

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
Thursday, April 10, 2025
7:30pm

THIS MEETING WILL BE HELD IN PERSON WITH ONLINE PARTICIPATION OPTIONS

Call to Order

Pledge of Allegiance

Members Present/Members Absent

Call to the Public

- 1) Approval of the Agenda
- 2) Consent Agenda
 - a. March 27, 2025 Regular Meeting Minutes
 - b. March 2025 Sheriff's Report
 - c. DPW Report
 - d. Financial Report
 - e. Investment Report
 - f. Zoning Report
- 3) Consumers Franchise
- 4) Renewable Energy
- 5) Budget Adjustments
- 6) Employee Handbook Updates
- 7) Howell Recreation Memorandum of Understanding
- 8) Marion Township Roads

Correspondence and Updates

Call to the Public

Adjournment

**Next Board Packet will be ready after 3 pm on Thursday, April 17, 2025.

CALL TO THE PUBLIC POLICY - ADOPTED ON 08/25/2022

Marion Township Public Participation at Township Board Meetings Policy

The Public shall be given an opportunity to be heard at every Township Board Meeting following this Policy adopted by the Township Board.

The Township Supervisor is the moderator of the meeting. In the absence of the Supervisor, the Township Clerk shall hold an election of the Board Members present to select a moderator for the meeting.

Anyone attending the meeting either in-person or on-line may speak during the "Call to the Public" part of the meeting. To preserve order, those attending in-person will speak first. When all in-person attendees have been heard, the moderator will ask if any on-line attendee wishes to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments.

When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak. On-line attendees may unmute themselves and when recognized by the moderator may speak. On-line attendees will also be asked for their name and address.

All comments shall be addressed to the Township Board. The "Call to the Public" is for attendees to provide information or opinions to the Township Board and is not intended to be a dialog. Anyone needing a response should contact officials or staff during working hours.

To preserve efficiency, speakers will be asked to keep their comments to five minutes or less.

On some occasions, attendees may be asked for comments during agenda items.

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 27, 2025

MEMBERS PRESENT: Bill Fenton, Scott Lloyd, Dan Lowe, Les Andersen, Tammy Beal, Jim Witkowski, and Sandy Donovan

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, Spicer

CALL TO ORDER

Bill Fenton called the meeting to order at 7:30 pm. The meeting is also available to attend online.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

Anthony Longoria commented on the Consumers Energy franchise, He said it's important to require infrastructure on an intercounty highway and it would benefit the township. He suggested a ten-year agreement rather than thirty years, and a franchise fee.

APPROVAL OF AGENDA

Item #7—Assessor was added to the agenda. Les Andersen motioned to approve the agenda as amended. Tammy Beal seconded. **Motion carried.**

CONSENT AGENDA

Les Andersen motioned to approve the consent agenda. Scott Lloyd seconded. **Motion carried.**

CONSUMER ENERGY FRANCHISE

Bill Fenton said this is a continuation of what is already in place, which expires in April.

Dan Lowe said they need to keep the mains out of the road right-of-way and ditches. He agrees that thirty years is too long.

Les Andersen said that the Livingston County Road Commission will approve utilities in the road right-of-way even if the township doesn't.

Dan Lowe motioned to send the agreement to the attorney for review. Scott Lloyd seconded. **Motion carried.**

TOWNSHIP ROADS

An estimate was received from LCRC for Hinchey Road from Vines to 5118 Hinchey for \$150,000. Les Andersen said the Road Commission indicated they would not cost share on Sexton Road; he feels Sexton is the top priority and East Davis is the lowest. Tammy Beal reminded the board members that the chip and seal budgeted for last year for Peavy Road (M-155 to end of pavement), Jewell Road (Cedar Lake Road to County Farm Road), and Norton Road (Burkhart to County Farm Road) will be done this year.

Scott Lloyd motioned to accept the estimate from the Livingston County Road Commission for Sexton Road from County Farm to Peavy for \$149,000, as presented. Les Andersen seconded. Roll call vote: Donovan, Witkowski, Fenton, Lloyd, Beal, Andersen, Lowe—all yes. **Motion carried 7-0.**

Dan Lowe said that Sexton Road west of D-19 to Peavy is in bad shape.

GORSKI TOWNSHIP ROAD CLEAN-UP

Les Andersen motioned to accept the proposal from Gorski Hauling for \$3,750 for roadside clean up, as presented. Tammy Beal seconded. Roll call vote: Beal, Andersen, Donovan, Witkowski, Lowe, Fenton, Lloyd—all yes. **Motion carried 7-0.**

WALKING PATH STORY WALK

Some board members had concerns about having this story walk by the disk golf course and walking path. Tammy Beal will look at the Triangle Lake walking path area as a possibility.

ASSESSOR

Bill Fenton read a letter from the assessor stating her intention to retire effective May 30, 2025. Les Andersen motioned to accept the letter. Tammy Beal seconded. **Motion carried.**

Tammy Beal motioned to offer the assessor position to Matt Dedes at a rate of \$42 per hour, effective June 2, 2025. Sandy Donovan seconded. Roll call vote: Fenton, Lowe, Witkowski, Beal, Lloyd, Donovan, Andersen—all yes. **Motion carried 7-0.**

CORRESPONDENCE & UPDATES

HAPRA is hosting a teen flashlight egg hunt at the township hall on Saturday, April 12, 8:30-10 pm.

Tammy Beal asked Phil Westmoreland for an update on the pickleball courts. He said the bid opening will be July 1. Some board members expressed concern about noise.

Tammy Beal said a request was made to have a wedding ceremony in Lakeside Cemetery on July 11. Some board members thought that would be inappropriate. Tammy will wait to hear back from the couple.

Bill Fenton asked Jim Witkowski if he had talked with the racetrack owners about purchasing the Lucy Road property. Jim said the township should talk with some commercial brokers.

Bill Fenton updated the board members on the junk situation at Pingree & Coon Lake Rd.

Dan Lowe asked if anyone had filed for a ZBA case regarding Meadows North; Bill Fenton said yes, and it's been forward to the attorney.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

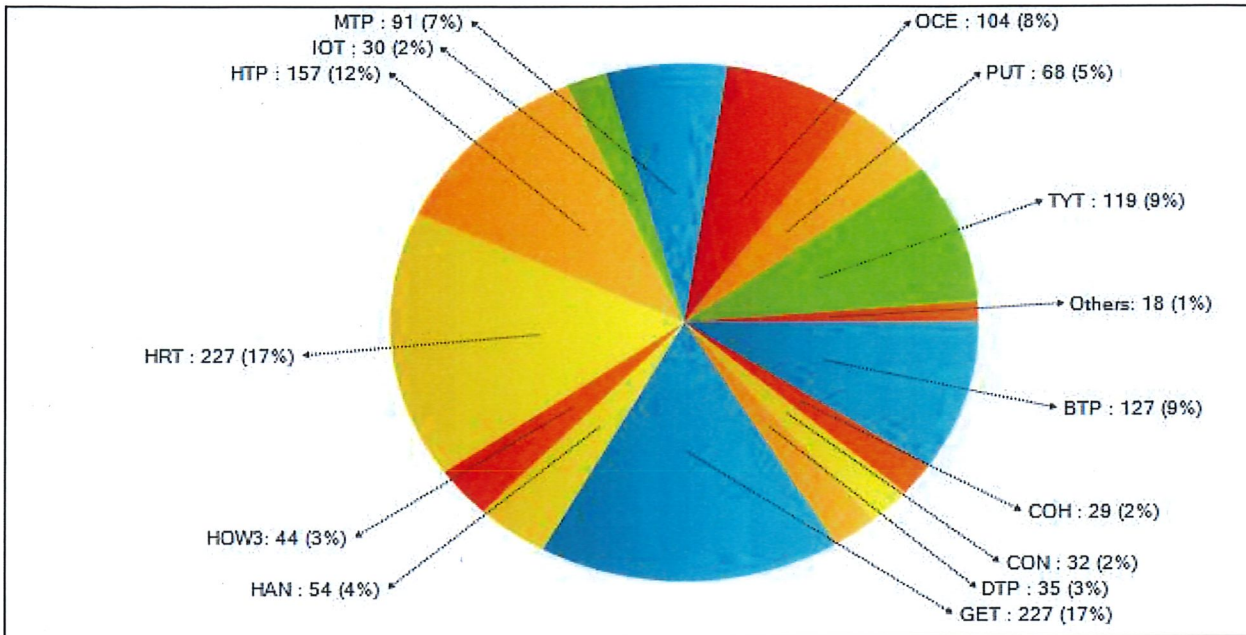
Tammy Beal motioned to adjourn at 8:14 pm. Sandy Donovan seconded. **Motion carried.**

