted Premises: The particular building or buildings within which the Permit Holder will be authorized to conduct the Establishment's activities pursuant to the Permit.

Permitted Property: The real property comprised of a lot, parcel, or other designated unit of real property upon which the Permitted Premises is situated.

Marihuana or Marijuana: As defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106 and as defined in the MRTMA. For the purpose of this ordinance, the spellings are interchangeable.

Medical Marihuana Facilities Licensing Act or MMFLA: 2016 PA 281, MCL 333.27101 to 333.27801, which allows for the licensing of medical marihuana facilities.

Person: A natural person, company, partnership, trust, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

Process or Processing: To separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

Public Place: Any area to which the public is invited or generally permitted in the usual course of business.

Same Location: Separate state licenses that are issued to multiple marihuana establishments that are authorized to operate at a single property but with separate business suites, partitions, or addressed.

Stacked License: More than 1 state license issued to a single licensee to operate as a Class C marihuana grower as specified in each state license at a marihuana establishment.

Temporary Marihuana Event License: A state license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

Township: Vassar Township, a general law township located in Tuscola County, Michigan.

**Section 2. Permit Required; Number of Permits Available; Eligibility; General Provisions.**

1. The Vassar Township Board hereby authorizes the operation of the following types of Marihuana Establishments, subject to the number of available Permits issued in this section.

- a. MRTMA Marihuana Grower, Class A- cultivation of not more than 100 marihuana plants; and
- b. MRTMA Marihuana Grower, Class B- cultivation of not more than 500 marihuana plants; and
- c. MRTMA Marihuana Grower Class C- cultivation of not more than 2,000 marihuana plants; and
- d. MRTMA Excess Marihuana Grower- Township Permit issued to a person or entity holding 5 or more Class A Adult-Use marijuana grower permits and 2 or more Class C Medical permits; and
- e. Marihuana Microbusiness; and
- f. Marihuana Processors; and
- g. Marihuana Retailer; and
- h. Marihuana Safety Compliance Facilities; and
- i. Marihuana Secure Transporter; and
- j. Temporary Marijuana Event; and
- k. Designated Marijuana Consumption Establishments.

2. The number of Marihuana Establishment Permits in effect at any time shall not exceed the following maximums within the Township:

- a. Marihuana Grower Permits, Class A: zero (0)
- b. Marihuana Grower Permits, Class B: Vassar Township Class A and B Medical Facility Permits holders are eligible to apply for and may be granted one Class B or Class C Adult-Use Establishment Permit.
- c. Marihuana Grower Permits, Class C: Class C Medical Facility Permit holders are eligible to apply for two (2) Class C Adult-Use Establishment Permits for their first Class C Medical Permit and three (3) additional Class C Adult-Use Establishment Permits for their second Class C Medical Permit.

d. Excess Marihuana Growers: Additional Marijuana Grower Permits may be issued to Permit Holders who qualify as Excess Marijuana Growers as defined under this Ordinance. Permits shall be issued in 2,000 plant increments not in excess of the total marijuana plant count allowed by the Permit Holders Class C Medical Permits.

e. Marihuana Microbusiness Permits: zero (0)

f. Marihuana Processor Permits: One Township Adult-Use Establishment Permit for each Township Commercial Medical Facility Permit.

g. Marihuana Retailer Permits: One Marijuana Retailer Establishment Permit for each Township Commercial Provisioning Center Permit.

h. Marihuana Safety Compliance Permits: Unlimited.

i. Marihuana Secure Transporter Permits: One Township Adult-Use Secure Transporter Permit for each Township Commercial Medical Secure Transporter Permit.

j. Temporary Marijuana Event: Zero (0)

k. Designated Marijuana Consumption Establishments: Zero (0)

l. The Township Board of Trustees may review and amend the above maximums by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a Permit previously issued.

3. No Permit shall be issued to any Person under this Ordinance unless the Person has previously obtained and currently holds a Commercial Medical Marijuana Facility permit under Vassar Township Ordinance 2017-02, (as amended), except for any Person applying for a Marihuana Grower Class A permit, Marihuana Microbusiness, Designated Marijuana Consumption Establishment, or Marihuana Safety Compliance Facility.

a. No Marihuana Grower Establishment Permit under this Ordinance shall be issued or renewed to any Person unless the Person has a Commercial Medical Facility Grower Permit under Ordinance 17-02 and a State License, of any class, under the MMFLA, except for a Marihuana Grower Class A Permit.

b. No Marihuana Processor Establishment Permit under this Ordinance shall be issued or be renewed to any Person unless the person has a Commercial Medical Marijuana Facility Processor Permit under Ordinance 2017-02 and State license as a Processor under MMFLA.

c. No Marihuana Retailer Establishment Permit under this Ordinance shall be issued or renewed to any person unless the Person has a Commercial Medical Marijuana Facility Provisioning Center Permit under Ordinance 2017-02 and State License as a Provision Center under MMFLA.

d. No Marihuana Secure Transporter Establishment Permit under this Ordinance shall be issued or renewed to any Person unless the Person has a Commercial Medical Marijuana Facility Secure Transporter Permit under Ordinance 2017-02 and State License as a Secure Transporter under MMFLA.

4. No Person shall operate a Marihuana Establishment at any location within the Township unless a then-currently-effective Permit for a Marihuana Establishment for that Person at that location has been issued under this Ordinance.

5. Marihuana Establishments shall operate only as expressly allowed under this Ordinance.

6. A non-refundable local permitting fee shall be paid annually to Vassar Township, for each Marijuana Establishment permit issued under this Ordinance, of no more than \$5,000 per permit, as set by resolution of the Vassar Township Board of Trustees.

7. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other Licensing or Permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinance.

8. At the time of application, each Applicant shall, for each application, pay a nonrefundable application fee to Vassar Township to defray the costs incurred by the Township, as set by resolution of the Township Board of Trustees, not to exceed any limitation imposed by Michigan Law.

9. An Initial or Renewal Marijuana Establishment permit shall be valid for one year, expiring on the anniversary of Establishment's final permit approval date, unless revoked as provided by law. Failure to obtain all other permits and approvals required by all other applicable ordinances and regulations of the Township, County and State of Michigan within that time shall render the Establishment ineligible for renewal and the permit shall be available to another applicant. A Permit and Renewal Permit shall confer a reasonable expectation of subsequent renewal unless:

a. A renewal has been denied by the State of Michigan

b. The Applicant has been found to have defrauded the Township, has committed a material violation of this Ordinance, has lost the state License, or is causing a nuisance to the public health, safety or general welfare.

10. Each year, any pending application for renewal or amendment of existing Permits shall be reviewed and granted or denied before Application for new Permits are considered.

11. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder, to at all times during the Application period and during operation, to immediately provide Vassar Township with all material changes in any information submitted in an Application package and any other changes that may materially affect any state License or Local Permit.

12. No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted a complete Application package and all required fees under this Ordinance, other applicable Ordinances and has been approved for a local Permit under this Ordinance by Vassar Township. No Permit issued under this Ordinance is transferable to any other location except for the Permitted Premises on the Permitted Property.

13. The original and current Permit issued under this Ordinance shall at all times be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement officials and administrative authorities.

14. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents, employees and representatives for any state, federal, or local law enforcement agency to conduct random and unannounced examinations of the Establishment and all records, materials and property in that Establishment, at any time, to review compliance with this Ordinance, state law, any other local regulations, and the Permit.

15. A Permit Holder may not engage in any other Marijuana Establishments in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Local Permit. Only the entity named in a permit may grow at a Marijuana Grow Establishment.

### **Section 3. Other Laws and Ordinances**

In addition to the terms of this Ordinance, any Marijuana Establishment shall comply with all laws, regulations and Ordinances, including without limitation, the Vassar Township Zoning Ordinance, the MRTMA and agency rules.

### **Section 4. Application for, Renewal of and Transfer of Permits**

1. **Initial Application:** An Application for a Permit for a Marijuana Establishment must be on a form provided by Vassar Township shall be submitted to the Township Zoning Administrator or Planning Commission Chair, and shall contain the following information at a minimum:

a. The name, address, phone number and email address of the proposed Permit Holder and the type of proposed Marijuana Establishment,

b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the proposed Marijuana Establishment.

c. Eight (8) copies of the following:

1. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the applicant is not the owner of the proposed

Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Marihuana Establishment shall be provided to the Township.

2. If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, it shall indicate its legal status, attach a copy of all company formation documents (including amendments), identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the proposed Establishment, proof of registration with the State of Michigan and a certificate of good standing.

3. A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers and managers of the Establishment.

4. Evidence of a valid state tax license for the Applicant if such a license is required by state law or local regulations.

5. Application for a Sign Permit, if any sign is being proposed.

6. The non-refundable application fee as set by the Vassar Township Board.

7. Business and Operations Plan, showing in detail the Marihuana Establishments' proposed plan of operation, including without limitation, the following:

i. A description of the type of Establishment(s) proposed and the anticipated or actual number of employees.

ii. A security plan meeting the requirements of Section 5.5 of this Ordinance, which shall include a general description of the security system(s), currently centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.

iii. A description by category of all products proposed to be sold.

iv. All material Safety Data Sheets for any nutrients, pesticides and other chemical proposed for use in the Marihuana Establishment.

v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no abatable nuisance odor will be detectable at the property line of the Permitted Premises.

vi. A plan for the disposal of Marihuana and related byproducts that will be used at the Establishment.

8. Whether the Applicant has ever applied for or been granted, denied, restricted, suspended, revoked, or not renewed any commercial License, Permit or certificate issued by a licensing authority in Michigan or any other jurisdiction and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.

9. Site plan and interior floor plan of the Permitted Premises and the Permitted Property, as required by the Township Zoning Ordinance, prepared by a Michigan registered architect, surveyor or professional engineer.

10. A complete list of all marijuana Permits and Licenses held by the Applicant, including complete copies of the issued Permits and Licenses.

11. Information regarding any other Marihuana Establishment or Commercial Medical Marihuana Facility, or similar License that the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each such operation.

12. Application for Special Land Use Permit to be reviewed by the Township Planning Commission.

13. Application for Site Plan review by the Township Planning Commission.

14. Any other information reasonably requested by Vassar Township that is considered to be relevant to the processing or consideration of the Application.

15. Information obtained from the Applicant or Proposed Permit Holder is exempt from public disclosure under state law, to the extent permitted by the Michigan Freedom of Information Act (FOIA).

d. Upon receipt of the application and accompanying documentation, the Vassar Township Zoning Administrator or Planning Commission Chair shall accept the application and assign it a sequential number by Establishment type based on the date and time of acceptance. The Zoning Administrator or Planning Commission Chair shall act to process an application no later than fourteen (14) business days from the date the application was accepted. When the application is deemed complete, the Zoning Administrator or Planning Commission Chair shall forward all information to the Planning Commission and establish a date for a public hearing and Planning Commission review.

e. An application is valid for one (1) year from the processing date by the Township Zoning Administrator or Planning Commission Chair. If an application remains incomplete beyond one (1) year, the application shall be null, and void and the applicant shall forfeit the application fee. The Township Zoning Administrator or Planning Commission Chair may, at his/her discretion, extend this period an additional ninety (90) days.

f. Preliminary approval mean only that the applicant has submitted a valid application for a Marijuana Establishment Permit and the application shall not locate or operate an Establishment without obtaining all other permits and approvals required by all other applicable Ordinance and regulations of the Township, County and State of Michigan. The permits and approval required include but are not limited to:

1. Special Use Permit as issued by the Township Planning Commission.
2. Site Plan approval from the Township Planning Commission.

g. Upon preliminary approval by the Township Planning Commission, the initial annual permitting fee (\$5,000) shall be paid to the Township Treasurer, via the Township Zoning Administrator or Planning Commission Chair, prior to the issuance of a Marijuana Establishment Permit. If the fee has not been received within 45 days from the date of the Planning Commission's preliminary approval, the applicant will have forfeited its application, the application shall be null, and void and the Permit shall be available to another applicant.

h. Within ten (10) business days of the Planning Commission's approval of the applicant's Special Use Permit and Adult-Use Marijuana Establishment Permit, and payment of the annual non-refundable local permitting fee, the Township Zoning Administrator or Planning Commission Chair shall issue the Marijuana Establishment Permit in the order of the previously assigned sequential application number.

**2. Renewal Application:** A Marijuana Establishment Permit shall expire each year on the anniversary of the final approval of the Permit unless renewed by the Vassar Township Planning Commission and is valid until that date unless revoked as provided by law. A valid Marijuana Establishment Permit may be renewed on an annual basis following the review and approval of the Planning Commission, by submitting a Renewal Application form provided by the Vassar Township and payment of the annual local Permit fee (\$5,000). Renewal Applications shall be submitted to and received by the Township not less than ninety (90) days prior to the expiration of the annual Permit, except that an application requesting a change in the location of the Permitted Premises shall be submitted and reviewed not less than one hundred twenty (120) days prior to the expiration of the permit.

A Permit Holder whose Permit expires and for which a complete Renewal Application has not been received by the expiration date shall be presumed to have determined not to seek renewal; provided, such Permit Holder may rebut the presumption and apply for



the right to file a delayed Renewal Application prior to expiration, which shall be granted by the Township unless the Applicant does not meet Section 2.9 a & b. The application for the right to file a delayed Renewal Application must be filed before the expiration date, along with any late fees imposed by resolution of the Township Board, any Annual Permitting Fees shall be paid at the time of the delayed application, and the pre-existing Permit shall thereupon be extended until action is taken on the delayed Renewal Application, but no longer than six (6) months after the expiration date. Vassar Township will not accept renewal applications and permit forfeiture will result after the expiration date.

a. A Renewal Application may expressly incorporate by reference information or documentation contained in the original Permit Application or prior Permit Renewal Application, while making clear where such information or documentation can be found, provided that the information or documentation has not changed.

b. Prior approval or renewal of an Application for a Marihuana Grower Permit, an Applicant may amend the Class of the Marihuana Grower Permit Application by submitting an application form and expressly incorporating by reference the information or documentation contained in the original Permit Application. The Township may impose a fee as establish by resolution of the Township Board. The Applicant will be required to show proof of a valid state License allowing operation of the new class of Marihuana Grower Permit prior to operation.