Submitted by: S. Longstreet

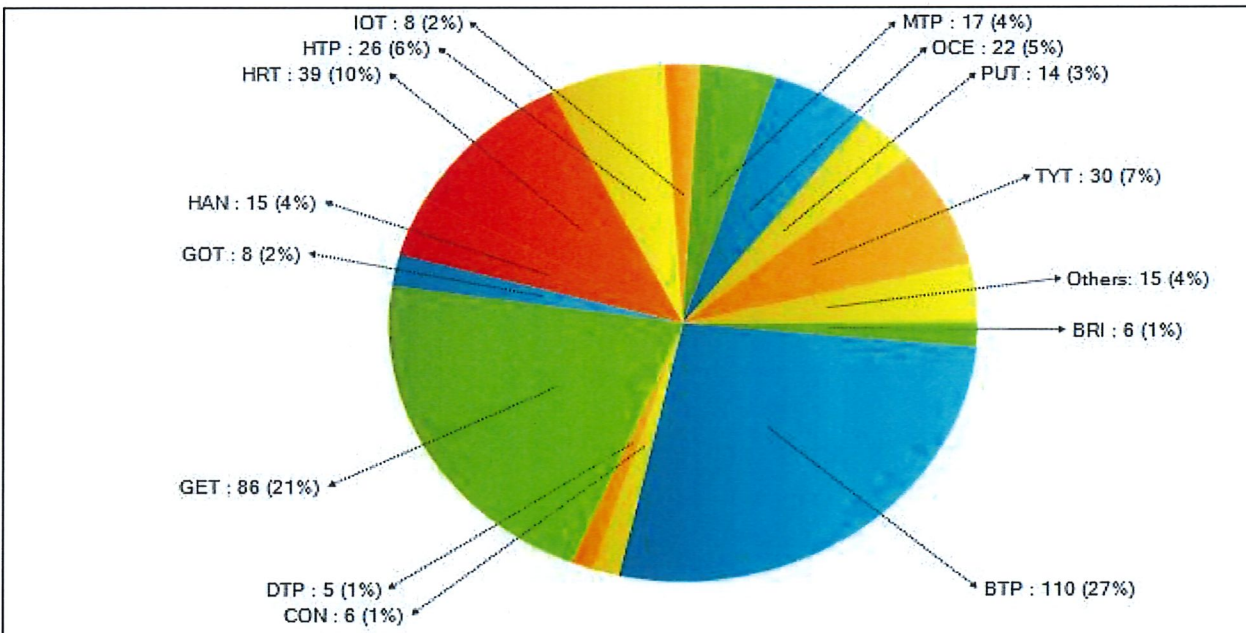
Tammy L. Beal, Township Clerk Date

William Fenton, Township Supervisor Date

LIVINGSTON COUNTY SHERIFF'S OFFICE
MARCH 2025 CALLS FOR SERVICE



MICHIGAN STATE POLICE
MARCH 2025 CALLS FOR SERVICE



**LIVINGSTON COUNTY SHERIFF'S OFFICE
MARION TOWNSHIP MARCH 2025**

Nature	# Events
911 HANG UP	1
ALARM	4
ANIMAL COMPLAINT	6
ASSIST EMS	3
ASSIST OTHER AGENCY	3
BE IN PROGRESS	2
CITIZEN ASSIST	7
CIVIL COMPLAINT	2
DISTURBANCE/TROUBLE	2
DOMESTIC PHYSICAL IN PROGRESS	1
DOMESTIC VERBAL	1
DRUGS/VCSA	1
FRAUD	3
GENERAL NON CRIMINAL	1
HAZARD	4
HIT AND RUN ACCIDENT	1
INTIMIDATION THREATS HARASSMEN	1
LOST/FOUND ANIMAL INFORMATION	1
MDOF	2
MENTAL/CMH/PSYCH	1
MISSING PERSON/RUN-A-WAY	1
MOTORIST ASSIST	1
NOISE COMPLAINTS	1
PATROL INFORMATION	1
PDA	11
SHOTS FIRED	1
STALKING	1
SUICIDAL SUBJECT	4
SUSPICIOUS PERSON	2
SUSPICIOUS SITUATION	2
SUSPICIOUS VEHICLE	3
TRESSPASSING, LOITERING	1
UNKNOWN ACCIDENT	3
VIN INSPECTION	1
WELFARE CHECK	11
TOTAL:	91

MARION TOWNSHIP

<u>MONTH</u>	<u>CALLS FOR SERVICE</u>	<u>TICKETS WRITTEN</u>	<u>ARRESTS</u>
JANUARY	105	21	1
FEBRUARY	84	10	3
MARCH	91	11	3
APRIL			
MAY			
JUNE			
JULY			
AUGUST			
SEPTEMBER			
OCTOBER			
NOVEMBER			
DECEMBER			
YTD TOTALS:	280	42	7

March 2025	NUMBER OF CALLS		RESPONSE TIME		NUMBER OF CALLS		RESPONSE TIME	
	<u>3:00PM - 11:00PM</u>		<u>3:00PM - 11:00PM</u>		<u>11:00PM - 3:00PM</u>		<u>11:00PM - 3:00PM</u>	
<u>TOWNSHIP</u>			CONTRACT TIME		CALLS		NON CONTRACT TIME	<u>TOTAL</u>
BRIGHTON	53	27:27		74	34:23		127	
COHOCTAH	13	1:17:44		16	43:12		29	
CONWAY	15	33:09		17	32:06		32	
DEERFIELD	18	33:28		17	50:22		35	
GENOA	98	34:50		129	28:38		227	
HANDY	25	41:09		29	31:31		54	
HARTLAND	78	32:18		149	37:59		227	
HOWELL	58	26:33		99	21:29		157	
IOSCO	17	32:59		13	1:10:35		30	
MARION	48	24:37		43	49:16		91	
OCEOLA	45	23:27		59	33:39		104	
PUTNAM	45	20:54		23	45:05		68	
TYRONE	75	25:28		44	45:30		119	

GENERAL FUND CHECKING

Previous Balance	\$	2,234,951.10
Receipts	\$	240,007.00
Interest	\$	-
	\$	<u>2,474,958.10</u>
Expenditures	\$	107,592.90
Balance	\$	<u>2,367,365.20</u>

CEMETERY FUND

Previous Balance	\$	92,067.04
Receipts	\$	500.00
Interest	\$	69.30
	\$	<u>92,636.34</u>
Expenditures	\$	8,385.00
Balance	\$	<u>84,251.34</u>

PARKS & RECREATION FUND

Previous Balance	\$	10,814.03
Receipts		
Interest	\$	8.12
	\$	<u>10,822.15</u>
Expenditures	\$	420.30
Balance	\$	<u>10,401.85</u>

WATER - NEW USER

Previous Balance	\$	420,191.80
Receipts	\$	54,138.00
Interest	\$	471.40
	\$	<u>474,801.20</u>
Expenditures	\$	3,500.00
Balance	\$	<u>471,301.20</u>

SEWER OPERATING & MANAGEMT

Previous Balance	\$	363,604.40
Receipts	\$	75,970.33
Interest	\$	416.97
		<hr/>
	\$	439,991.70
Expenditures	\$	61,938.17
		<hr/>
Balance	\$	378,053.53

SEWER - NEW USER

Previous Balance	\$	1,899,649.14
Receipts	\$	129,500.00
Interest	\$	2,419.34
		<hr/>
	\$	2,031,568.48
Expenditures	\$	-
		<hr/>
Balance	\$	2,031,568.48

SPEC ASSESS. FUND

Previous Balance	\$	325,456.13
Receipts	\$	3,056.96
Interest	\$	331.07
		<hr/>
	\$	328,844.16
Expenditures	\$	2,666.00
		<hr/>
Balance	\$	326,178.16

ESCROW FUND

Previous Balance	\$	38,420.10
Receipts	\$	-
Interest	\$	29.18
		<hr/>
	\$	38,449.28
Expenditures	\$	346.50
		<hr/>
Balance	\$	38,102.78

SUMMARY TOTALS

General Fund	\$	2,367,365.20
Cemetery Fund	\$	84,251.34
Parks & Rec Capital Chk	\$	10,401.85
Water - New User	\$	471,301.20
Sewer Operating & Mana	\$	378,053.53
Sewer - New User	\$	2,031,568.48
Special Assess. Fund	\$	326,178.16
Escrow Fund	\$	38,102.78
		<hr/>
TOTAL	\$	5,707,222.54

Ref: Financial Report JULY 2020

#101 General Fund
Transactions by Account

		As of March 31, 2025	
Date	Num	Name	Amount
001-001 · CASH - GENERAL - FNB			
03/04/2025	13320	AMAZON CAPITAL SERVICES	-1,097.87
03/04/2025	13321	Spicer Group Inc	-4,000.50
03/04/2025	13322	SHELBY DWYER	-423.45
03/04/2025	13323	THE GARBAGE MAN	-60.34
03/04/2025	13319	VOID	0.00
03/06/2025	13327	PRINTING SYSTEMS INC	-35.00
03/06/2025	13328	GORMLEY LAW OFFICE PLC	-4,261.55
03/06/2025	13329	APEX SOFTWARE	-775.00
03/10/2025	13324	Marion Township Flex Fund	-1,550.00
03/10/2025	13325	VOYA Institutional Trust	-300.00
03/10/2025	13326	ALERUS PAYMENT SOLUTIONS	-5,279.81
03/10/2025	13330	LIV CO TREASURER	-4,663.33
03/10/2025	206915	LESLIE D. ANDERSEN	-247.21
03/10/2025	206916	JAMES L. ANDERSON JR.	-182.35
03/10/2025	206917	BARB FILLINGER	-236.42
03/10/2025	206918	LARRY J. FILLINGER	-176.39
03/10/2025	206919	EDMUND J. GALUBENSKY	-117.29
03/10/2025	206920	SCOTT R. LLOYD	-63.38
03/10/2025	206921	BRUCE V. POWELSON	-117.27
03/10/2025	206922	CHERYL A. RANGE	-353.69
03/10/2025	206923	JAMES WITKOWSKI	-127.34
03/10/2025	V228960	TAMMY L. BEAL	-4,189.13
03/10/2025	V228961	GAIL A. BURLINGAME	-3,465.95
03/10/2025	V228962	MATTHEW J. DEDES	-3,999.60
03/10/2025	V228963	SANDY DONOVAN	-4,376.80
03/10/2025	V228964	BILL FENTON	-4,900.80
03/10/2025	V228965	LAWRENCE W. GRUNN	-280.15
03/10/2025	V228966	DAVE HAMANN	-3,244.61
03/10/2025	V228967	ROBERT W. HANVEY	-1,609.23
03/10/2025	V228968	RICHARD HASLOCK	-577.06
03/10/2025	V228969	LOREEN B. JUDSON	-4,673.51
03/10/2025	V228970	SANDRA J. LONGSTREET	-2,943.66
03/10/2025	V228971	DANIEL F. LOWE	-497.52
03/10/2025	V228972	LINDA M. MANSON-DEMPSEY	0.00
03/10/2025	V228973	KITSEY A. RENNELLS	-2,624.29
03/10/2025	V228974	DUANE M. STOKES	-88.66
03/10/2025	V228975	JESSICA S. TIMBERLAKE	-2,644.21
03/11/2025	13331	CITI CARDS	-1,604.52
03/11/2025	13332	FOWLerville NEWS & VIEWS	-235.00
03/11/2025	13333	DTE ENERGY	-646.49
03/11/2025	13334	VERIZON WIRELESS	-102.58
03/11/2025	13335	Charter Communications	-191.71
03/17/2025	13336	ULINE	0.00
03/17/2025	13337	KEARNS MECHANICAL LLC	-349.00

#101 General Fund Transactions by Account

As of March 31, 2025

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
03/17/2025	13338	Culligan of Ann Arbor	-46.95
03/17/2025	13339	B&L Services	0.00
03/17/2025	13340	ULINE	-65.27
03/17/2025	13341	B&L Services	-630.00
03/17/2025	13343	LIV CO TREASURER	-58.91
03/17/2025	13344	Colonial Life	-459.75
03/19/2025	13342	Foster, Swift, Collins & Smith, P.C.	-1,430.00
03/24/2025	13345	GEN PRO LLC	-375.00
03/24/2025	13346	MICHIGAN ASSOCIATION OF PLANNING	-75.00
03/27/2025	13347	CONSUMERS ENERGY	-336.65
03/27/2025	13348	SANDRA DONOVAN	-197.40
03/27/2025	13349	PRINTING SYSTEMS INC	-31.06
03/27/2025	13350	Applied Innovation - COPY MACHINE	-1,042.58
03/27/2025	13351	Applied Innovation - PRINTERS	-618.93
03/27/2025	13352	Blue Cross Blue Shield of Michigan	-15,367.82
03/31/2025	13353	SHELBY DWYER	-575.10

INTEREST EARNED REPORT FY2025

INVESTMENT INTEREST EARNED REPORT FY2025

GENERAL FUND	BALANCE 6/30/2023	July	Aug	Sept	1st QTR	Oct	Nov	Dec	2nd QTR	Jan	Feb	Mar	3rd QTR	EARN YTD	BALANCE
GNB Sav #819599	\$ 327,315.04	\$ 361.44	\$ 361.66	\$ 350.56	\$ 1,073.66	\$ 362.64	\$ 351.31	\$ 363.42	\$ 1,073.37	\$ 363.82	\$ 328.94	\$ 364.57	\$ 1,067.93	\$ 3,208.56	\$ 330,523.60
GNB Land Acq #819342	\$ 306,488.68	\$ 338.41	\$ 338.77	\$ 328.20	\$ 1,005.38	\$ 339.51	\$ 328.90	\$ 340.26	\$ 1,006.87	\$ 340.63	\$ 307.99	\$ 341.35	\$ 1,043.97	\$ 3,004.02	\$ 309,482.70
GNB GEN CHECKING #10	\$ 1,915,595.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 124.70	\$ 2,367,385.20
The State Bank #37106 CD	\$ 263,406.12	\$ -	\$ -	#####	\$ 10,560.78	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,560.78	\$ 273,966.90
Huntington CD #1383403441	\$ 133,371.17	\$ -	\$ -	#####	\$ 8,104.80	\$ 6,943.20	\$ 651.31	\$ 5510.09	\$ 8,104.80	\$ 493.47	\$ 447.19	\$ -	\$ 840.35	\$ 9,045.26	\$ 142,416.43
Flagstar Bank #128018365 C	\$ 113,871.27	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,080.37	\$ 125,951.64
Horizon Bank #199613	\$ 251,210.21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,231.77	\$ -	\$ 11,231.77	\$ -	\$ -	\$ -	\$ -	\$ 11,231.77	\$ 262,441.98
Monthly Totals	\$ 3,311,258.05	\$ 699.85	\$ 700.63	#####	\$ 12,640.02	\$ 7,645.35	\$ 12,563.29	\$ 1,213.77	\$ 12,640.02	\$ 1,197.92	\$ 1,208.82	\$ 1,278.62	\$ 1,278.62	\$ 49,255.46	\$ 3,812,158.45