### **3. Transfer Application**

a. The same requirements that apply to all new Application for a permit apply to all Application to transfer an existing Permit to a new legal entity or individual(s). No Permit issued under this Ordinance is transferable to any other location except for the Permitted Premises on the Permitted Property, and only after the transferee has Applied for and obtained approval for the transfer, including without limitations, the payment of the same fee for the transferred Permit as apply for a new Permit.

b. No Permit Holder shall transfer any ownership interest in a Permit without first obtaining the express approval of the Township Planning Commission, after submitting a new Application for a Permit, including payment of any fees as would apply for a new Permit. Any unauthorized transfer or attempted transfer of an ownership interest in a Permit constitutes a violation of this Ordinance.

### **4. Transfer of Control of a Permit Holder**

a. No Permit Holder shall transfer, sell, or otherwise convey more than 1% of the ownership interest in the entity owning the Permit, whether in a single transaction or the sum of multiple transactions, without the express approval of the Vassar Township Planning Commission.

b. The Applicant and Permit Holder must submit a change in control transfer Application to the Township Zoning Administrator or Planning Commission Chair prior to any sale or transfer of stock of membership interest. The Applicant shall:

1. The names, home addresses, email address and personal phone numbers for all owners, directors, officers and managers of Permit Holder and the Marihuana Establishment
2. If the Permit Holder is a corporation, non-profit organization, limited liability company or other entity other than a natural person, attach a copy of all copay formation documents (including amendments), purchase agreements for all stock or membership interest, and a certified copy the meeting minutes of the board of directors or members authorizing the sale of stock or membership interest.
3. A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers, and managers of the proposed Establishment.
4. Whether the Applicant has ever applied for or been granted any commercial License, Permit or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoke, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.
5. Information regarding any other Marihuana Establishment or Commercial Medical Marihuana Facility, or similar License that the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each such operation.
6. The non-refundable application fee as set by the Vassar Township Board.
7. Any documents required to reflect that the Marihuana Establishment will be operated and managed consistent with the current filings provided to the Township.
8. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.

c. If, prior to the approval of an Application, an individual Applicant wishes to substitute a different Person as Applicant; or an Applicant that is a corporation, non-profit organization, limited liability company or any other than a natural person, seeks to undergo a change in ownership greater than 1%, the current

Applicant may submit a written request the Township Zoning Administrator or the Planning Commission Chair to amend the Application. Upon approval by the Township Zoning Administrator or Planning Commission Chair, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits any documents required under Section 4(1). The Township Board may set a fee by resolution for such a change.

d. The following actions constitute transfer of ownership and require a new application, application fee and Planning Commission approval:

1. *Persons*. Any transfer of more than 1% of an ownership interest in an Applicant or Permit Holder between person constitutes a transfer of ownership.

2. *Corporations*. Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.

3. *Limited Liability Companies*. Any transfer of more than 1% of membership interest or any change in managers or members or change in interest held by member(s) of any Limited Liability Company holding a Permit constitutes a transfer of ownership.

4. *Partnership*. Any change of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.

5. *Assets*. Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the Township constitutes a transfer of ownership.

**5. Approval, Issuance, Denial and Appeal.** All inspections, review and processing of the Application, including transfer applications, shall be completed within ninety (90) days of receipt of a completed Application and all required fees. The Planning Commission shall approve or deny the Permit within one hundred twenty (12) days of receipt of the completed application and fees, or within one hundred fifty (15) days if the location of the Permitted premises is proposed to be amended. The processing time may be extended upon written notice by the Township for good cause, and failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. The Township has no obligation to process or approve and incomplete Application, and any times provided under this Ordinance shall not being to run until the Township receives a complete Application, as determined by the Township Zoning Administrator or Planning Commission Chair. A determination of a complete Application shall not prohibit the Township from requiring supplemental information. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that:

- a. For denial of a new permit, an appeal shall not grant any rights to an Applicant; and
- b. For denial of a Renewal Application, if the Applicant has paid all required fees, including additional fees due during pendency of the appeal, the previous Permit shall be extended during pendency of the appeal, unless otherwise ordered by a court.

**6. No Building Currently Existing.** Any Applicant for a Marihuana Establishment Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval shall commence construction of the building, in accordance with applicable zoning ordinances, building codes and any other applicable state or local laws, rules or regulations, and to thereafter complete construction and commence business operations without unreasonable delay.

## **7. Effect of Transfer**

- a. Immediately following the approval of a transfer of ownership by the Planning Commission and payment of the Annual Permitting Fee, the transferee(s) will obtain all the interests, rights, obligations and responsibilities of the previous Permit Holder. Once a Permit Holder has transferred his or her ownership interest, any privileges enjoyed by that Permit Holder under this ordinance are terminated.
- b. For transfers under Section 4.3 (Transfer Application), the deadlines for expiration and renewal for a transferred Permit will run from the date the transfer was effectuated.
- c. For transfers under Section 4.4 (Transfer of Control of a Permit Holder), the renewal and termination dates of the permit dates shall not change.
- d. For transfers under Section 4.3 (Transfer Application) where no building is yet in existence, the deadline for construction set forth in Section 4.6 shall be extended to one year immediately following the date the transfer is approved, but construction must commence within three years after the Township's initial approval of the permit, regardless of any subsequent transfers.

## **8. Duty to Supplement**

- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MRTMA, or any rule or regulation promulgated thereunder, changes in any way from what is stated in the Application, the Applicant or Permit Holder shall supplement such information in writing within thirty (30) days from the date upon which such change occurs.

b. An Applicant or Permit Holder has a duty to notify the Township Zoning Administrator or Planning Commission Chair in writing of any pending criminal charge or indictment, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, the Permit Holder, or any owner, principal officer, director, manager, or employee within ten (10) days of the date when the Applicant, Permit Holder, owner, principal officer, director, manager or employee has notice of the event.

c. An Applicant or Permit Holder has a duty to notify the Township Zoning Administrator or Planning Commission Chair in writing of any pending criminal charge or indictment, and any criminal conviction, whether a felony, misdemeanor, or any violation of local law or ordinance related to the cultivation, processing, manufacture, storage, sale distribution, testing or consumption of any form of marihuana, the MMMA, the MMFLA, the MRTMA, any building fire, health, or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of marihuana by the Applicant, Permit Holders, owner, principal officer, director, manager or employee within ten (10) days of the date when the Applicant, Permit Holder, owner, principal officer, director, manager or employee has notice of the event.

## **Section 5. Operational Requirements-Marihuana Establishment(s)**

A Marihuana Establishment issued a Permit under this ordinance and operating within the Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Marihuana Establishments shall comply with all applicable codes, including zoning, building, and health regulations, except to the extent that they are inconsistent with the MRMTA, the Rules of the Agency or this Ordinance.

2. *Required Documentation.* The Establishment must hold a valid local Permit and Michigan Marihuana Establishment License for the type of Marihuana Establishment intended to be carried out on the Permitted Property. The Establishment must also hold both a valid state license under the MRTMA as well as a valid state License and local Permit of the corresponding type of Facility under MMFLA. The Establishment operator, owner, License or Permit Holder must have documentation available that demonstrates full compliance with all local and State sales tax requirements, including holding any Permits or Licenses, if applicable.

3. *Location.* Each Marihuana Establishment shall be operated only from the Permitted Premises on the Permitted Property. No Marihuana Establishment shall be permitted to operate from a movable, mobile or transitory location, except for a Permitted and License Marihuana Secure Transporter when engaged in the lawful transport of Marihuana.

4. *Minimum Age.* No person under the age of eighteen (18) shall be allowed to enter the Permitted Premises without a parent or guardian. No Marihuana Establishment may allow a person under 21 years of age to volunteer or work for the Marihuana Establishment.

5. *Security.* Applicant and Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include following:

- a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
- b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
- c. A locking safe or vault permanently affixed to the Permitted Premises that shall store all usable Marijuana and cash remaining in the Establishment overnight, except for Marihuana actively grown in a Grower Establishment; and
- d. All Marihuana in whatever form stored at a Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the Permitted Premises; and
- e. All Security recordings and documentation shall be preserved for a minimum of five (5) days by the Permit Holder and made available to any law enforcement upon request for inspection.

6. *Operating Hours.* Marihuana Retailers and Microbusinesses shall operate between the hours of 8:00 a.m. and 10:00 p.m. or as required by the State of Michigan.

7. *Buffer Zones.* A Retailer Establishment or Microbusiness Permitted Premises shall not be location within 500' (feet) of any building on an adjacent property comprising an educational institution or school, college or university, church, house of worship or other religious facility, licensed child care center or preschool or public or private youth activity facility, with the minimum distances measure horizontally between the nearest buildings.

8. *Co-location with Certain Commercial Medical Marihuana Facilities.* A Marihuana Grower, Processor and a Marihuana Retailer may operate from within a single facility operation pursuant to the MRTMA and may operate from a location shared with a Marijuana Facility/s operating pursuant to the MMFLA and the rules of the Department.

9. *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Establishment shall not exceed that amount permitted by the state License or the Township's Permit.

10. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law.

11. *Sign Restrictions.* No pictures, photographs, drawings or depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words “Marihuana”, “cannabis”, and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.

12. *Consumption on Premises.* The sale, consumption or use of alcohol or tobacco products on Permitted Property is prohibited. Smoking or consumption of controlled substances, including marijuana, on the permitted property is prohibited.

13. *Indoor Operation.* All activities of Marihuana Establishments, including without limitation, distribution, growth, cultivation, processing, transfer, or sale of Marihuana, and all other related activity permitted under the Permit Holder’s License or Permit must occur indoors. The Establishment operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the Permitted Premises. Secure Transporters are exempt from the air filtration requirement.

14. *Distribution.* No person operating an Establishment shall provide or otherwise make available Marihuana to any person who is not authorized to receive Marihuana under state law. 15. *Permits.* All necessary building, electrical, plumbing and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support cultivation, growing, processing, harvesting or testing of Marihuana are located.

16. *Waste Disposal.* The Permit Holder, owner and operator of the Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.

17. *Secure Transportation.* Marihuana may be transported by a Marihuana Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:

- a. By persons who are otherwise authorized by state law to transport Marihuana;
- b. In a manner consistent with all applicable state laws and rules, as needed; c. In a secure manner designed to prevent the loss of the Marihuana;
- d. No vehicle may be used for the continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana
- e. Vehicles used for the secure transport of marijuana must be stored indoors when not in use.

18. *Additional Conditions.* The Vassar Township Board of Trustees may impose such reasonable terms and conditions on a Marihuana Establishment Special Use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

**Section 6. Penalties and Consequences for Violation.** In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances.

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$50,000, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day such a violation continues shall be considered a separate offense.

2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees, and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, et seq. Each day a violation continues shall be deemed a separate municipal civil infraction.

3. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a sperate offense and suffer penalties and forfeiture provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.

4. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

**Section 7. Applicability.** The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Marijuana Establishment were established without authorization before the effective date of this ordinance.

**Section 8. Severability.** The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.



**Section 9. Effective Date.** This Ordinance shall take effect thirty days following the publication or posting after final adoption by the Vassar Township Board of Trustees and the final adoption of the related amendments to the Vassar Township Zoning Ordinance.

**BLIGHT ORDINANCE NO. 2012-2**

An Ordinance to protect the public health, safety and general welfare by eliminating blight and to enhance the environment and property values within Vassar Township; to define and prohibit blight; and to provide penalties for violation hereof.

THE TOWNSHIP OF VASSAR ORDAINS:

**Article I. Blight Defined and Prohibited**

Section 1.1 It is hereby determined that the uses of land described in this Article constitute blight which, if allowed to exist, will result in unsafe, unsanitary and undesirable conditions.

Section 1.2 No person, company, partnership, or corporation shall maintain or permit to be maintained any of the following types of blight upon any premises owned, rented, or occupied by such person, company, partnership, or corporation:

- a. The outdoor storage of any junk motor vehicle. The term “junk motor vehicle” shall include any motor vehicle which is not currently license, and which has been inoperable for any reason for a period in excess of thirty (30) days. However, one (1) such vehicle may be kept on a residential premise if it is either in the back yard of a dwelling or is behind an obscuring fence.
- b. The storage or accumulation of garbage of any kind, except domestic refuse originating on the premises and stored in a sanitary manner for a period not to exceed fourteen (14) days. The term “garbage” shall include food waste matter and discarded food containers, as well as any other household refuse.
- c. The outdoor storage or accumulation of junk. The term “junk” shall include machinery parts, tires, containers, motor vehicle parts, mobile home components, tin cans, unused appliances, metal remnants, cast-off materials, inoperable equipment, discarded building materials, and any inoperable or discarded machinery or materials.
- d. The dumping or landfilling of any junk, garbage, or junk motor vehicles. The term “dumping or landfilling” shall include burying or otherwise disposing of items on property not licensed as a landfill pursuant to the Michigan Solid Waste Management Act.
- e. The existence of uncut grass or weeds in excess of ten (10) inches in height in any yard area of any dwelling, whether occupied or vacant. The “yard area” shall be defined as the area between the road and in the front of the

dwelling as well as the area within fifty (50) feet of the sides and rear of the dwelling.

- (f) The existence of buildings or structures which have been damaged by fire, wind, flood, or other deterioration to the extent that they are no longer usable.

Section 1.3 Sections 1.2(a) and (c) of this Ordinance shall not apply to junk or salvage yard with approved zoning variances or which are zoned I-Industrial and have been granted special approval under the Zoning Ordinance.

## **Article II. Penalties and Enforcement**

Section 2.1 Any person, firm, or corporation who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine plus costs and other sanctions as set forth in the Vassar Township Civil Infraction Ordinance for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines and other sanctions as provided by the Civil Infraction Ordinance. In addition, any violation shall be subject to such injunctive relief as may be granted by the Court.

Section 2.2 The Township may also seek injunctive relief through Circuit Court to abate the violation and clean up the property.

Section 2.3 Any violation of this Ordinance shall constitute a public nuisance.

Section 2.4 Any person found responsible for blight shall eliminate such blight and shall be liable for the cost of elimination of the blight, including attorney fees incurred by the Township. If such blight is not eliminated by the responsible party, the Township may cause such blight to be eliminated and bill the cost to the responsible party. The cost of such blight elimination, if it is not voluntarily paid for by the responsible party, shall be assessed against the property on the next tax roll.

## **Article III. Repeal of Prior Ordinance**

The prior Vassar Township Blight Ordinance adopted on July 13, 2010 is hereby repealed and replaced with this Ordinance.

## **Article IV. Enactment and Effective Date**

Section 4.1 This ordinance was adopted by the Vassar Township Board at a meeting duly held on the 8<sup>th</sup> day of May, 2012 and was published in the Tuscola County Advertiser on the 16<sup>th</sup> day of May, 2012.

Section 4.2 This ordinance shall take effect thirty (30) days after the date of publication specified in Section 4.1.

Section 1.2(a) amended 5-14-2013

## **BUILDING CODE ORDINANCE NO. 93-2**

An Ordinance to repeal the Vassar Township Building Code, Ordinance No. 14A, and the Vassar Township Mechanical Code, Ordinance No. 24, and to transfer responsibility for the administration and enforcement of the State Construction Code Act of 1972 (PA 1972, No. 230), which is codified at MCLA 125.1501, ET SEQ.

THE TOWNSHIP OF VASSAR ORDAINS:

**Section 1** Ordinance No. 14A, adopted September 11, 1974, published September 18, 1974, and effective October 18, 1974, is repealed.

**Section 2** Ordinance No. 24, adopted March 11, 1980, published March 18, 1980, and effective April 17, 1980, is repealed.

**Section 3** The responsibility for the administration and enforcement of the State Construction Code, including the State Building Code and Mechanical Code is transferred to the Building Code Administrator for the County of Tuscola, Michigan, pursuant to Section 9 of Act 230 of the Public Acts of 1972, as amended, codified at MCLA 125.15099 (7).

**Section 4** The Supervisor of the Township of Vassar is directed to forward a certified copy of this ordinance to the Michigan Department of Labor, Bureau of Construction Codes and the Building Codes Administrator for the County of Tuscola, Michigan, and to take all necessary and appropriate action for the orderly transfer of responsibility for administration and enforcement of the aforementioned codes to the County of Tuscola, Michigan.

**Section 5** Any ordinance of the Township of Vassar which is inconsistent with this Ordinance is repealed.

**Section 6** If any section, paragraph, sentence, clause, phrase or part of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are declared to severable.

**Section 7** This Ordinance shall be effective on the 24<sup>th</sup> day of February, 1993, following its adoption and publication.

**Section 8** This Ordinance shall take effect immediately after the date of its publication.

## **CIVIL INFRACTION ORDINANCE NO. 004-10**

An ordinance establishing municipal civil infractions, enforcement procedures, and providing penalties and sanctions for violations of ordinances.

THE TOWNSHIP OF VASSAR ORDAINS:

### **Section 1 Definitions**

For the purpose of this Ordinance, certain terms are herein defined.

Act: Act. No. 236 of the Public Acts of 1961, as amended.

Authorized official: Any public officer, agent or personnel authorized by ordinance to issue municipal civil infractions and any police officer having jurisdiction within the Township.

Municipal civil infraction: An act or omission that is prohibited by any ordinance, but which is not a crime, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.

Municipal civil infraction action: A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation: A written complaint or notice prepared by an authorized official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

### **Section 2 General Penalties and Sanctions for Violations of Ordinances; Continuing Violations; Injunctive Relief**

A. Unless a violation of an ordinance is specifically designated in the ordinance as a Municipal Civil Infraction, the violation shall be deemed to be a misdemeanor.

B. The sanction for a violation which is a Municipal Civil Infraction shall be a civil fine in the amount as provided by this Ordinance, plus any cost, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

1. Unless otherwise specifically provided for, the civil fine for a particular Municipal Civil Infraction violation shall be not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction.

2. Increased civil fines may be imposed for repeated violations by a person of any ordinance provision. As used in this Section, "repeat offense" means a second (or any subsequent) Municipal Civil Infraction violation of the same requirement or provision (i) committed by a person within any six-

month period, unless some other period is specifically provided by Ordinance and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by Ordinance for a particular Municipal Civil Infraction violation, the increased fine for a repeat offense shall be as follows:

- a. The fine for any offense which is a first repeat offense shall be no less than One Hundred (\$100.00) Dollars, plus costs.
- b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than One Hundred Fifty (\$150.00) Dollars, plus costs.
- c. A “violation” includes any act which is prohibited by any Ordinance or any omission or failure to act where the act is required by any Ordinance.
- d. Each day on which any violation of any Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- e. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the Ordinance.

### **Section 3 Action; Commencement**

A municipal civil infraction action may be commenced upon the issuance by an authorized official of a municipal civil infraction citation directing the alleged violator to appear in court.

### **Section 4 Citations; Issuances and Service**

Municipal civil infraction citations shall be issued and served by authorized officials as follows:

- A. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued
- B. The place for appearance specified in a citation shall be the District Court.
- C. Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the authorized official and issued to the alleged violator as provided by Section 8705 of the Act.
- D. A citation for a municipal civil infraction signed by an authorized official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the

following statement immediately above the date and signature of the official: **“I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief”**.

E. An authorized official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

F. An authorized official may issue a citation to a person if:

1. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
2. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the municipal attorney approves in writing the issuance of the citation.

G. Municipal civil infraction citations shall be served by an authorized official as follows:

1. Except as provided by section 4(g)(2) below, an authorized official shall personally serve a copy of the citation upon the alleged violator.
2. If the municipal civil infraction involves the use or occupancy of land, a building, or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy of the citation or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner’s last known address.

## **Section 5 Contents**

A. A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at which the appearance shall be made.

B. Further, the citation shall inform the alleged violator that he or she may do one of the following:

1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

2. Admit responsibility for the municipal civil infraction “with explanation” by mail by the time specified for appearance or, in person, or by representation.

3. Deny responsibility for the municipal civil infraction by doing either of the following:

a. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the authorized official or municipal attorney.

b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

C. The citation shall also inform the alleged violator of all of the following:

1. That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

2. That if the alleged violator desires to deny responsibility the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

3. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the authorized official acting on behalf of the Township

4. That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

5. That at a formal hearing the alleged violator must appear in person before a judge and shall have the opportunity of being represented by an attorney.

D. The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a Default Judgement against the alleged violator on the municipal civil infraction.



## **Section 6 Severability**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

## **Section 7 Effective Date**

This Ordinance shall become effective thirty (30) days after the date of publication specified below.

The undersigned Supervisor of the Township of Vassar hereby certifies that this Ordinance was duly adopted by the Vassar Township Board at a meeting held on the 14<sup>th</sup> day of September, 2010 and was published in the Tuscola County Advertiser on the 13<sup>th</sup> day of October, 2010.

## **COMMERCIAL MARIJUANA FACILITIES**

### **ORDINANCE NO. 2017-02**

#### **Section 1.1 Purpose**

A. It is the intent of this ordinance to authorize the establishment of several types of Commercial Marijuana Facilities in the Township of Vassar and provide for the adoption of reasonable restrictions to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of marijuana facilities in Vassar Township through the imposition of annual, nonrefundable licensing fees of not more than \$5,000.00 on each Commercial Marijuana Facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.

B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use sale or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, MCL 333.26421 et seq. As amended; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marijuana Tracking Act, MCL 333.27901 et seq. and all other applicable rules promulgated by the State of Michigan.

C. As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec 801 et seq., which makes it unlawful to manufacture, distribute or

dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

## **Section 1.2 Definitions**

A. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.

B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.

C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.

Affiliate: means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

Application: means an application for a permit under this ordinance and includes supplemental documentation attached or required to be attached thereto; the person filling the applications shall be known as the “applicant”.

Commercial Marijuana Facility, Marihuana Facility, or Facility: means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities License 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 33.26421 et seq.

Department: means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Marijuana Facility.

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

Licensee: means a person holding a state operating license under the Medical Marihuana Facilities Licensing Act, MCL 33.27101 et seq.

Marihuana or Marijuana: means that the term as defined in the Public Health Code, MCL 333.1101 et seq.; the 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. For the purpose of this ordinance, the spellings are interchangeable. See Marihuana plant.

Marihuana plant: means any plant of the species Cannabis sativa L.

Marihuana-infused product: means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

Michigan Medical Marihuana Act: means the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.

Paraphernalia: means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling or otherwise introducing into the human body, marihuana.

Permit: means a current and valid permit for a Commercial Marijuana Facility issued under this ordinance, which shall be granted to a permit holder only for and limited to a specific permitted premise and a specific permitted property.

Permit Holder: means the person that holds a current or valid permit under this ordinance.

Permitted Premises: means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.

Permitted Property: means the real property comprised of a lot, parcel, or other designated unit of real property upon which a permitted premises facility is situated.

Person: means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, trust, other legal entity or any joint venture for a common purpose.

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 marihuana or creates a marihuana-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 marihuana to registered qualifying patients, directly or through the patient's registered primary caregiver. Provisioning center includes any commercial property where marihuana 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 through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, 333.26421 et, seq., is not a provisioning center for purposes of this act.

Registered primary caregiver: means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

Registered qualifying patient: means a qualifying patient who has been issued a current registry identification card under the Medical Marihuana Act or a visiting qualifying patient as that term is defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

Registry identification card: means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or registered primary caregiver, as defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

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: or, unless the context requires a different meaning license means a license that is issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

Township: means Vassar Township, a general law township located in Tuscola County, Michigan.

### **Section 1.3 Authorization of Facilities and Fees**

A. The maximum number of each type of Commercial Marijuana Facilities located in the Township of Vassar is set as follows at the time of adoption, but will be reviewed annually or as determined to be advisable at the discretion of the Vassar Township Board of Trustees.

The review and its findings shall be recorded in the minutes of the relevant meeting of the Vassar Township Board.

<u>TYPE OF FACILITY</u>	<u>NUMBER ALLOWED</u>
Grower Type A (Up to 500 plants)	Unlimited
Grower Type B (Up to 1,000 plants)	Unlimited
Grower Type C (Up to 1,500 plants)	Unlimited
Secure Transporter	Unlimited
Processor	Unlimited

Safety Compliance Facility

Unlimited

Provisioning Center

5

B. A non-refundable local permitting fee shall be paid annually to the Township of Vassar by each Commercial Marijuana Facility licensed under this ordinance of no more than \$5,000 as set by resolution of the Vassar Township Board of Trustees.

#### **Section 1.4 General Requirements**

A. No person shall operate a Commercial Marijuana Facility in the Township of Vassar without a valid Marijuana Facility permit issued by the Township of Vassar and shall operate pursuant to the provisions of this ordinance.

B. The requirements set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.

C. At the time of application, each Applicant shall pay a non-refundable application fee to defray the costs incurred by the Township as set by resolution of the Vassar Township Board of Trustees, not to exceed any limitations imposed by Michigan Law.

D. A new or renewal permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the applicant or permit holder, and shall remain valid for one year, until November 15<sup>th</sup> immediately following its approval. A completed application or renewal application must be received by the Township Zoning Administrator or Planning Commission Chairman no later than August 15<sup>th</sup> of each year in order to grant or renew the permit effective on November 15<sup>th</sup> of that year.

E. Each year, any pending applications for renewal of existing permits shall be reviewed and granted or denied before applications for new permits are considered.

F. It is the sole and exclusive responsibility of each current or prospective permit holder to at all times during its operation or application period, immediately provide Vassar Township with all material changes in any information previously provided that may materially affect any state or local permit.

G. No permit issued under this ordinance may be assigned or transferred to any person unless the assignee or transferee has submitted an application, fees and documentation required under this ordinance and has been granted a local permit by Vassar Township. No permit issued under this ordinance is transferable to any other location other than the permitted premises on the permitted property.

H. The original local permit issued under this ordinance shall be prominently displayed in the facility in a location where it can be readily viewed by the public, law enforcement or administrative officials at all times.

I. Acceptance by the permit holder of a permit constitutes consent by the permit holder and its owners, officers, managers, agents and employees for any state, federal or local law enforcement to conduct random, unannounced examinations of their facility and all articles of property therein at any time to insure compliance with this ordinance, the permit or local and state regulations.

J. A permit holder may not engage in any other marijuana facility on the permitted property or premises without first obtaining a separate local permit.

K. No permit shall be granted or renewed for a Commercial Marijuana Facility in a residence, building or area not specifically zoned for that purpose.

L. Receiving and maintaining a valid Marijuana Facility License issued by the State of Michigan is a condition for the issuance and maintenance of a marijuana facility permit under this ordinance and continued operation of any marijuana facility.

### **Section 1.5 Application for Permits**

A. An application for a permit to operate a Commercial Marijuana Facility must be on a form provided by Vassar Township and shall be submitted to the Township Zoning Administrator or Planning Commission Chairman along with the following information:

1. The name, address, phone number and email address of the applicant/s and the type of proposed commercial marijuana facility.
2. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the proposed commercial marijuana facility.
3. One copy each of the following:
  - a. Documentation showing the applicant's valid tenancy, ownership or other legal interest in the property and premises propose to be permitted. If the applicant is not the owner of the proposed permitted property and/or premises, a notarized statement from the owner of such property, authorizing its' use for a commercial marijuana facility.
  - b. If the applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status and attach a copy of all company formation

documents (including amendments), proof of registration with the State of Michigan and a certificate of good standing.

c. A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers and managers of the proposed facility.

d. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.

e. Application for a sign permit, if a sign is being proposed.

f. The non-refundable application fee as set by the Vassar Township Board.

g. Whether any applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action

h. A site plan of the proposed property and an interior floor plan of the proposed premises for the facility as required by the zoning ordinance.

i. Information regarding any other Commercial Marijuana Facility that the applicant is currently authorized to operate in any other jurisdiction within Michigan, another state or country and the applicant's involvement in each facility.

j. Application for Special Use Permit to be issued by the Township Planning Commission.

k. Application for Site Plan review to be issued by the Township Planning Commission.