WATER FUND

WATER NU #205656	\$ 385,469.30	\$ 404.91	\$ 391.37	\$ 408.35	\$ 1,204.63	\$ 406.87	\$ 381.75	\$ 423.99	\$ 1,212.61	\$ 411.55	\$ 389.16	\$ 471.40	\$ 1,272.11	\$ 3,689.35	\$ 474,301.20
Monthly Totals	\$ 385,469.30	\$ 404.91	\$ 391.37	\$ 408.35	\$ 1,204.63	\$ 406.87	\$ 381.75	\$ 423.99	\$ 1,212.61	\$ 411.55	\$ 389.16	\$ 471.40	\$ 1,272.11	\$ 3,689.35	\$ 474,301.20

SEWER FUND

CIBC CD # 6981321	\$ 218,885.66	\$ 364.97	\$ 312.15	\$ 302.02	\$ 979.14	\$ 340.28	\$ 328.99	\$ 387.81	\$ 1,057.08	\$ 375.05	\$ 342.26	\$ 416.97	\$ 1,134.26	\$ 11,157.09	\$ 230,042.75
FNHB Sew OM #194910	\$ 332,670.25	\$ 854.80	\$ 858.18	\$ 833.77	\$ 2,546.75	\$ 766.71	\$ 674.62	\$ 699.25	\$ 2,140.58	\$ 701.47	\$ 635.59	\$ 705.71	\$ 2,042.77	\$ 3,170.50	\$ 378,053.53
MFSUFCU CD # X225	\$ 1,246,111.43	\$ 1,747.25	\$ 1,749.71	\$ 1,695.59	\$ 5,192.65	\$ 1,754.56	\$ 1,700.29	\$ 1,604.49	\$ 5,059.34	\$ 1,601.36	\$ 1,448.16	\$ 1,605.26	\$ 4,654.79	\$ 6,730.10	\$ 223,173.18
FNHB Sew NOW #206029	\$ 1,658,814.85	\$ 2,262.38	\$ 2,335.97	\$ 2,310.95	\$ 6,909.30	\$ 2,397.06	\$ 2,330.95	\$ 2,287.62	\$ 7,015.63	\$ 2,296.43	\$ 2,083.93	\$ 2,419.34	\$ 6,798.79	\$ 14,906.67	\$ 1,264,018.10
FNHB Sew NU #5102405	\$ 212,473.02	\$ 4,886.34	\$ 4,908.18	\$ 4,770.74	\$ 14,565.26	\$ 4,425.63	\$ 3,755.06	\$ 3,893.54	\$ 12,074.22	\$ 3,907.12	\$ 3,540.73	\$ 3,933.09	\$ 10,620.40	\$ 20,724.63	\$ 2,031,568.48
Mercantile Bank #43001724	\$ 1,093,498.03	\$ 3,207.15	\$ 3,216.82	\$ 3,122.30	\$ 9,545.27	\$ 3,478.92	\$ 3,629.12	\$ 3,762.97	\$ 10,871.01	\$ 3,776.08	\$ 3,421.98	\$ 3,801.18	\$ 10,620.40	\$ 38,020.43	\$ 1,131,518.46
CBIC CDARS #1023732161	\$ 1,062,153.30	#####	#####	#####	#####	\$ 13,163.16	\$ 12,419.03	\$ 12,635.68	\$ 33,739.27	\$ 23,277.91	\$ 22,629.74	\$ 12,881.55	#####	\$ 31,416.52	\$ 1,093,569.82
Monthly Totals	\$ 6,041,049.62	\$ 14,473.01	\$ 14,473.01	#####	\$ 33,739.27	\$ 13,163.16	\$ 12,419.03	\$ 12,635.68	\$ 33,739.27	\$ 23,277.91	\$ 22,629.74	\$ 12,881.55	#####	\$ 136,746.34	\$ 6,572,037.74
Grand Total	\$ 9,737,776.97	#####	#####	#####	\$ 33,739.27	\$ 21,215.38	\$ 25,364.07	\$ 14,273.44	\$ 60,632.89	\$ 24,887.38	\$ 24,227.72	\$ 26,139.24	#####	\$ 189,691.15	\$ 10,858,497.37

1st Qtr (Jul-Sept)	\$ 53,583.92
2nd Qtr (Oct-Dec)	\$ 60,852.89
3rd Qtr (Jan-Mar)	\$ 75,254.34
4th Qtr (Mar-Jun)	\$ -
July to June Total	\$ 189,691.15

Cemetery 0321	\$ 75,479.22	\$ 92.34	\$ 129.64	\$ 103.05	\$ 325.04	\$ 73.59	\$ 66.59	\$ 72.49	\$ 210.57	\$ 70.28	\$ 63.53	\$ 69.30	\$ 203.41	\$ 740.82	\$ 84,251.34
Parks 5787	\$ 7,001.71	\$ 8.61	\$ 9.44	\$ 2.27	\$ 20.32	\$ 21.00	\$ 12.75	\$ 11.91	\$ 45.66	\$ 11.08	\$ 8.39	\$ 8.12	\$ 27.89	\$ 93.57	\$ 10,401.85
LockBox 4727	\$ 193,531.77	\$ 12.73	\$ 7.18	\$ 78.26	\$ 98.17	\$ 12.70	\$ 231.98	\$ 17.12	\$ 257.80	\$ 17.44	\$ 14.26	\$ 14.26	\$ 44.91	\$ 404.88	\$ 54.91
Flexible 5351	\$ 13,148.22	\$ 10.58	\$ 9.85	\$ 10.47	\$ 31.00	\$ 10.87	\$ 9.93	\$ 31.48	\$ 52.20	\$ 27.68	\$ 18.98	\$ 20.76	\$ 87.42	\$ 150.70	\$ 26,776.37
Private Rd 2248	\$ 277,088.66	\$ 286.32	\$ 274.76	\$ 251.92	\$ 813.00	\$ 248.45	\$ 199.05	\$ 193.62	\$ 644.12	\$ 252.10	\$ 288.43	\$ 331.07	\$ 833.93	\$ 2,306.72	\$ 328,178.16
Escrow 4099	\$ 76,308.06	\$ 59.30	\$ 57.07	\$ 60.85	\$ 177.22	\$ 58.70	\$ 48.22	\$ 60.36	\$ 187.68	\$ 51.71	\$ 27.15	\$ 29.18	\$ 103.04	\$ 452.54	\$ 38,102.78
Curr Tax 2673	\$ 17,493.00	\$ 446.95	\$ 1,058.23	\$ 7,244.41	\$ 8,748.59	\$ 778.02	\$ 38.23	\$ 587.90	\$ 1,404.15	\$ 3,013.21	\$ 1,462.62	\$ 381.25	\$ 4,637.68	\$ 15,010.82	\$ 71,857.93
DeInq Tax 0313	\$ 1.39	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.39
Relief 2464	\$ 466,986.75	\$ 514.57	\$ 506.79	\$ 198.91	\$ 1,220.27	\$ 56.31	\$ 46.85	\$ 40.19	\$ 143.35	\$ 24.70	\$ -	\$ -	\$ 6,156.45	\$ 20,547.37	\$ -
TOTAL	\$ 1,126,978.78	\$ 1,126.98	\$ 1,126.98	\$ 1,126.98	\$ 3,378.98	\$ 1,126.98	\$ 1,126.98	\$ 1,126.98	\$ 3,378.98	\$ 1,126.98	\$ 1,126.98	\$ 1,126.98	#####	\$ 210,238.52	\$ 557,624.73

MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
UTILITY-SCALE SOLAR ENERGY FACILITIES

5 AN AMENDMENT TO THE MARION TOWNSHIP ZONING ORDINANCE TO ESTABLISH
SPECIFIC STANDARDS FOR UTILITY-SCALE SOLAR ENERGY FACILITIES; ADD
DEFINITIONS RELATED TO UTILITY-SCALE SOLAR ENERGY FACILITIES; AND AMEND THE
TABLE OF CONTENTS ACCORDINGLY.