4. Any other reasonable information requested by Vassar Township that is considered to be relevant to the processing or consideration of the application.

5. Information obtained from the Applicant or Proposed Permit Holder is exempt from public disclosure (FOIA) under state law.

B. Upon receipt of the application and accompanying documentation, the Vassar Township Zoning Administrator or Planning Commission Chairman shall accept the application and assign it a sequential application number by facility type

based on the date and time of acceptance. The Zoning Administrator or Planning Commission Chairman shall act to process an application no later than fourteen business days from the date the application was accepted. If the application is deemed complete, the Zoning Administrator or Planning Commission Chairman shall forward all information to the Planning Commission and establish a date for public hearing and Planning Commission review.

C. A provisional application means only that the applicant has submitted a valid application for a Commercial Marijuana Facility Permit and the applicant shall not locate or operate a facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township. The permits and approvals required include but are not limited to:

1. Special Use Permit as issued by the Township Planning Commission
2. Site Plan approval from the Township Planning Commission

D. Within (10) business days of the Planning Commission's approval of the applicant's Site Plan, Special Use Permit and Commercial Marijuana Facility Permit and payment of the annual non-refundable local permitting fee, the Vassar Township Planning Commission Secretary shall issue the Commercial Marijuana Facility Permit in order of the previously assigned sequential application number.

E. An application is valid one year from the processing date issued by the Township Zoning Administrator or Planning Commission Chairman. If all permits and approvals are not received in that time frame, the application shall be null and void.

### **Section 1.6 Permit Renewal**

A. A marijuana facility permit shall expire each year on the anniversary of the final approval of the Permit unless renewed by the Vassar township Planning Commission and is valid until that date unless revoked as provided by law. A valid Marijuana Facility Permit may be renewed on an annual basis following the review and approval of the Planning Commission, by submitting a Renewal Application form provided by Vassar Township and payment of the annual local Permit Fee (\$5,000). Renewal Applications shall be submitted to and received by the Township not less than ninety (90) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than on hundred twenty (120) days prior to the expiration of the permit.

B. A Permit Holder who Permit expires and for which a complete Renewal Application has not been received by the expiration date shall be presumed to have determined not to seek renewal; provided, such Permit Holder may rebut the presumption and apply for the right to file a delayed Renewal Application prior to the expiration, which shall be granted by the Township unless the



Applicant does not meet Section 2.9. a. & b. The application for the right to file a delayed Renewal Application must be filed before the expiration date, along with late fees imposed by the resolution of the Township Board, any Annual permitting fees shall be paid at the time of the delayed application, and the pre-existing Permit shall thereupon be extended until action is taken on the delayed Renewal Application, but no longer than 6 months after the expiration date. Vassar Township will not accept renewal applications and permit forfeiture will result after the expiration date.

1. A Renewal Application may expressly incorporate by reference information or documentation contained in the original Permit Application or Prior Permit Renewal Application, while making clear where such information or documentation can be found, provided that the information or documentation has not changed.
2. Prior to approval or renewal of an Application for a Marijuana Grower Permit, an Applicant may amend the Class of the Marijuana Grower Permit Application by submitting an application form and expressly incorporation by reference the information or documentation contained in the original Permit Application. The Township may impose a fee as established by resolution of the Township Board. The Applicant will be required to show proof of a valid state License allowing operation of the new class of Marijuana Grower Permit prior to operation.

### **Section 1.7 Applicability**

The provisions of this ordinance shall be applicable to all person and facilities described herein, whether the operations or activities associated with a Commercial Marijuana Facility were established without authorization before the effective date of this ordinance.

### **Section 1.8 Penalties and Enforcement**

A. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500.00, plus costs. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.

B. A violation of this ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, Vassar Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this ordinance.

C. This ordinance shall be enforced and administered by the Township Zoning Administrator or such other Vassar Township official as may be designated from time to time by resolution of the Vassar Township Board of Trustees.

## **Section 1.9 Severability**

In the event any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this ordinance.

## **Section 1.10 Operational Requirements**

A. A Commercial Marijuana Facility issued under this ordinance and operating in Vassar Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it deems reasonable.

**B. Scope of Operation.** Commercial Marijuana Facilities shall comply with all respective applicable codes of the local zoning, building and health departments. The Facility must hold a valid local Permit and State Commercial Marijuana Facility license for the type of Facility intended to be carried out on the permitted property. The Facility owner, Operator or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.

**C. Location.** Each Commercial Marijuana Facility shall be operated only from the permitted premises on the permitted property. No Commercial Marijuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a permitted and licensed secure transporter when engaged in the lawful transport of marijuana.

D. No person under the age of eighteen (18) shall be allowed to enter into a Commercial Marijuana Facility without a parent or legal guardian.

**E. Security.** Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following:

1. Security surveillance cameras installed to monitor all entrances, along with interior and exterior of the Facility;
2. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
3. A locking safe permanently affixed to the permitted premises that shall store all usable marijuana and cash remaining in the Facility overnight;
4. All marijuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the facility; and

5. All security recordings and documentation shall be preserved for at least 5 days by the permit holder and made available to any law enforcement upon request for inspection.

**F. Sale of Marijuana.** Marijuana and marijuana products offered for sale and distribution must be packaged and labeled in accordance with the laws of the State of Michigan.

**G. Sign Restrictions.** No pictures, photographs, drawings or other depictions of marijuana or marijuana paraphernalia shall appear on the outside of any Permitted Premises nor be visible from outside of the Permitted Premises on the Permitted Property.

**H. Use of Marijuana.** The sale, consumption or use of alcohol or tobacco products on the permitted property is prohibited. Smoking or consumption of controlled substances, including marijuana, on the permitted property is prohibited.

**I. Indoor Operation.** All activities of Commercial Marijuana Facilities, including without limitation, distribution, growth, cultivation, processing or the sale or transfer of marijuana, and all other related activity permitted under the facilities license or permit must occur indoors. The facility's operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted facility.

**J. Unpermitted Growing.** Only the entity named in a permit may grow at a Commercial Marijuana grow facility.

**K. Additional Conditions.** The Vassar Township Board may impose such reasonable terms and conditions on a Commercial Marijuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this ordinance and applicable law.

### **Section 1.11 Effective Date**

This Ordinance shall take effect fifteen (15) days following publication or posting after final adoption by the Vassar Township Board of Trustees.

The undersigned Supervisor and Clerk of the Township of Vassar hereby certify that this Ordinance was duly adopted by the Vassar Township Board on the 10<sup>th</sup> day of October, 2017 and was published in the Tuscola County Advertiser on the 14<sup>th</sup> day of October, 2017. This Ordinance shall take effect fifteen (15) days after said date of publication.

## **COMMUNITY PARK ORDINANCE NO. 2017-1**

An ordinance to protect the public health, safety and general welfare by establishing regulations to the operation, control, and management of said park owned by the Township of Vassar, Tuscola County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

### **Section 1 Title**

This ordinance shall be known and cited as the Vassar Township Community Park Ordinance.

### **Section 2 Definitions of Vassar Township Community Park Regulations**

- A. Hours are dawn to dusk
- B. NO motorized vehicles on trails (mobility assist device allowed). Driving a motorized vehicle on trails in the Park for any purpose other than maintenance will result in a fine.
- C. Open to pedestrians and bicycles (bicycles yield to pedestrians)
- D. Dog owners must have pets on a leash and pick up after them
- E. NO alcohol in the park
- F. NO smoking-except in designated area (NE corner of parking lot)
- G. NO glass containers
- H. NO littering, defined as; anything brought into the Park from elsewhere left there without being put in a trash receptacle (will be or may be) construed as littering resulting in the issuance of a fine (Includes 2. D)
- I. NO hunting
- J. NO horses

### **Section 3 Ground Maintenance**

- A. No shrubs, trees, or flowers of any type shall be planted without approval of the Parks and Recreation Committee and the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township Parks and Recreation Committee.
- B. The Township Parks and Recreation Committee reserves the right to authorize the removal or trimming of any tree, plant, or flowers within the Park in the interest of maintaining proper appearance and the use of the Park.

C. The Parks and Recreation Committee shall have the right and authority to remove and dispose of any and all litter or blight determined to be unsightly, a source of litter, or a maintenance problem.

D. Within the (26) acres of the Vassar Township Community Park, (3) acres have been designated for a future Vassar Township Hall.

**Section 4 Park Hours**

A. The park shall be open from dawn to dusk daily.

B. NO persons shall be permitted in the Township Park at any time other than daylight hours and NO overnight stays, except upon permission and permit from the Vassar Township Board of Trustees.

**Section 5 Penalties**

Any person who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to aa fine of \$100.00. Any criminal prosecutions here under shall not prevent civil proceedings for termination of such ordinance which shall continue in full force and effect.

**ENFORCEMENT AND EFFECTIVE DATE**

This ordinance was adopted by the Vassar Township Board at a meeting duly held on the 12<sup>th</sup> day of September, 2017 and was published in the Tuscola County Advertiser on the 22<sup>nd</sup> day of September, 2017. This Ordinance Amendment shall take effect thirty (30) days after the date of publication.

## **ENFORCEMENT OFFICER ORDINANCE NO. NO.-95**

An Ordinance to establish the office of Ordinance Enforcement Officer; to prescribe the duties of said office; to authorize the Township Board to appoint persons to said office; and to amend any ordinances of the Township which conflict with the provisions of this Ordinance.

THE TOWNSHIP OF VASSAR, TUSCOLA COUNTY, MICHIGAN ORDAINS:

### **Section 1 Ordinance Enforcement Officer**

The office of Vassar Township Ordinance Enforcement Officer is hereby established.

### **Section 2 Appointment**

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

### **Section 3 Authority**

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

### **Section 4 Duties**

The Ordinance Enforcement Officer's duties shall include the following: investigation of ordinance violations; issuing and serving ordinance violation notices; issuing and serving appearance tickets as authorized under 1968 Public Act 147, as amended (MCL 764.9c); issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under 1994 Public Act 12, as it may from time to time be amended (MCL 600.8701, et seq); appearance in court or other judicial or quasijudicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcing duties as may be delegated by the Township Board, Township Supervisor, or assigned by the Township Attorney.

### **Section 5 Severability**

The provisions of this Ordinance are severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

### **Section 6 Supplementary Effect**

All ordinances of the Township shall be considered to be supplemented by the terms of this Ordinance.

### **Section 7 Effective Date**

This ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

## **FIRE PROTECTION SERVICE ORDINANCE NO. 2018-01**

An ordinance to protect the health, safety, and welfare by providing for the control of fires which may threaten life and property; to charge a fee to persons who allow fires to burn out of control; to prohibit the turning in of false fire alarms; to charge a fee to persons turning in a false fire alarm; to authorize setting of fees for fire protection services; to authorize the collection of fire protection service fees from owners of property protected by the fire protection service run; and to repeal prior fire resolutions and motions.

THE TOWNSHIP OF VASSAR ORDAINS:

### **Article I. Liability of Setting Fires**

Section 1.01. No fire shall be set outside of an enclosed burner unless the person setting the fire has taken sufficient precautionary measures to prevent the fire from burning out of control, this includes obtaining the required burn permit when necessary.

Section 1.02. Any person who sets a fire which burns out of control shall be liable for the fees and costs established pursuant to Article IV for any fire protection service run made to the fire.

### **Article II. Liability of False Alarms**

Section 2.01. No person shall cause a fire alarm to be turned in unless he has good cause to believe a fire actually exists or unless he has notified the fire department that a fire alarm will be turned in pursuant to testing, repairing, or otherwise working on a fire alarm system.

Section 2.02. Any person who has a fire alarm system on his premises shall maintain such alarm system so that no false alarms are inadvertently transmitted to the fire department from such fire alarm system.

Section 2.03. Any person who in violation of Section 2.01 turns in a false fire alarm or who in violation of Section 2.02 fails to maintain a fire alarm system so as to prevent false alarms, shall be liable for the fees established pursuant to Article IV for any fire protection service run made pursuant to the false alarm.

### **Article III. Liability for Property Protection**

Section 3.01. The owners of real or personal property, including motor vehicles, which the Township attempts to protect using fire department services, shall be liable for any applicable fees and costs established pursuant to Article IV for fire protection service run.

Section 3.02. Public utility companies which own utility lines or other facilities which the Township attempts to protect using fire department services, shall be liable for the



applicable fees and costs established pursuant to Article IV for any fire protection service run.

#### **Article IV. Fees and Cost Recovery**

Section 4.01. The fees charged for fire protection services shall be set by resolution of the Township Board. The fees may be revised at any time by further resolution of the Township Board.

Section 4.02. The responsible party(ies) and/or their insurer(s) shall be billed for the services provided.

Section 4.03. In the event that a fire or hazardous situation necessitates that the fire department expend time, equipment, or materials in excess of the standard fire protection service fee, the responsible party shall also be liable for the actual costs in excess of the fire department services fee amount.

Section 4.04. Any responsible party who receives a bill for fire protection service fees may appeal said fees before the Township Board. A responsible party who desires to appeal before the Township Board shall file a written request therefore with the Township Administrative Assistant within the time period for which a bill is payable. Any such request shall specifically identify and explain all reasons why the responsible party believes the fees should be modified. Upon receipt of such a request, the Township Supervisor will place the responsible party on the agenda of the next regularly scheduled Township Board meeting, which meeting is to be held at least seven (7) calendar days after the date on which the responsible party files the request to appear. After said hearing, the Township Board shall promptly determine whether to confirm, modify, or void payment of the fees. Failure to file a timely written request to appeal before the Township Board shall constitute a waiver of the responsible party's right to same.

#### **Article V. Enforcement**

Section 5.01. Any person, entity, or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction subject to payments of a civil fine of not less than fifty and 00/100 (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Vassar Township Civil Infraction Ordinance.

Section 5.02. In addition to any and all other remedies available pursuant to applicable law, the Township may proceed with collection proceedings, through the District or Circuit Courts, or through a collection agency, against any person, entity, or corporation who fails to pay the full amount of any fees and cost recovery charged pursuant to this Ordinance.

Section 5.03. Any fire protection service fee that remains unpaid for ninety (90) days after the first mailing to the responsible party may be assessed as a lien against any real property owned or in which an interest is held by a responsible party within the Township of Vassar, and from, upon or pertaining to which property the public safety or

fire emergency incident occurred. Such lien shall remain upon the property until the charges have been paid in full and may be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes. Said lien rights shall not preclude the Township from initiating collection proceedings or to pursue such other remedies as may be available under applicable law as set forth above in Section 5.02.

#### **Article VI. Repeal of Prior Motions and Resolutions**

Section 6.01. Any motions or resolutions as to fire protection services previously adopted by the Vassar Township Board prior to the adoption date of this ordinance are hereby repealed as of the effective date of this ordinance.

#### **Article VII. Severability**

Section 7.01. In the event any one or more sections, provisions, phrases, or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or words of this ordinance.

#### **Article VIII. Enactment and Effective Date**

Section 8.01. This ordinance was adopted by the Vassar Township Board at a meeting duly held on the 18<sup>th</sup> Day of October, 2018 and was published in the Tuscola County Advertiser on the 24<sup>th</sup> day of October, 2018. This ordinance became effective thirty (30) days after said date of publication.

**FISCAL YEAR ORDINANCE NO. 23**

ADOPTED 14, 1979  
EFFECTIVE SEPT. 22, 1979

An Ordinance to establish the fiscal year of the Township of Vassar, Tuscola County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF VASSAR, TUSCOLA COUNTY, MICHIGAN HEREBY ORDAINS:

**Section I**

Commencing in 1979, the fiscal year of the Township of Vassar shall extend from July 1<sup>st</sup> of each year until June 30<sup>th</sup> of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

**Section II**

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

**Section III**

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

**Section IV**

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**FLOODPLAIN MANAGEMENT ORDINANCE NO. 2012-1**

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Vassar located in Tuscola County, Michigan, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act.

THE TOWNSHIP OF VASSAR ORDAINS:

**Section 1. Agency Designated**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b (6) of Act 230 of the Public Acts of 1972, as amended, the Building Official of the County of Tuscola is hereby designated as the enforcing agency to discharge the responsibility of the Township of Vassar under said Act 230. The County of Tuscola assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of Vassar Township.

**Section 2. Code Appendix Enforced**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b (6) of Act 230 of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Township of Vassar.

**Section 3. Designation of Regulated Flood Prone Hazard Areas**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled “Tuscola County, Michigan (All Jurisdictions)” and dated April 3, 2012, and the Flood Insurance Rate Maps panel numbers 26157C, 0339E, 0343E, 0344E, 0363E, 0477E, 0479E, 0481E, 0482E, 0483E, 0484E, 0491E, and 0492E dated April 3, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

**Section 4. Repeal**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**Section 5. Effective Date**

This ordinance shall be effective upon the date of publication specified below.

The undersigned Supervisor and Clerk of the Township of Vassar hereby certify that this Ordinance was duly adopted by the Vassar Township Board on the 13<sup>th</sup> day of March, 2012 and was published in the Tuscola County Advertiser on the 28<sup>th</sup> day of March, 2012.

## GENERAL ORDINANCES ARTICLE 25

### **Section 25.01 Noise Control in Vassar Township**

An ordinance prohibiting unnecessary noises within the Township.

#### **Section 1. Definition**

Whatever injuries, or endangers the safety, health, comfort, or repose of the public; or offends public decency is hereby declared a public nuisance.

#### **Section 2. Unlawful Noise Prohibited**

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud, or any noise which either disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the Township. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely;

A. Horns and Signal Devices: The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as breaks are applied and decelerating of the vehicle has begun; the creation by means of such signal device of any unreasonably loud or harsh sounds; the sounding of any signal device for any unreasonable or unnecessary period of time.

B. Radio, Phonograph, Musical Instruments: Radios, phonographs, etc., the use, operation, or permitting to be played, used operated, any radio receiving set, musical or reproduction of sound in such manner as to disturb the peace, of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntarily listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of ten (10) o'clock p.m. and seven (7) o'clock a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from any building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

C. Shouting and Whistling: Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of ten (10) o'clock p.m. and seven (7) o'clock a.m., or the making of any such noise at any time or place so as to disturb the peace of persons in any dwelling, hotel, hospital, or other type of residence, or in any office or of any persons in the vicinity.

D. Animal and Bird Noises: The keeping of any animal or bird by which causing abnormal, frequent or loud continued noise, shall not disturb the peace of any person; the offense must be witnessed by an official from beyond the property line.

E. Engine Exhaust: The discharge into the open air of the exhaust of any steam engine, or internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises there from.

F. Construction Noises: The erection (including excavation therefore), demolition, alteration, or repair of any building, and the excavation of streets and highways on Sundays and other days, except between the hours of seven (7) o'clock a.m. and ten (10) o'clock p.m., unless a permit there for be obtained from the Township Supervisor.

G. Schools, Courts, Churches, Hospitals: The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court, while the same are in use, or adjacent to any hospital, which unreasonable interferes with the functions of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating the same is a school, hospital, court or church street.

H. Devices to Attract Attention: The use of any drum, loud speaker, amplifier, or other instrument, or device for the purpose of attracting attention for any purpose.

### **Section 3. Exceptions**

None of the terms or prohibitions of the precious section shall apply or be enforced against:

A. Emergency Vehicles: Any police or fire vehicle or any ambulance, while engaged upon necessary emergency business.

B. Highway and Utility Maintenance and Construction: Necessary excavations in or repairs of bridges, streets, or highways, or public utility installation by or on behalf of the township, or any public utility or any agency of the State of Michigan, during the night or on Sunday when public safety, welfare, and convenience necessitates the performance of the work at such time.

C. Public Addresses: The reasonable use of stationary amplifiers or loud speakers for public addresses which are noncommercial in character.

D. Music: The use of sound amplifiers or other devices by individuals approved by the Township Board or by a permit issued by the Supervisor.

E. Trains

### **Section 4. Retaliation**

If there be any evidence of retaliation by any offender against any complainant or witnesses, such evidence shall be communicated to the District Court Magistrate. In sentencing any violator, the District Court or Magistrate shall first examine the evidence of retaliation, and if such be shown, shall consider such acts and sentence the violator accordingly.

### **Section 5. Penalties**

Any person who violates any provision of this ordinance shall have fourteen (14) days verbal warning to correct the problem or be fined according to the municipal violation Section 3.04, E of Article 3 of this ordinance.

### **Section 6. Separate Ability**

It is the intention of the Township Board that each separate division of this ordinance shall be independent of all other provisions herein, and it is further the intention of the Township Board that if any provisions of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

### **Section 7. Effective Date**

This ordinance shall become effective after publication and expiration of the time prescribed by law.

(Adopted on September 14, 2004)

**LAND DIVISION ORDINANCE NO. 99-2**

ADOPTED 3-9-99  
AMENDED December 14, 2021  
EFFECTIVE 3-13-99

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF VASSAR; TUSCOLA COUNTY, MICHIGAN ORDAINS:

**Section I. Title**

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

**Section II. Purpose**

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

**Section III. Definitions**

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

A. "Applicant"- a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

B. "Divide" or "Division"- the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the



requirements of the Sate Land Division Act, or the requirements of other applicable local ordinances.

C. "Exempt Split" or "Exempt Division"- the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

D. "Forty acres or the equivalent"- either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

E. "Governing body"- the Vassar Township Board

#### **Section IV. Prior Approval Requirement for Land Divisions**

Land in the Township shall not be divided without prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.

B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

#### **Section V. Application for Land Division Approval**

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

A. A completed application form on such form as may be approved by the Township Board

B. Proof of fee ownership of the land proposed to be divided.

C. A survey of the proposed division showing, with stake. To scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.

D. Proof that all standard of the State Land Division Act and this Ordinance have been met.

E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

F. A fee as determined by the Township as listed on the Fee Schedule for land divisions to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

## **Section VI. Procedure for Review of Applications for Land Division Approval**

A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Decision Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

### **(Optional)**

B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions and transfers.

D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

## **Section VII. Standard for Approval of Land Divisions**

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

A. All parcels created by the proposed division(s) must meet the current lot requirement of the zoning ordinance (road frontage; required front setback line,

whichever is appropriate) unless otherwise provided for in an applicable zoning ordinance.

B. All such parcels shall contain a minimum area of acres as required in the current zoning ordinance unless otherwise provided for in an applicable zoning ordinance.

C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from abutting road right-of-way to the most remote boundary line point of the parcel from the point commencement of the measurement unless otherwise provided for in an applicable zoning ordinance.

D. The proposed land division(s) comply with all requirements of this Ordinance and the zoning ordinance and the State Land Division Act.

E. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

### **Section VIII. Consequences of Noncompliance with Land Division Approval Requirement**

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

### **Section IX. Severability**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court or competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

### **Section X. Repeal**

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

## **Section XI. Effective Date**

This ordinance shall take effect upon publication following its adoption.

### **PLANNING COMMISSION ORDINANCE**

An ordinance to re-authorize the Vassar Township Planning Commission as previously established by resolution; to enumerate powers and duties of the Planning Commission; to provide for the appointment, term of office, compensation and removal of members; to establish meeting requirements; to provide for the appropriation of funds for the operation of the Planning Commission; and to repeal any ordinance provisions or resolutions in conflict therewith.

THE TOWNSHIP OF VASSAR ORDAINS:

#### **Section 1. Planning Commission Authorization**

In accordance with the Michigan Planning Enabling Act (Public Act 33 of 2008), the Vassar Township Planning Commission previously established by resolution is hereby continued, with the powers and duties set forth in this Ordinance.

#### **Section 2. Membership and Appointment**

The Planning Commission shall consist of seven (7) members who are qualified electors of the Township. Members shall be appointed by the Township Supervisor with the approval of the Township Board. One (1) of the Planning Commission members shall be an ex-officio member who shall also be a member of the Township Board. Vacancies occurring for any reason shall be filled for the remainder of the unexpired term by appointment of the Township Supervisor with the approval of the Township Board. The membership of the Planning Commission shall be representative of important segments of the community, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. No employee of the Township shall be a member of the Planning Commission.

#### **Section 3. Terms of Office**

Each appointed member, except the ex-officio member, shall serve for a three (3) year term. Terms shall be staggered so that no more than two (2) of the members' terms (not counting the ex-officio's term) shall expire in any one (1) year. Members may be eligible for reappointment at the discretion of the Township Supervisor. Current members shall serve until their current terms expire, unless they are removed in accordance with Section 6 or they resign. The term of office of the Township Board member who serves on the Planning Commission shall correspond to the term of office on the Township Board.

#### **Section 4. Planning Commission Officers**

The Planning Commission members shall elect a Chairperson, Vice Chairperson, and a Secretary for terms of one (1) year. The Township Board member may not serve as the Chairperson for the Vice Chairperson.

#### **Section 5. Compensation and Expenses**

Members of the Planning Commission shall be compensated for their services and reimbursed for expenses as provided by the Township Board.

#### **Section 6. Removal for Cause**

A member of the Planning Commission may be removed by the Township Board, after written charges and a public hearing, for nonfeasance, misfeasance, or malfeasance in office. Failure to disclose a potential conflict of interest as defined in the Bylaws of the Planning Commission shall be considered malfeasance. Failure to repeatedly attend Planning Commission meetings as defined in the Bylaws of the Planning Commission shall be considered nonfeasance.

#### **Section 7. Planning Commission Meetings**

The Planning Commission shall meet each month, if there is business to be conducted. In no event shall the Planning Commission hold less than four (4) regular meetings during each calendar year. The majority of the Commission shall constitute a quorum for the transaction of ordinary business. All questions which arise at Planning Commission meetings shall be determined by a vote of the majority of the members present, except for approval of a proposed Master Plan or Master Plan Amendment which shall be by affirmative vote of a majority of all Planning Commission members.

#### **Section 8. Annual Report and Budget**

The Planning Commission shall submit an annual report to the Township Board which shall include a proposed Planning Commission budget. The Township Board shall annually appropriate the funds necessary, in its judgment, for the operation of the Planning Commission during the fiscal year.

#### **Section 9. Statutory and Ordinance Authority**

The Planning Commission shall have all of the powers and duties set forth in the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended) and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which shall include the following:

- a. Preparation of the Township Master Plan and any necessary amendments for recommendation to the Township Board;

- b. Preparation of a Township Zoning Ordinance and any necessary text amendments for recommendation to the Township Board;
- c. Consideration of requested rezoning of property and recommendation to the Township Board;
- d. Hear and decide any requests for special land use approvals;
- e. Review and decide any requests for site plan approval;
- f. Review and decide any requests for private road approval;
- g. Prepare and adopt Bylaws for the Planning Commission;
- h. Perform any duties as may be assigned to it by the Township Board or pursuant to Township ordinances, Bylaws and records, or State statutes

**Section 10. Bylaws and Records**

The Planning Commission shall adopt Bylaws for transaction of business. The Commission shall also keep a record of its resolutions, findings, and determinations, all of which shall be public records.

**Section 11. Repeal of Conflicting Provisions**

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

The undersigned Supervisor and Clerk of the Township of Vassar hereby certify that this Ordinance was duly adopted by the Vassar Township Board on the 10<sup>th</sup> day of March, 2009 and was published in the Cass River Trader on the 16<sup>th</sup> day of March, 2009. This Ordinance shall take effect sixty-three (63) days after said date of publication.