10 **SECTION 1. AMENDMENTS TO ARTICLE XVII STANDARDS FOR SPECIFIC SPECIAL
LAND USES**

15 *ARTICLE XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES IS HEREBY AMENDED
BY THE REPLACEMENT OF THE CURRENT §17.35 UTILITY SOLAR ENERGY FACILITIES
WITH A NEW §17.35 UTILITY-SCALE SOLAR ENERGY FACILITIES, WHICH SHALL READ
AS FOLLOWS:*

Section 17.35 Utility-Scale Solar Energy Facilities

- 18 **A. Intent and Purpose:** The intent and purpose of this section is to establish standards for the
siting, installation, operation, repair, decommissioning, and removal of Utility-Scale Solar
Energy Facilities; establish the process for the reviewing and permitting of such facilities;
20 protect the health, safety, welfare and quality of life of the general public; ensure
compatibility with land uses in the vicinity of the areas affected by such facilities; and comply
with state law.

- 22 **B. Locational Requirements:** Utility-Scale Solar Energy Facilities are subject to the locational
requirements below.
 - 25 1. Utility-Scale Solar Energy Facilities are permitted by special use permit in the SFO Solar
Farm Overlay District only.
 - 2. Spacing: Utility-Scale Solar Energy Facilities shall be at least two thousand five hundred
(2,500) feet from any adjacent, existing Utility-Scale Solar Energy Facility.

- 28 **C. Site Requirements:** Utility-Scale Solar Energy Facility sites shall meet the site standards
below.
 - 30 1. Site Composition: The site may consist of a single participating property or multiple
adjoining participating properties. All participating properties must have signed
agreements to participate in the Utility-Scale Solar Energy Facility.
 - 32 2. Lot Area: The site shall have a total net lot area of at least forty (40) acres and no more
than one thousand (1,000) acres.
 - 34 3. Access: Utility-Scale Solar Energy Facilities shall meet the access standards below.
 - 36 a) Road or Easement: The site, all fenced compounds, and every solar array shall
have direct access from a public road or an access easement with a maximum
length of one thousand two hundred fifty (1,250) feet and width of at least thirty-three
38 (33) feet.

- b) Access Drive Material: Access drives shall have a hard surface or material that can pack hard that is sufficient to support fire apparatus and provide access at all times of the year.
- 5 c) Access Drive Maintenance: Access drives must be maintained and kept accessible at all times. The applicant, owner, operator, and property owners shall be jointly and severally responsible for maintenance of the access roads.
- d) Access Drive Design: Access drives shall be designed to reduce the impact on agricultural use of the land and the visual impact. Access drives shall not impede the natural flow of water.
- 10 e) Gates and Doors: All access gates and doors to Utility-Scale Solar Energy Facility compounds and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
- 4. Setbacks: Solar panels, fenced compounds, and electrical equipment shall meet the setback standards below.
- 15 a) Measurement: Setbacks from solar panel arrays shall be measured horizontally from the edge of the array.
- b) Fences and Improved Areas: All fences and improved areas shall comply with the applicable setback for the underlying zoning district in which it is located.
- 20 c) Fenced Compounds: All structures and improved areas located within the fenced compound shall be at least thirty (30) feet from the fence line.
- d) Solar Energy Systems: Solar energy systems and related accessory structures shall meet the minimum setbacks in the table below.

Setback from	Distance
Non-participating property lines	100 feet
Occupied buildings on non-participating properties	500 feet
Occupied buildings on participating properties	500 feet
Lakes, rivers, creeks, and similar bodies of water and Wellhead Protection Areas	100 feet
Road rights-of-way	100 feet

- 25 5. Height: Solar panel components must not exceed a maximum height of twenty-five (25) feet above ground when the arrays are at full tilt.
- 6. Lighting: Lighting shall be limited to inverter or substation locations only and shall comply with §14.04(E) Lighting.
- 7. Solar Arrays: Solar Arrays within a Utility-Scale Solar Energy Facility shall meet the design standards below.
- 30 a) Consistent: All solar arrays within the facility shall be of the same appearance.
- b) Good Condition: All solar arrays shall be maintained in good condition at all times, consistent with or better than industry standards.

- c) Certification: Solar array components shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), International Electrotechnical Commission (IEC), or other similar certification organization.
- 5 8. Wiring: All power transmission, communication, or other lines, wires, or conduits within a Utility-Scale Solar Energy Facility shall meet the standards below.
- a) Stray Voltage: All wiring shall comply with all applicable safety and stray voltage standards. Stray voltage originating from a Utility-Scale Solar Energy Facility shall not be detected on any participating or non-participating properties.
- 10 1) Preconstruction Test: A preconstruction stray voltage test shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of all participating properties. The tests shall be performed by an investigator approved by the Township at the applicant's expense.
- 15 2) Report: A report of the tests shall be provided to the Township and the owners of all property included in the study area.
- 20 3) Permission: The applicant shall seek written permission from property owners prior to conducting testing. Testing shall not be required on non-participating properties where the owners have refused to grant permission to conduct the testing. The owner of any participating property shall not refuse the stray voltage testing.
- b) Underground: Wiring shall be underground, except for power switchyards or the area within a fenced substation. When the Township finds underground wiring is not feasible due to soil or water conditions, the above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
- 25 c) Depth: Wiring shall be located at a depth to prevent any damage from freezing or frost, to prevent interference with drain tiles, and at a depth that complies with current National Electrical Code standards.
- 30 d) Interference: Wiring shall be located and designed to not cause interference with wired or wireless communication systems.
- e) Armoring: Concrete armoring techniques shall be used at every location where wiring crosses a county drain, watercourse, water line, or sewer line.
- 35 f) Marking: Permanent, visible markers or tracing wires shall be installed to indicate the location of wiring.
- g) Drain Tiles: Wiring shall be located to minimize conflict with drain tiles.
- h) All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
- 40 9. Drain Tiles: Drain tiles within the Utility-Scale Solar Energy Facility shall be preserved and maintained throughout the construction, operation, and restoration periods, as described below.