**PRIVATE ROAD AND DRIVE ORDINANCE NO. 2013-2**

An ordinance to regulate the design, construction, inspection, approval, and maintenance of private road and private drive easements within the Township.

THE TOWNSHIP OF VASSAR ORDAINS:

**Section 1. General Provisions for Private Roads and Drives**

A. For purposes of this Ordinance, the term “private road” is defined as a privately-owned easement or other road access which provides access to five (5) or more building sites which are not located on parcels of land having frontage on a public road. The term “private road” shall also include any road access which exceeds of six hundred (600) feet in length.

B. For purposes of this Ordinance, the term “private drive easement” is defined as a private access easement serving at least two (2) but no more than four (4) building sites. In order to qualify as a “private drive easement” the easement shall have a length of no more than six hundred (600) feet.

C. No private road or private drive easement shall be constructed within the Township unless it is in compliance with the requirements of this Ordinance.

D. No zoning compliance permit, building permit, or certificate of occupancy for any structure shall be issued within the Township unless the parcel of land fronts on a public road or on a private road improved to the standards of the Ordinance or unless the parcel has access by a private drive easement pursuant to Section 1.

G. Each parcel on a public or private road shall have road frontage equal to the minimum lot width required by the zoning ordinance.

E. Private roads and private drive easements shall not be dedicated to the Township.

F. Private roads and private drive easements shall not be maintained by the Township except pursuant to a duly established special assessment district which assesses the entire cost to the benefitting property owners.

G. A private drive easement may be utilized in lieu of road frontage, provided the following conditions are met:

1. The private drive connects directly onto a public road.
2. The private drive is located on a legally valid and recorded easement to other interest in land which is attached to the residential lot or parcel.
3. The width of the easement or other legal interest in land on which the private drive is located is at least sixty-six (66) feet in width.

4. Minimum construction standards shall include eight (8) inches of sand base, four (4) inches of gravel, and a minimum fifteen (15) foot wide surface with adequate drainage. Each street shall end with a turnaround with at least a seventy-five (75) foot radius.

5. The private drive does not serve less than two (2) parcels nor more than four (4) parcels of land.

6. For private drive easements serving more than one (1) building site, a Private Drive Maintenance Agreement acceptable to the Township shall be filed along with the land division application and subsequently recorded with the Register of Deeds.

## **Section 2. Minimum Construction Standards for Private Roads**

A. All private road right-of-way shall be a minimum of 66 feet in width and shall be shown on the land division drawing as an easement for roadway purposes.

B. All trees, stumps, brush, and the roots thereof shall be entirely removed from within the grading limits of all private roads.

C. A drainage plan, with any necessary easements, shall be engineered and developed in conformity with the Design Standards contained in the Subdivision Control Procedures adopted by the Tuscola Drain Commissioner. The drainage plan shall be designed to provide for drainage of all properties served by the private road.

D. All construction standards required by the Tuscola County Road Commission for new road construction shall be complied with, except for paving requirements.

E. A private road maintenance agreement describing the private road easement, any drainage easements, and the provisions for road and drainage maintenance shall be recorded with the Register of Deeds and also provided to the purchaser. The maintenance provisions shall apportion the maintenance responsibilities among the benefitting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney for legal sufficiency prior to recording.

## **Section 3. Requirements for Planning Commission Approval**

A. Plans for private roads and private drive easements shall be submitted to the Township Planning Commission for review. Materials submitted shall include:

1. A legal description and survey drawing of all properties to be served by the private road or drive, together with verification that all proposed



parcels are in compliance with zoning ordinance and Land Division Act requirements.

2. A legal description and survey drawing of the proposed private road or private drive easement and drainage easements.

3. Drawings showing all existing and proposed structures, roads, drives, drains and other significant physical features on the property.

4. Engineering plans prepared by a registered civil engineer for a proposed private road which comply with Section 2 of this Ordinance. This requirement applies to private roads and not to private drive easements.

5. A proposed road or drive and drainage maintenance agreement. The agreement shall utilize the model agreement provided by the Township or else shall be accompanied by a written opinion from the Township Attorney indicating that the alternate agreement complies with this Ordinance.

B. No private road or private drive easement construction shall begin until the Planning Commission has approved the proposed road by a recorded vote.

#### **Section 4. Inspections, Fees, and Permits for Private Roads**

A. The Township shall not grant final approval for the use of any private road until the completed road has been inspected for compliance with this Ordinance.

B. The Township may contract with a public agency or a civil engineer to inspect private road improvements. The inspecting civil engineer shall not be the same engineer that prepared the private road plans. All engineering and inspection costs shall be paid by the developer.

C. The Township Board shall establish fees to cover all the costs of review and inspections. The fee shall include an administrative fee plus a deposit to cover reimbursement of all costs for engineering reviews, legal reviews, and inspections.

D. A permit shall be obtained as to compliance with the Michigan Soil Erosion and Sedimentation Act prior to the commencement of road construction.

E. If construction is to occur within five hundred (500) feet of a lake or stream, a permit shall be acquired from the Michigan Department of Natural Resources & Environment.

F. Permits shall be obtained from the County Road Commission before entrances are constructed on to any county or state rights-of-way.

## **Section 5. Completion Date and Performance Bond for Private Roads**

A. A private road shall be fully constructed to all specifications within one (1) year of the date that Planning Commission approval is granted. The Planning Commission may grant extensions of up to one (1) additional year.

B. The applicant shall file a financial guarantee with the Township Clerk in the form of a cash deposit, certified check, certificate of deposit, irrevocable bank letter of credit or surety bond acceptable to the Township sufficient to cover the total cost of the required road improvements. When the work is completed by the applicant and approved by the Township, the financial guarantee will be returned to the applicant.

## **Section 6. Appeals**

A. The Township Board of Zoning Appeals shall have jurisdiction to consider appeals for variance from this Ordinance.

B. A variance may only be granted by the Board of Zoning Appeals if the applicant can show a unique hardship related to the specific property if the strict requirements of the ordinance are applied.

The undersigned Supervisor of the Township of Vassar hereby certified that this Ordinance was adopted by the Township Board at a meeting duly held on the 12<sup>th</sup> day of November, 2013 and was published in the Tuscola County Advertiser on the 23<sup>rd</sup> day of November, 2013. This Ordinance became effective upon the date of publication.

# **POLICIES**

## **CREDIT CARD USAGE POLICY**

The Clerk is responsible for issuing, accounting for, monitoring, retrieving and generally overseeing compliance with the township's credit card policy.

The Township credit card may be used only by the designated employee for the purchase of goods or services for the official business of the township.

The use of the credit card is limited to the following circumstances:

- Purchase of supplies where no account is available
- Purchases under \$500 without prior authorization
- Credit card with a max limit of \$500

The township employee who uses the credit card shall, as soon as possible, submit a copy of the vendor's credit card slip to the clerk. If no credit card slip is obtained that described the transaction, the employee shall submit a signed voucher that show the name of the vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction. All credit card slips shall include this information well. Vouchers shall also include a statement of why a credit card slip was not obtained.

An official or employee who is issued a credit card is responsible for its protection and custody. If a credit card is lost or stolen, the clerk shall be notified. The entity issuing the lost or stolen credit card shall be immediately notified to cancel the card.

The employee issued a credit card shall return the credit card to the clerk upon termination of his or her employment or service to the township.

The clerk shall maintain a list of all credit cards owned by the township, along with the name of the employee who has been issued the credit card, the credit limit established, the date issued, and the return date. Each employee shall initial the list beside his or her name to indicate agreement that the credit card has been issued, and that the employee has received and read a copy of this policy.

The clerk shall review each credit card statement as soon as possible to ensure that transactions comply with this policy. Any transaction that appear on the statements that are not documented with a credit card slip or a signed voucher shall be immediately investigates. Transactions that do not appear to comply with this policy shall be reported to the township board.

The township board shall not approve a payment to the entity issuing the credit card until all transactions have been verified, including the approval of all transaction invoices if issued.

The balance, including interest due on an extension of credit under the credit card agreement, shall be paid for within no more than 60 days of the initial statement date.

Officers and employees who use a township credit card in a manner contrary to this policy shall be subject to disciplinary action, including possible termination of employment, reimbursement to the township for unauthorized expenditures, legal action or criminal liability.

## FACEBOOK POLICY

### **Purpose:**

Vassar Township's Facebook page, Vassar Twp Community, also known as Vassar Twp Hall (the "Facebook page"), will be to update awareness and enhance communication with the Township residents and others. It will announce current events, meeting schedules and topics of interest concerning Vassar Township and areas within a 50-mile radius.

### **Policy:**

This policy shall apply to all users of the Facebook page. The Facebook page will be actively monitored by Administrators designated by the Township Board. All comments will be reviewed before being posted.

### **Rules:**

All posts are monitored. The township reserves the right to delete comments, posts or content that are or includes the following:

- Vulgar or obscene language or content
- Sexual or violent content Defamatory or disparaging language or Content ~ False, misleading or deceptive information or media
- Personal attacks, threatening or harassing comments or content of any kind
- Spam or links to other sites
- Copyrighted material or other content that violates the legal ownership interest of another party
- Any comment or content that constitutes, promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability or sexual orientation, or any other classification protected by applicable federal, state, or local law or regulation
- Any comment or content that advocates illegal activity
- Opposition to or promotion of political campaigns or ballot proposals
- Personally, identifiable or protected medical information
- Information that may compromise the safety, security or proceedings of public systems or any criminal or civil investigations
- Off topic posts or comments that do not directly relate to the information or comments posted or displayed on the Facebook page
- Personal fundraising
- Advertisements for products or services

**Disclaimer:**

Opinions expressed by visitors to the Facebook page do not reflect the opinion of Vassar Township. By visiting this site, you understand and agree that the Facebook page is provided "AS IS". The information contained herein is for INFORMATIONAL PURPOSES only, and is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided solely as a service and convenience to people needing information about local events and meetings.

Meeting minutes, notices and/or any other Vassar Township documents and information posted to another page/group by a Vassar Township board or committee member may be subject to reposting to the Vassar TWP Hall Facebook page.

All Vassar Township policies are applicable to interactions on social media sites when acting in an official capacity and representing Vassar Township.

**Violators:**

Vassar Township reserves the right to immediately and permanently ban and/or block from the Facebook page anyone who violates this policy and the rules and guidelines set forth herein.

**FEE SCHEDULE**

Per Resolution 21-2012, 10-2013, 23-2017, 04-2022

Zoning Board of Appeals.....	\$250.00
Request for Rezoning ..... (at Regular Meeting)	\$150.00
..... (at Special Meeting)	\$450.00
Special Land Use Permit ..... (at Regular Meeting)	\$150.00
..... (at Special Meeting)	\$450.00
Zoning Permit-Residential.....	\$25.00
Zoning Permit- Industrial/Commercial .....	\$50.00
Home Occupation.....	\$25.00
Land Division .....	(First Division) \$125.00
..... (Each Addition Division)	\$25.00
Lot Line Adjustment .....	\$35.00
Lot Combination .....	\$35.00
Private Road Application .....	\$80.00
Performance Bond for Inspection 75% of Completed Road Estimated Cost	
Fire Run Fee .....	\$500.00
Copy of Township Zoning and General Ordinances..... (Non-Residents)	\$12.00
..... (Residents)	No Charge
Copy of Township Ordinances on Electronic Device..... (Non-Residents)	\$12.00
..... (Residents)	No Charge
Marijuana Special Land Use Permit Application .....	\$500.00
	(per permit type)
Marijuana Annual License .....	\$5,000.00
	(per permit type)
Purchase Application Package- Medical or Adult- Use -----	\$25.00

Late Fee: to apply for delayed renewal after application deadline but, before expiration.

89 to 60 days \$100.00      59 to 30 days \$200.00      29 days to expiration date \$300.00

## **FREEDOM OF INFORMATION ACT REQUESTS**

Vassar Township will comply with the Michigan Freedom of Information Act (FOIA) Public Act 442 of 1976, MCL 15.231-15.246.

It is Vassar Township's policy with respect to Freedom of Information Act ("FOIA") requests to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request. The Vassar Township Board has established written "FOIA Procedures and Guidelines" to implement the FOIA and has created a "Written Public Summary of FOIA Procedure and Guidelines" relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. "Vassar Township Board has will comply with the Michigan Freedom of Information Act (FOIA) Public Act 442 of 1976, MCL 15.231-15.246." All of the above listed FOIA policies, summaries, and other documents are hereby incorporated by reference into this Policy Manual as if completely restated herein.



## **INVESTMENT POLICY**

The Vassar Township Board authorizes the treasurer to manage the custody of funds belonging to the Township, including depositing funds in approved depositories and administration of expenditures in conformance to policies established by the board.

The following types of financial institutions are approved depositories of Township funds: banks and credit unions in Tuscola County.

The Treasurer shall:

- Report to the board whenever changes are made in institutions that hold township funds on deposit for investment purposes.
- Select institutions based on their record of satisfactory performance and the solvency of the institution.
- Periodically evaluate the market and investigate various firms on a competitive basis for investment or deposit administration.
- Maintain an amount of funds in an interest-bearing checking account that provides maximum liquidity for meeting current obligations of the Township.
- Ensure that the administration charges incurred do not exceed the earnings on funds deposited in this fund.

When the Treasurer's analysis of the Township's cash flow requirements reveal that surplus funds will not be required for current expenditures for a specific length of time that will maximize yield, yet ensure that such funds will become available when needed.

The Treasurer is empowered to:

- Make prudent investments of the Township's surplus funds, in conformance with board policy.
- Invest Township funds in the following instruments: Money Market Accounts, Savings and Checking Account, CD's
- Use his/her best judgement in transferring funds between approved investment instruments. Selection of investments will be based on the following criteria:

- Liquidity:** Surplus funds will be invested in instruments that mature in no more than 12 months. Except certain Perpetual Care Funds which may be invested for longer periods. Investment instruments of lesser maturity dates may be used when indicated by the treasurer's analysis of the township's cash requirements. Sufficient funds will be maintained in checking accounts to meet current obligations. Such balances will be maintained at a minimum level when checks are not currently outstanding on the account. Funds held for future capital projects shall be invested in long-term securities that can reasonably be expected to produce sufficient income to offset inflationary construction cost increases.

- Risk:** Safety of principal is the foremost objective of Vassar Township. The treasurer may invest in approved instruments that guarantee the Township's principle. The treasurer is empowered to use prudent judgement to invest in instruments that do not guarantee a specific rate of return in order to maximize yield flow.

- Rate of Return:** The investment portfolio of the Township shall be designed to attain a market average of return during budgetary and economic cycles. The treasurer shall select investment instruments that offer the highest yields at an acceptable level of risk while taking into account the township's projected cash.

- Administrative Costs:** The treasurer shall continually evaluate the administration costs incurred to an institution that is administering, idle funds and shall make the consideration of such costs in determining the net yields offered by various instruments and institutions.

The senior management of any firm, dealer, broker, or financial institution seeking to administer funds of the township shall be given a copy of this policy statement. A statement shall be provided to the township that senior manager has reviewed the policy statement and has provided copies to subordinate staff handling the township's account.

The board shall periodically review the performance of the township's investments against these criteria.

**KEY POLICY 7-28-2018**

The Vassar Township Board of Trustees authorizes the following people to have access to the township hall with a key and access code:

Clerk	Treasurer	
Supervisor	Each Trustee	Assessor

The following additional people may be authorized to have access to the township hall with a key and access code

Clerk Deputy	Treasurer Deputy	Supervisor Deputy
Administrative Assistant	Zoning Administrator	Cleaner
Board of Review Chair	Security Company	Parks & Rec. Chair
Sheriff's Deputy	Zoning Board of Appeals Chair	

Additional Planning Commission Member (besides the Board Representative)  
Planning Commission Chair                      Planning Commission Secretary

The Vassar Township Board of Trustees authorizes the following people to have access to the township halls **STA** office with a key:

Treasurer	Sheriff's Deputy	Cleaner
Supervisor	Assessor	Deputy Supervisor
Deputy Treasurer		

The following additional people may be authorized to have access to the township hall **STA** window with a key:

Zoning Administrator	Administrative Assistant	Clerk
Treasurer		

The Vassar Township Board of Trustees authorizes the clerk to hold keys for the township's offices and properties. Said keys will be kept in a lock box and placed in the safe. The following additional people may be authorized to have access to the clerk's office and safe.

Supervisor

Upon receiving a key, a person will sign and date a statement assuming responsibility for the key to be kept in the clerk's office. Upon return of the key, a statement is signed and dated releasing the person from the responsibility of the key.

If a key is lost, misplaced, or stolen, the person responsible for the key has the responsibility to notify the township board, after which the township board shall make a decision on how to address the issue, including but not limited to reissuing a new key, not reissuing a key, or changing the locks. If a person no longer authorized refuses to return a key, it goes to the board for further action.

**Keys;** See Key Policy, 2-5-2013, section 12, approved Resolution on August 15, 2017 at the Vassar Township Board of Trustees Meeting, VASSAR TOWNSHIP

## **PUBLIC INSPECTION AND COPYING OF RECORDS**

- 1) Vassar Township website has Assessing Records, Zoning Ordinances, Land Division applications, and various forms, available for the public to view at [www.vassartownship.org](http://www.vassartownship.org)
- 2) Request for public inspection and copy of public records may be made verbally or in writing to the township or authorized individual responsible for said public records or to the Vassar Township Clerk at the Vassar Township Hall, located at 4505 W Saginaw Rd, Vassar, MI 48768 or fax # (989) 823-0193. The Clerk will notify individuals responsible for said records of the request.
- 3) Any request made pursuant to Michigan's Freedom of Information Act will be subject to Vassar Township's FOIA procedure which is available from the Township Clerk.
- 4) If a verbal request is made, township officials may make a checklist of the request. The requesting party may be asked to sign the checklist to confirm what is being requested.
- 5) Dates and time for public inspections are the business hours for Vassar Township Hall. The hours are posted on the township web site: [www.vassartownship.org](http://www.vassartownship.org)

## **PUBLIC MEETING/HEARING POLICY**

All meetings of the Vassar Township Board and other township public bodies must be open to the public according to the Michigan's Open Meeting Act, Public Act of 267 of 1976, MCL 15.261.

### **To comply with the OMA, a public body must:**

- Properly notice all public meetings
- Keep minutes of each public meeting and make them available to the public
- Provide an opportunity for public comment
- Do all business in open session
- Go into closed session only for reasons permitted by the OMA
- Vote only in open session

### **The public is allowed to participate in a public meeting in the following ways:**

- All public meetings will be held at the Vassar Township Hall, 4505 W. Saginaw Rd., Vassar
- All persons will be permitted to attend any meeting, except as otherwise provided by the OMA.
- A person attending an open meeting has the right to tape record, video tape or broadcast live the proceedings of the meeting.
- At least one opportunity for public comment will be included in each public meeting. Any person may speak for up to three minutes during the public comment period. Once the person is directed by the Supervisor to speak, they must stand and state their full name and address. Groups of ten or more have the option of selecting a spokesperson, who may speak for up to 20 minutes.

### **Board Members will receive their meeting information in the following ways:**

- Meeting packets will be delivered to each board member no later than the Friday preceding the board meeting.
- Any information received after Friday deadline will not be added to the agenda. It will be the Supervisor's discretion whether the issue will be discussed at the upcoming meeting or tabled until next month. All board members will be notified of any additions to the agenda before the start of the meeting.
- The Supervisor will create the agenda and provide any necessary documents and ask Board members if they have anything to add for the meeting packets before the Friday deadline. The Supervisor will put the meeting packets together and distribute them to the board members.
- Other Township public bodies, such as the Planning Commission, Zoning Board of Appeals, Parks and Recreation and Board of Review will provide a meeting packet by the Friday before the meeting, except for special meetings, the meeting packet will be provided no later than 24 hours prior to the meeting. The board's Chairperson will create the agenda and provide any necessary documents to the board's members by the Friday before the meetings.

- All minutes from any public meeting will be made available to the public no later than 8 business days after the meeting. Minutes will be available for review at the Vassar Township Hall, 4505 W. Saginaw Rd., Vassar. Members of each public body, as well as the Clerk and Administrative Assistant, will receive their minutes either by e-mail or regular mail. It is up to each public body to determine their process of distributing minutes to each board member.

A Trustee, Board Secretary or Township Hall Administrative Assistant will create, publish and post the notice and a copy given to the Clerk and Administrative Assistant which can be e-mailed. Notices will be posted to Facebook, the sign, the window, the web page and if necessary, published to the paper.

## **SOCIAL SECURITY NUMBER PRIVACY POLICY**

### Resolution of Adoption

WHEREAS, the Township of Vassar (the “Township”) is required by the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, MCL 445.81 et seq., (the “Act”) to create a privacy policy concerning Social Security numbers and how those numbers are obtained, stored, transferred, used, disclosed, and disposed of.

NOW, THEREFORE, BE IT RESOLVED that it is the policy of the Township to protect the confidentiality of Social Security numbers obtained in the ordinary course of Township business from employees, vendors, contractors, customers, or others. No person shall knowingly obtain, store, transfer, use, disclose, or dispose of a Social Security number that the Township obtains or possesses except in accordance with the Act and this Privacy Policy.

BE IT FURTHER RESOLVED that the following procedures shall apply:

1. **Obtaining Social Security Numbers.** Social Security numbers should be collected only where required by federal and state law, or as otherwise permitted by federal and state law, for legitimate reasons consistent with this Privacy Policy. Legitimate reasons for collecting a Social Security number include, but are not limited to, the following:

- a. Applicants may be required to provide a Social Security number for purposes of a preemployment background check.
- b. Copies of Social Security cards may be obtained for purposes of verifying employee eligibility for employment.
- c. Social Security numbers may be obtained from employees for tax reporting purposes, for new hire reporting, or for purposes of enrolment in any Township employee benefit plans.
- d. Social Security numbers may be obtained from creditors or vendors for tax reporting purposes.

2. **Public Display.** All or more than four sequential digits of a Social Security number shall not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, permits, licenses, or any other materials or documents designed for public display. Documents, materials, or computer screens that display all or more than four sequential digits of a Social Security number shall be kept out of public view at all times.

3. **Account Numbers.** All or more than four sequential digits of a Social Security number shall not be used as a primary account number for an individual.

4. **Computer Transmission.** All or more than four sequential digits of a Social Security number shall not be used or transmitted on the Internet or on a computer system or network unless the connection is secure or the transmission is encrypted.



5. Mailed Documents. Township documents containing all or more than four sequential digits of a Social Security number shall only be sent in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits, or requires that a Social Security number appear in the document. Documents containing all or more than four sequential digits of a Social Security number that are sent through the mail shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

6. Freedom of Information Act. Where all or more than four sequential digits of a Social Security number are contained within a document subject to release under the Freedom of Information Act, the Social Security number shall be redacted or otherwise rendered unreadable before the document, copy of the document, is disclosed.

7. Storage. All documents containing Social Security numbers shall be stored in a physically secure manner. Social Security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

8. Access to Social Security Numbers. Only personnel who have legitimate business reasons to know will have access to records containing Social Security numbers. The department heads having access to personnel records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in the Township's ordinary course of business to have access to such Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

9. Disposal. Documents containing Social Security numbers will be retained in accordance with the requirements of state and federal laws. At such time as documents containing Social Security numbers may be disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers, such as shredding.

10. Unauthorized Use or Disclosure of Social Security Numbers. The Township shall take reasonable measures to enforce this Privacy Policy and to correct and prevent the reoccurrence of any known violation. Any employee who knowingly obtains, uses, or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this Privacy Policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Act carry criminal and/or civil sanctions. The Township will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses, or discloses Social Security numbers through the Township for unlawful purposes.

## **TERMS OF PUBLIC WIFI USE AND PRIVACY NOTICE**

Welcome to the Vassar Township Public Wi-Fi access service (the "Service"). The Service is being provided by a third-party service provider at the Vassar Township ("Township") Hall. As a condition of accessing this Service, you must agree to the following terms and conditions of use ("Terms of Use"). If you do not agree to the Terms of Use you may not access or use the Service. Your use of the Service indicates your acceptance of these Terms of Use.

### **No Editorial Control**

The Township does not review or exercise any editorial control over the content or materials made available over the Internet by third parties, including without limitation any electronic mail transmissions, newsgroups, or the like. However, the Township may remove, block, filter, or

restrict by any other means any materials that, in the Township's sole discretion, may be illegal, may subject the Township to liability, or may violate these Terms of Use. The Township may cooperate with legal authorities and/or third parties in the investigation of any suspected or alleged crime or civil wrong. Violation of these Terms of Use may result in the suspension or termination of access to the Service.

### **Security**

You expressly acknowledge and agree that there are significant security, privacy and confidentiality risks inherent in accessing or transmitting information through the Internet, whether the connection to the Internet is facilitated through wired or wireless technology. These security issues range from interception of transmissions, loss of data, or the introduction of viruses or other programs that can damage your computer or network.

**ACCORDINGLY, YOU AGREE THAT THE TOWNSHIP SHALL NOT BE LIABLE FOR ANY INTERCEPTION OF TRANSMISSIONS, LOSS OF DATA, FILE CORRUPTION, HACKING OR DAMAGE TO YOUR COMPUTER OR NETWORK THAT RESULTS FROM THE TRANSMISSION OR DOWNLOAD OF INFORMATION OR MATERIALS THROUGH THE SERVICE.**

### **Restrictions on Use**

You agree to not use the Service to:

- (a) transmit any material that is unlawful, threatening, abusive, harassing, tortious, defamatory, obscene, libelous, invasive of another's privacy, racially, ethnically or otherwise objectionable;
- (b) harm, or attempt to harm, minors in any way;
- (c) impersonate any person or entity or falsely state or otherwise misrepresent your affiliation with a person or entity; forge headers or otherwise manipulate identifiers in order to disguise the origin of any material transmitted through the Service;
- (d) transmit any material that you do not have a right to make available under any law;

(e) transmit any material that infringes any patent, trademark, trade secret, copyright or other proprietary rights of any party;

(f) transmit any unsolicited or unauthorized advertising, promotional materials, "junk mail," "spam," "chain letters," "pyramid schemes" or any other form of solicitation;

(g) transmit any material that contains software viruses or any other computer code, files or programs designed to interrupt, destroy or limit the functionality of any computer software or hardware or telecommunications equipment; or

(h) use the Services for excessively high-volume data transfers.

### **Disclaimer of Warranties**

THE MATERIALS AVAILABLE THROUGH THE SERVICE AND THROUGH ANY THIRD PARTY ARE PROVIDED ON AN "AS IS" AND "AS AVAILABLE" BASIS AND WITHOUT WARRANTIES OR CONDITIONS OF ANY KIND EITHER EXPRESS OR IMPLIED.

THE TOWNSHIP MAKE NO WARRANTY OR REPRESENTATION AS TO THE ACCURACY, CURRENCY, COMPLETENESS, RELIABILITY OR USEFULNESS OF INFORMATION DISTRIBUTED THROUGH THE SERVICE. TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, THE COMPANIES EXPRESSLY DISCLAIM ALL WARRANTIES AND CONDITIONS OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

THE TOWNSHIP MAKE NO WARRANTY THAT THE SERVICE WILL BE UNINTERRUPTED, TIMELY, SECURE, OR ERROR FREE, OR THAT SOFTWARE DEFECTS WILL BE CORRECTED OR THAT THIS SITE OR THE SERVER THAT MAKES IT AVAILABLE IS FREE OF VIRUSES OR OTHER HARMFUL COMPONENTS.