- a) Initial Inspection: Before the start of construction, all existing drain tiles within the facility and within any disturbed areas must be inspected by robotic camera with the imagery submitted to the Township for baseline documentation on tile conditions.
- 5 b) Continuing Inspection: Drain tiles must be re-inspected by robotic camera every three (3) years while the facility is in operation or when conditions indicate there may be damage to drain tiles with the imagery submitted to the Township.
- c) Repairs: Damaged drain tiles shall be repaired within sixty (60) days of discovery. The Township shall be notified of any necessary repairs before the work commences and documentation of the repair work. Repairs necessary to address an emergency situation may be completed without prior notice to the Township.
- 10 d) Inspection: The Township reserves the right to have a Township official or agent present at the time of repair of the drainage tile system
- e) A report of the inspection results detailing status of all drains within the project area will be provided to the Township within thirty (30) days of completion of the physical inspection. These inspection reports may be shared with other township officials and agents.
- 15
- 10. Fire Suppression: A fire suppression system shall be provided that is specifically designed to immediately suppress and extinguish fires in any part of the Utility-Scale Solar Energy Facility, including the solar arrays, electrical equipment, and transformers.
- 20 a) Documentation: Documentation shall be provided confirming the effectiveness of the fire suppression system and the results of a third-party independent inspection, as approved by the Township, of the fire suppression system.
- b) Fire Authority: The fire suppression system shall be reviewed and approved by the Township's fire authority.
- 25 c) Annual Inspection: The fire suppression system shall be inspected and approved yearly by a third-party independent inspecting company that is approved by the Township.
- 11. Groundcover: Utility-Scale Solar Energy Facilities shall include the installation of perennial ground cover vegetation that shall be maintained for the duration of operation until the site is decommissioned where appropriate within the site.
- 30 a) PA 116 Lands: Land within the project area that is enrolled or bound by the Farmland Preservation Program must follow the Michigan Department of Agriculture and Rural Development (MDARD) Policy for Allowing Commercial Renewable Energy Development on PA 116 Lands.
- 35 b) Non-PA 116 Lands: Land within the project area that is not enrolled or bound by the Farmland Preservation Program must provide at least one (1) of the following types of dual-use ground cover to promote ecological benefits:
 - 1) Pollinators: Pollinator habitat with a score of at least seventy-six (76) on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites (www.pollinators.msu.edu);
 - 40 2) Conservation Cover: Conservation cover focused on restoring native plants, grasses, or prairie with the aim of protecting specific species, such as bird

habitat, or providing specific ecosystem services, such as carbon sequestration or improving soil health;

3) Grazing: Incorporation of rotational livestock grazing and forage production as part of an overall vegetative maintenance plan; or

5 4) Crops: Raising crops for food, fiber, or fuel and generating electricity within the site to maximize land use.

c) Alternative Ground Cover: The Township may approve or require alternative ground cover upon finding it is not feasible to provide groundcover as defined above.

10 d) Ground Cover Nature: All ground cover must be native plants with substantial root systems to support soil. Turf grass is not permitted as ground cover.

e) Invasive and Noxious: Invasive species and noxious weeds are not permitted and must be removed in a timely manner.

12. Fencing: Utility-Scale Solar Energy Facility compounds shall be completely surrounded by a fence designed to prevent unauthorized access and to screen the facility.

15 a) Height: The fence shall be at least seven (7) feet tall.

b) Fence Posts: Fence posts shall extend at least thirty-six (36) inches into the ground, and gate posts and corner posts shall have a concrete foundation.

20 c) Fence Type: The fence shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material to be integrated into the fence if necessary for buffering or screening.

d) Gate Access: Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.

25 e) Gate Type: Gates shall be the same height and constructed of the same material as the fencing. Access, such as Knox box, shall be provided for emergency responders.

f) Wildlife Considerations: The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

30 g) Alternative Fencing: Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.

13. Signage: Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.

D. Buffering Requirements: Utility-Scale Solar Energy Facilities shall provide buffering described below.

35 1. Vegetative Buffer: There shall be a landscape buffer at least twenty (20) feet wide along the exterior of any fenced compound, whenever existing natural vegetation does not otherwise reasonably obscure the fenced compound.

a) Design: The buffer shall have two (2) rows of staggered evergreen trees planted twelve (12) feet apart or less trunk-to-trunk. The two (2) rows shall be ten (10) feet

apart. The Township may consider an alternative landscape buffer, provided the alternative buffer provides adequate screening.

5 b) **Vegetation Size:** Plantings shall be at least eight (8) feet tall at time of planting, measured from the top of the root ball to the base of the leader, not including the height of the leader, and must be a species that can reasonably be expected to reach a height of ten (10) feet within three (3) growing seasons.

c) **Maintenance:** The trees may be trimmed but must maintain a height of at least eighteen (18) feet. Damaged or diseased trees shall be replaced at the next appropriate planting season.

10 d) **Evergreen Species:** Evergreen trees shall be Norway Spruce in the row closest to fence and Thuja Green Giant Arborvitae in the row away from the fence. The Township may require or consider alternative evergreen species, provided the alternative species are more desirable due to disease or pest or more appropriate for the local conditions.

15 2. **Buffer Maintenance:** Good arboricultural techniques shall be followed with respect to vegetation, including, but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted in a manner consistent with these standards at the next appropriate planting season.

20 a) The Utility-Scale Solar Energy Facility will be inspected on at least an annual basis to insure compliance with the Buffer Maintenance provisions outlined above.

25 b) A confirmed violation of the Buffer Maintenance provision above must be addressed within thirty (30) days or the next planting season of the owner/operator of the Utility-Scale Solar Energy Facility with a proposed resolution of the complaint submitted to the Township.

E. Performance Standards: Utility-Scale Solar Energy Facilities shall meet the performance standards below.

30 1. **Compliance:** Utility-Scale Solar Energy Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations and industry standards.

2. **Sound:** The sound generated by a Utility-Scale Solar Energy Facilities must meet the sound standards of this Ordinance and the additional standards below.

35 a) **Day Sound Level:** The maximum sound level shall be forty (40) Dba Lmax, as measured at the project boundary and road rights-of-way between the hours of 7:00 am and 9:00 pm.

b) **Night Sound Level:** The maximum sound level shall be thirty-five (35) Dba Lmax, as measured at the project boundary and road rights-of-way between the hours of 9:00 pm and 7:00 am.

40 c) **Pure Tone:** If pure tones are produced, the maximum sound level shall be reduced by five (5) Dba.

d) **Ambient Sound:** If the ambient sound levels exceed these standards, the maximum sound level shall be the ambient sound level plus five (5) Dba.

- 5 e) Inverter Sound Screening: A sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than ten (10) feet apart, must be constructed to reduce noise levels surrounding all inverters. Berms must be within ten (10) feet of all inverters and must be at least as tall as all inverters but cannot be more than three (3) feet taller than the height of the adjacent inverters.
- f) Continued Compliance: The sound level by a Utility-Scale Solar Energy Facility must be inspected every three (3) years, at the operator's expense, by an auditory expert to ensure compliance with applicable sound standards.
- 10 3. Airport Impact: Utility-Scale Solar Energy Facilities must be reviewed using the current Solar Glare Hazard Analysis Tool (SGHAT) available through Sandia National Laboratories or a commercially-available equivalent. The SGHAT will be used to ensure that airports and those who use them will not be affected by unwanted visual or ocular impacts. The process is designed to save costs and increase public safety.
- 15 a) Adverse Impacts: The study shall determine if there are any potential adverse effects on any registered airfield within ten (10) miles of the project. Effects noted, but not exclusively, should include any possible decreased safety and utility.
- 20 b) Determination of No Hazard: Utility-Scale Solar Energy Facilities must obtain a Determination of No Hazard from the Federal Aviation Administration. A Determination of No Hazard does not eliminate the need for the SGHAT study, nor does it in any way eliminate the standard for glare on roadways or non-participating parcels.
- c) Timing: The Determination of No Hazard must be obtained before breaking ground on any portion of the Utility-Scale Solar Energy Facility. A copy of the airport impact study must be submitted to the Township.
- 25 d) Safety and Utility Impacts: Utility-Scale Solar Energy Facilities that impact safety or utility of any registered airfield shall not be permitted.
4. Reports: In addition to other reports identified in this Ordinance, the owner or operator shall submit the following reports to the Township during the operation of Utility-Scale Solar Energy Facilities.
- 30 a) Annual Report: An annual report shall be provided to the zoning administrator showing continuity of operation.
- b) Operation. A report shall be provided to the zoning administrator if the Utility-Scale Solar Energy Facility or any of its components are no longer being used.
- 35 c) Incident Report: Reports shall be submitted if there is a major incident at the Utility-Scale Solar Energy Facility that did or could have caused harm to life or property, including calls for service from emergency responders. The report shall identify the cause of the incident and corrective action to prevent future incidents of that nature.
5. Safety: Utility-Scale Solar Energy Facilities shall be subject to the safety standards below.
- 40 a) Warning Signs: The manufacturers or installer's identification and appropriate warning signs shall be posted on or near each solar array and electrical equipment in a clearly visible manner.