THE TOWNSHIP MAKE NO WARRANTY REGARDING ANY GOODS OR SERVICES OR THE DELIVERY OF ANY GOODS OR SERVICES PURCHASED OR OBTAINED THROUGH OR FROM THE SERVICE OR ADVERTISED THROUGH THE SERVICE, OR REGARDING ANY TRANSACTIONS ENTERED INTO THROUGH THE SERVICE. NO ADVICE OR INFORMATION, WHETHER ORAL OR WRITTEN, OBTAINED BY YOU VIA THE SERVICE SHALL CREATE ANY WARRANTY NOT EXPRESSLY STATED HEREIN.

## **Limitation of Liability**

TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, UNDER NO CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, NEGLIGENCE, SHALL THE TOWNSHIP BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING BUT NOT LIMITED TO, DAMAGES FOR LOSS OF PROFITS, USE, DATA OR OTHER INTANGIBLES, EVEN IF THE TOWNSHIP HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, THAT RESULT FROM THE USE OR THE INABILITY TO USE THE SERVICE, FROM ANY CHANGES TO THE SERVICE, OR FROM UNAUTHORIZED ACCESS TO OR ALTERATION OF YOUR TRANSMISSIONS OR DATA.

YOU SPECIFICALLY AGREE THAT THE TOWNSHIP IS NOT RESPONSIBLE OR LIABLE TO YOU OR ANYONE ELSE FOR ANY THREATENING, DEFAMATORY, OBSCENE, OFFENSIVE, TORTIOUS, OR ILLEGAL CONDUCT OF YOURS OR OF ANY OTHER PARTY OR ANY INFRINGEMENT OF ANOTHER'S RIGHTS, INCLUDING INTELLECTUAL PROPERTY RIGHTS, ARISING ON, FROM, OR IN CONNECTION WITH THE SERVICE. YOU ARE SOLELY RESPONSIBLE FOR YOUR OWN CONDUCT IN USING THIS SERVICE, AND WILL INDEMNIFY AND HOLD HARMLESS THE TOWNSHIP FROM ANY CLAIMS, LIABILITY, DAMAGES OR COSTS THAT RESULT FROM YOUR CONDUCT IN USING THIS SERVICE.

IF YOU ARE DISSATISFIED WITH THE SERVICE, THE MATERIALS AVAILABLE ON OR THROUGH THE SERVICE, OR WITH ANY PROVISIONS IN THIS LEGAL NOTICE, YOUR SOLE AND EXCLUSIVE REMEDY IS TO DISCONTINUE USING THE SERVICE

## **Privacy**

The Township respects the privacy of all users of the Service. The Service does not correlate the user of this service with the sites visited. A log of all Service usage activity is maintained for system performance and maintenance purposes and system security requirements. The Township will only disclose usage information without your permission when required by law, or in good faith belief that such action is necessary to investigate or protect against harmful activities to Township officials, guests, visitors, or property (including this Service), or to others. If you should have any privacy related questions or concerns, please send an e-mail to [vassartwpcplinesmith@speednetllc.com](mailto:vassartwpcplinesmith@speednetllc.com).

## **WEBSITE POLICY**

### **Purpose**

The purpose of the Vassar Township website to provide information to the public about Vassar Township, including but not limited to meeting notices, meeting minutes, general information etc.

### **Content**

#### GENERAL

The Township board shall have the sole authority to administer the content to the website.

Information to be posted to the website should be submitted to the website administrator via email or a typed version of the content. The content will be posted as it is presented to the website administrator, so it should be proofread and edited before being submitted.

The website shall not link to candidate sites, sites advocating a position on a ballot proposal, or the personal blogs, social media sites, or homepages of staff, Board members, or committee/commission members.

Posting of documents or other information protected by the copyright laws without proper authorization by the copyright owner is prohibited.

#### MEETING MINUTES

Meeting minutes from the Board of Trustees and other boards will be posted to the website in accordance with the Michigan Open Meetings Act.

Each Board's secretary is responsible for getting the draft and corrected minutes to the website administrator within the required time to be posted to the site. Approved minutes will remain on the site for two (2) years.

#### MEETING NOTICES

Meeting notices will be posted to the website in accordance with the Michigan Open Meetings Act. Notices will be removed in a timely manner through a regular maintenance schedule.

#### ANNOUNCEMENTS

If a board/member wants to have an announcement pertaining to their board/position to the site, said announcement must be written out with spelling and grammar mistakes taken care of before they are given to the website administrator. It is preferred that these announcements are emailed, but they may be typed out and given to the administrator as well.

## WEBSITE ADMINISTRATOR

The website administrator will be appointed by the Township Board. The website administrator may use Avant Image Makers as a source of information and assistance when maintaining the website. This person shall check the website on a regular basis to keep the website up to date and remove any information no longer relevant.

### Revisions to This Policy

This policy may be revised at any time by the Board of Trustees.

## **Section 3: BYLAWS**

### **PLANNING COMMISSION BYLAWS**

#### **1. AUTHORITY**

These rules of procedures are adopted by the Vassar Township, County of Tuscola, Planning Commission (hereinafter referred to as the Commission) pursuant to Public Act 168 of Michigan Public Acts, as amended, the Township Planning Act, and Public Act 267 of 1976, as amended, the Open Meetings Act.

#### **2. OFFICERS**

**2.1 Selection:** At the May meeting, the Commission shall select from its membership: a chairperson, vice-chairperson and secretary who shall serve for a twelve-month period and who shall be eligible for re-election.

**2.2 Duties:** A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of the chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time. The secretary shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communication, petitions, reports and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operation. In the even the Secretary is absent, the chairperson or acting chairperson shall appoint a temporary secretary for such meeting. This action shall be noted in the minutes.

**2.3 Tenure:** The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

#### **3. MEETINGS**

**3.1 Meeting Notices:** All meetings shall be posted at the Vassar Township Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.

**3.2 Regular Meeting:** Regular meetings of the Commission shall be held at the Vassar Township Hall on the second Thursday of every month at 7:00 P.M. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date fall on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

3.3 Special Meetings: A special meeting may be called by two (2) members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall send written notice of a special meeting to the commission members no less than 48 hours in advance of the meeting.

3.4 Quorum: In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is in present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no addition public notice is required provided the date, time and place is announce at the meeting.

3.5 Hearings: Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion.

3.6 Motions: Motions shall be restated by the chairperson before a vote is taken., the name of the maker and supporters of the motion shall be recorded.

3.7 Voting: An affirmative vote of the majority of the Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the chairperson. All members of the Commission including the chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting only if that persona has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall not participate in the discussion of that item.

3.8 Order of Business: A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:

- Call to Order
- Roll Call
- Approval of Minutes
- Public Comments and Communications Concerning Items No on the Agenda
- Public Hearings
- Unfinished Business



- New Business
- Any other Business/on-going business

3.9 Rules of Order: All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order”.

3.10 Notice of Decision: A written notice containing the decision of the Planning Commission will be sent to the petitioners and originators of a request.

#### 4. MINUTES

4.1 Commission minutes shall be prepared by the Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action, and resolutions shall be attached to the minutes. The official records shall be annually deposited with the Township Clerk.

#### 5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be open to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public.

5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

5.5 All records, rules, publications, correspondence, and other materials available to the public for reading, copying, and other purposes are governed by the Freedom of Information Act.

#### 6. ATTENDANCE

6.1 Regular attendance is encouraged. A courtesy call will be given to members to remind them if they are not in attendance at the start of the meeting.

6.2 Within a twelve (12) month period, two (2) unexcused absences will warrant a warning letter from the Chairperson. A third unexcused absence will result in a recommendation to the Township Board of Trustees to take action. An absence is considered to be excused by contacting any Planning Commission member in advance of the meeting.

## 7. AMENDMENTS

7.1 These rules may be amended by the commission by a concurring vote pursuant to subsection 3.7, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

Please refer to the “Planning Commission Guidelines” booklet published by the Michigan Society of Planning Officials for subjects not covered in these bylaws.

THESE BYLAWS AND RULES OF PROCEDURES ARE ADOPTED THIS 14<sup>TH</sup> DAY OF  
JUNE 2001

## ZONING BOARD OF APPEALS BYLAWS

The following rules of procedures are hereby accepted by the Vassar Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.

### SECTION 1: OFFICERS

A. **SELECTION AND TENURE:** At the first regular meeting each October, the zoning board of appeals shall select from its membership a chairperson, vice chairperson, and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for reelection for consecutive terms for the same office.

B. **CHAIRPERSON:** The chairperson shall preside at all meetings, appoint committees and perform such duties as ordered by the zoning board of appeals or township board. An alternate member shall not serve as chairperson.

C. **VICE CHAIRPERSON:** The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office of the unexpired term and the zoning board of appeals shall select a successor to the office of vice chairperson for the unexpired term.

D. **SECRETARY:** The secretary shall execute documents in the name of the zoning board of appeals and shall perform such duties as the zoning board of appeals may determine.

1. **Minutes:** The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and records of votes, conditions or recommendations made on any action and record of attendance.

2. **Correspondence:** The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the zoning board of appeals.

3. **Attendance:** The secretary shall be responsible for maintaining an attendance record for each zoning board of appeals member and report those records annually to the zoning board of appeals.

4. **Notices:** The secretary and/or other township staff shall issue such notices as may be required by the zoning board of appeals. The secretary shall oversee the issuance of such notices as may be required by the zoning

board of appeals, including Open Meetings Act notices, as well as notice required for specific action under the Michigan Zoning Enabling Act.

## SECTION 2: MEETINGS

The business the zoning board of appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The zoning board of appeals may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

**A. REGULAR MEETING:** The zoning board of appeals may schedule regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary.

When a regular meeting falls on a legal holiday or upon a day resulting in conflict, the zoning board of appeals shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular zoning board of appeals meetings shall be posted at the principal township office within 10 days after the zoning board of appeals' first meeting in each fiscal year in accordance with the Open Meetings Act.

**B. SPECIAL MEETINGS:** Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the zoning board of appeals.

Notice of special meetings shall be given to the members of the zoning board of appeals. Such notices shall state the purpose, time and location of the special meeting and shall be posting in accordance with the Open Meetings Act.

**C. NOTICE:** Notice required for specific request or actions will be given in accordance with the Michigan Zoning Enabling Act or other applicable statute.

**D. PUBLIC HEARINGS:** All public hearings held by the zoning board of appeals must be held as part of a regular or special meeting of the zoning board of appeals.

**E. AGENDA:** The chairperson shall be responsible for preparing an agenda for the zoning board of appeals meetings. The agenda may be modified by action of the zoning board of appeals.

**F: QUORUM:** A majority of the regular members of the zoning board of appeals shall constitute a quorum for transacting business and taking official action for all matters. The zoning board of appeals shall not conduct business unless a majority of the regular members is present.

**G. VOTING:** To pass or deny any dimensional and use variance, appeal or other official action required by the zoning ordinance, and affirmative vote of a least a majority of the total membership of the zoning board of appeals is required "except that a vote of 2/3 of the membership shall be required to receive a use variance". Voting shall eb by voice vote; a roll call vote shall be required if

requested by any zoning board of appeals member or directed by the chairperson. Except in the case of a conflict of interest, all zoning board of appeals members, including the chairperson, shall vote on all matters.

H. PUBLIC RECORDS: All meetings, minutes, records, documents, correspondence and other materials of the zoning board of appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

### SECTION 3: DUTIES OF THE ZONING BOARD OF APPEALS

The zoning boards of appeals shall perform the following duties:

A. Act on application for dimensional and use variances, interpretations, or other matters as authorized or required by the zoning ordinance and the Michigan Zoning Enabling Act.

B. Perform other duties and responsibilities as requested by the township board or as may be specified in the zoning ordinance.

C. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

### SECTION 4: ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES AND ALTERNATES

A. To be excused, zoning board of appeals members shall notify the township supervisor, zoning board of appeals chairperson or other zoning board of appeals member when they intend to be absent from a meeting. Failure to make this notification before a meeting shall result in an unexcused absence.

B. Members of the zoning board of appeals may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

C. A member may resign from the zoning board of appeals by sending a letter of resignation to the township board.

D. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Successors shall serve out the unexpired term of the member being replaced, with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commissioner.

E. The township board may appoint not more than 2 alternates to the zoning board of appeals. An alternate member may be called to serve as a member of the zoning board of appeals as provided in the zoning ordinance and the Michigan Zoning Enabling Act.

## SECTION 5: CONFLICT OF INTEREST

A. Before casting a vote on a matter on which a zoning board of appeals may reasonable be considered to have a conflict of interest, the members shall disclose the potential conflict of interest to the zoning board of appeals. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

B. Conflict of interest is defined as, and a zoning board of appeals member shall declare a conflict of interest and abstain from participating in zoning board of appeals deliberations and voting on a request when:

1. An immediate family member is involved in any request for which the zoning board of appeals is asked to make a decision. An immediate family member is defined as an individual's father, mother, son, daughter, brother, sister, spouse and a relative of any degree residing in the same household as that individual.
2. The zoning board of appeals member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
3. The zoning board of appeals member owns or has a financial interest in neighboring property. For purpose of this section, a neighboring property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.
4. There is a reasonable appearance of a conflict of interest, as determined by the zoning board of appeals member declaring such conflict.
5. The zoning board of appeals member is also a member of the same planning commission or township board and voted on the same matter as a member the planning commission or township board member. However, the member may consider and vote on other unrelated matters involving the same property.

C. The zoning board of appeals member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the zoning board of appeals. He or she should individual decide to abstain from aby discussion or votes relative to the matter that is the subject of the conflict. If he or she refers, the member declaring a conflict may as the board of appeals member to decide if he or she should abstain. The zoning board of appeals will take a vote on the member request to abstain. The member declaring the conflict may absent him/herself form the room in which the discussion takes place, unless doing so would violate his or her

constitutionally protected rights to participate. He or she should not make any presentations to the zoning board of appeals as representative of the proposal.

#### SECTION 6: AMENDMENTS

These bylaws may be amended at any meeting by a vote of a majority of the membership of the zoning board of appeals.

Adopted by the Vassar Township Board of Appeals at a regular meeting 10-11-2017.