- b) Fire Suppression and Data Sheets: Fire suppression plans and Safety Data Sheets shall be kept onsite and be accessible for emergency responders.
- c) Safety Manual: An un-redacted copy of the manufacturer's safety manual for each component of the Utility-Scale Solar Energy Facility, without distribution restraints, shall be provided before construction commences. These shall be kept at the Township Hall and other locations deemed necessary by the Township or local first responders. The manual shall include standard details for an industrial site such as materials, chemicals, fire, access, and safe distances during a Utility-Scale Solar Energy Facility failure, processes in emergencies, etc.
6. Interference: Utility-Scale Solar Energy Facilities must not interfere with any radio, television, or other communication systems. The applicant or operator must resolve any known interference immediately and provide proof that the interference has been resolved within ninety (90) days.
7. Complaint Resolution: Utility-Scale Solar Energy Facilities shall provide a complaint resolution process, as described below.
- a) Signs: Signs with contact information to report complaints related to the Utility-Scale Solar Energy Facility shall be posted throughout the project area. Signs shall be posted before construction begins and maintained until decommissioning is complete.
- b) Resolution Options: Any resolution shall include lawful and reasonable solutions consistent with this Ordinance.
- c) Contact: A twenty-four (24) hour toll-free number shall be established and maintained by the owner or operator to receive complaints. Additional reporting methods, such as postal mail or electronic mail, may also be used.
- d) Log: A log shall be kept by the owner or operator of all complaints received and documentation of the resolution. The log shall be available for review by Township Officials.
- e) Notification: The zoning administrator shall receive notification of all complaints received. An annual report shall be submitted to the Township that details all complaints received, the status of complaint resolution, and actions taken to resolve complaints.
- f) Resolution Period: Complaints for hazardous conditions shall be resolved within twelve (12) hours or as soon as reasonably possible. Other complaints shall be resolved within ten (10) business days.
- g) Adjudication: The operator or its assignees reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction.
8. Insurance and Performance Guarantees: Utility-Scale Solar Energy Facilities shall provide insurance and performance guarantees. These are in addition to other insurance or performance guarantees required by this Ordinance or other entities.
- a) General Liability Insurance: Utility-Scale Solar Energy Facilities shall have and maintain general liability insurance of at least ten million (\$10,000,000) dollars. The Township may require a higher amount for larger projects and may allow for a lesser

amount for smaller projects upon a finding that the alternate amount is more consistent with the likely risk.

5 b) General Maintenance Performance Guarantee: A General Maintenance Performance Guarantee shall be provided before construction commences to guarantee all aspects of this Ordinance are met at all times during the construction and operation of the Utility-Scale Solar Energy Facility. At the time of the application, the applicant shall submit two (2) third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the Utility-Scale Solar Energy Facility, and the performance guarantee shall be the higher of the two 10 (2) bids. The Township may use the performance guarantee to repair any landscaping, fencing, drainage infrastructure (including drainage tiles), and/or to correct any ongoing violation of this Ordinance in the event that the site improvements for the Utility-Scale Solar Energy Facility are not maintained or the Utility-Scale Solar Energy Facility fails to make operational changes to correct an operational violation. 15

20 c) Road Performance Guarantee: A road performance guarantee shall be provided before construction commences in a form acceptable to the Township, such as: a) a surety bond from a surety listed as acceptable on the Federal Surety Bond circular 570 of the U.S. Department of Treasury; or b) an acceptable irrevocable letter of credit; or c) an escrow account established in a financial institution licensed in the State of Michigan. A construction surety bond shall not be accepted. The amount of the performance guarantee shall be at least one million two hundred fifty thousand dollars (\$1,250,000), but this amount may be increased if the third-party consultant determines the amount needed for road repairs is greater than this amount. The performance guarantee shall only be released, in whole or part, when the Township Board, in consultation with the Livingston County Road Commission and Michigan Department of Transportation, as applicable, and the third-party inspector, determines that all required road work has been completed and approved by the affected road agencies. The Township may waive or reduce the requirement for this performance guarantee if the road agencies collect a performance guarantee. 30

35 d) Complaint Inspection Escrow: An escrow account, funded by the applicant, owner, or operator, to be used for investigation of complaints shall be established before construction commences. The escrow account shall be used by the Township for investigation of complaints, including reasonable reimbursement of qualified third-party agents, for, but not limited to, glare, stray voltage, sound, and signal interference. The escrow account shall be kept with the Township Treasurer. The initial escrow account shall be in the amount of fifteen thousand dollars (\$15,000). When the escrow account balance is below five thousand dollars (\$5,000), the Township shall notify the responsible party, who must replenish the escrow account to the amount of fifteen thousand dollars (\$15,000) within a period of forty-five (45) calendar days. 40

9. Dust Control: Reasonable dust control measures shall be taken during construction, operation, and decommissioning.

45 10. Plants and Grasses: Plants or grasses not part of the buffer area shall be maintained at a height of twelve (12) inches or less. The Township may approve a taller height upon a finding that it will not result in a nuisance.

11. Wildlife: Utility-Scale Solar Energy Facilities shall be designed, sited, and operated in a manner to minimize impact on wildlife.

- 5 a) Wildlife Impact Analysis: The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use shall be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- 10 b) Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 15 c) Special Scrutiny: Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally- or state-listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- 20 d) US Fish and Wildlife Service: The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
- 25 e) Post-Construction Mortality Study: A post-construction wildlife mortality study may be required for the proposed Utility-Scale Solar Energy Facility. If such a study is determined unnecessary by the owner, operator or property owner, the reasons why such a study does not need to be conducted shall be submitted to the Township. The company to complete the Post-Construction Mortality Study shall be jointly chosen by the Township and property owner. The cost of the Post-Construction Mortality Study shall be paid for by the owner, operator, and property owner. The final report of the Post Construction Mortality Study shall be submitted to the Township within six (6) months of operation of the Utility-Scale Solar Energy Facility.
- 30

12. Environment: Utility-Scale Solar Energy Facilities shall be designed, sited, and operated to minimize impact on the environment.

- 35 a) Environmental Impact Analysis: The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.
- 40 b) Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 45 c) Environmental Laws: Utility-Scale Solar Energy Facilities shall comply with applicable parts of the Michigan Natural Resources and Environmental protection Act (Act 451 of 1994, MCL 324.101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324030301 et seq.), Part 323

Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

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- d) Containment System: A containment system shall surround any transformers in case of hazardous waste or oil spills.
 - e) Removal: All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.
 - f) Responsibility: The Utility-Scale Solar Energy Facility owner, operator, and property owner shall be jointly and severally responsible for mitigating erosion, flooding, and all other environmental impacts resulting from the Facility.
- 10
13. Emergency Action Plan: Utility-Scale Solar Energy Facilities shall have an emergency action plan to identify actions to be taken in event of an emergency.
- a) The Emergency Action Plan shall jointly be reviewed and approved by the Howell Fire Department and Livingston County Emergency Management Director before the operation of the Utility-Scale Solar Energy Facility can begin commercial operation. The Emergency Action Plan shall be reviewed every three years by the Howell Fire Department and the Livingston County Emergency Management Director. All approvals or reviews of the Emergency Action Plan shall be provided to the Township Supervisor and Zoning Administrator. The cost for any review shall be the responsibility, jointly and severally, of the Utility-Scale Solar Facility owner or operator.
 - b) Fire Suppression: The emergency action plan must include a fire suppression plan, including the technology to be used.
 - c) Special Equipment and Training: The emergency action plan shall identify special equipment and training that is required for emergency response to the Utility-Scale Solar Energy Facility.
 - d) The cost of purchasing the required special equipment for fire protection will be the responsibility, jointly and severally, of the owner and operator of the Utility-Scale Solar Energy Facility.
 - e) Clean-up: The emergency action plan must include plans for immediate containment, cleanup and long-term aftermath efforts following an emergency.
 - f) Emergency Training: Before the Utility-Scale Solar Energy Facility is operational, the owner or operator of the Utility-Scale Solar Energy Facility must provide the necessary training, equipment, or agreements specified in the emergency action plan to the Township, Howell Fire Department, Livingston County Emergency Response Director or any other emergency personnel at the local, state or federal level. All training must be consistent with current industry standards.
 - g) The cost of the required training for the fire protection personnel shall be the responsibility, jointly and severally, of the owner and operator of the Utility-Scale Solar Energy Facility.
 - h) Once a year a fire suppression training shall be held with the cost of such training being the responsibility, jointly and severally, of the owner and operator of the Utility-Scale Solar Energy Facility.
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- 5 i) **Public Record:** The Emergency Action Plan will be a public record. Copies of the most up to date Emergency Action Plan shall be maintained at all times at the Utility-Scale Solar Energy Facility, the Marion Township Hall, the Howell Fire Department substation located at the Marion Township Hall, and at the office of the Livingston County Emergency Response Director. This plan shall be available for public inspection if requested.

F. General Provisions: Utility-Scale Solar Energy Facilities shall be subject to the general provisions below.

- 10 1. **Damage Repair:** The owner, operator, and property owner shall be jointly and severally responsible for making repairs to any public roads, drains, and infrastructure damaged by the construction of, use of, maintenance of, or damage to the Utility-Scale Solar Energy Facility.
- 15 2. **Mixed Facilities:** Utility-Scale Solar Energy Facilities may be col-located with other renewable energy facilities, such as and Utility Battery Energy Storage Facilities or Utility Wind Energy Conversion Facilities. Review and approval are required for each use.
- 20 3. **As-Builts:** The applicant shall submit an as-built drawing with dimensions relative to property lines of all new structures including solar panel units and buried cable both inside and outside fenced areas upon completion and before any power is supplied to the grid. The as-built drawing shall be a scale of 1" = 200 feet.
- 25 4. **Repowering or Modifications:** Any modifications of an approved site plan or special use permit that are made after the initial date of approval, including, but not limited to, an expansion of project, repowering, reconfiguration, technological updates, shall require new site plan and special use permit applications. Any changes of the approved site plan or special use permit will be subject to this Ordinance as it exists at time of this new application.
- 30 5. **Transfer or Sale:** In the event of a transfer or sale of a Utility-Scale Solar Energy Facility, the new owner or operator must notify the Township within thirty (30) days, and the zoning administrator shall administratively amend the permit to name the new owner or operator. Upon transfer or sale, the cash bond shall be transferred to the new owner or operator and shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.

35 **G. Decommissioning, Abandonment, and Restoration:** Following the operational life or abandonment of a Utility-Scale Solar Energy Facility, the site shall be decommissioned and restored as outlined below.

- 40 1. **Decommissioning Plan:** The applicant shall have a third-party qualified professional, acceptable to the Township, prepare a decommissioning plan. The decommissioning plan shall be written to provide security to the Township for one hundred twenty-five percent (125%) of the cost to remove and dispose of all panels, wiring, and restoration of the land to its original conditions. The decommissioning security shall be paid in cash to the Township.
- a) **Anticipated Life:** The decommissioning plan shall describe the anticipated life span of the Utility-Scale Solar Energy Facility and its components.

- b) Decommissioning Costs: The decommissioning plan shall provide a probable cost estimate for decommissioning, including current cost and cost at the time of decommissioning.
- 5 c) How Paid: The decommissioning plan shall provide a description of how decommissioning costs will be paid.
- d) Regular Updating: The decommissioning plan shall be updated on a regular, period basis at of at least once every three (3) years. Additional security may be required to account for increased anticipated decommissioning costs during the preceding three (3) years.
- 10 2. Abandonment: Utility-Scale Solar Energy Facilities or any components that are not operated for a continuous period of six (6) months shall be considered abandoned, whether or not there is an intent to continue the use, and shall be removed or restored to operation. An extension may be granted by the Township upon finding that the delay does not create a hazardous condition and the applicant has demonstrated a good-faith effort to continue operation.
- 15 3. Damage: Any Utility-Scale Solar Energy Facility components that are damaged shall be replaced or removed within seven (7) days. An extension may be granted by the Township upon finding that it is not feasible to replace or remove the component in that period and that the delay does not create a hazardous condition.
- 20 4. Unsafe: Any unsafe components shall be removed or made safe within a reasonable period as determined by the Township.
5. Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
- 25 6. Chemical Analysis and Boring: A chemical analysis and boring of the soil, as recommended by the Township engineer shall be performed before any decommissioning work begins with the results compared to the baseline soil chemical analysis baseline test results obtained before construction of the Utility-Scale Solar Energy Facility.
- 30 a) Chemical Levels: All levels of any chemical entity found in the soil chemical analysis must be equal to or are lower than the levels of all chemical entities determined in the baseline testing performed prior to construction. If a new chemical entity, either organic or inorganic compounds, is identified in the soil chemical analysis, its level must be below established federal and state government levels for hazardous materials in soils for that chemical entity.
- 35 b) Report: A report of the soil chemical analysis must be provided to the Township within seven (7) days. If any chemical entity, organic or inorganic compounds, is above established federal and state government levels for hazardous materials in soils, the report must be submitted to the appropriate Federal and State regulatory agencies within seven (7) days of receiving the testing report showing a violation.
- 40 c) Violation Resolution: Once a violation has been determined and finalized, a reclamation plan for the contaminated soil must be developed and implemented to remove the contaminated soil from the Utility-Scale Solar Energy Facility site. The reclamation plan must meet all Federal and State regulations for the reclamation of a contaminated site. The plan must be approved by the Township Board and the

Township engineer. Once the contaminated soil has been removed and replaced with uncontaminated soil, a final soil chemical analysis shall be performed to confirm the Utility-Scale Solar Energy Facility site soils have been returned to its original state for levels of organic and inorganic compounds that existed before construction.

- 5 d) Cation Exchange Capacity: A Cation Exchange Capacity soil test shall also be required at the completion of the decommission process. The company to complete this study will be determined jointly by the Township and the property owner. The final report of this test shall be submitted to the Township and property owner for review and comment.
- 10 e) Violation Remediation: Any negative variations from the preconstruction soil testing must be remedied and the final results of the testing approved by the township engineer and the Township Board.
- 15 7. Ground Restoration: The ground must be restored to its original topography and land must be restored to a depth of three (3) feet below grade within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted by the Township if a good-faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.
- 20 8. Land Balancing: If land balancing is required, all top soil will be saved within the project site and spread evenly over balanced area.
- 9. Township Action: The Township may remove any abandoned or unsafe Utility-Scale Solar Energy Facility components that are not removed or restored within the allowed time. The owner, operator, and property owner shall be jointly and severally responsible for any costs.
- 25 10. Attorney Costs: The owner, operator, and property owner shall be jointly and severally responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the Township has to enforce removal.
- 11. Vegetation: Disturbed land shall be revegetated at the next appropriate planting season.
- 30 12. Disposal: It is the responsibility, jointly and severally, of the owner, operator, and property owner of the Utility-Scale Solar Energy Facility to remove all structures, equipment, and waste from the site and disposed of properly. All costs for this disposal of structures, equipment, and waste shall be the total responsibility, jointly and severally, of the Utility-Scale Solar Energy Facility owner, operator and property owner.
- 35 13. Compliance with the above provisions of Section G. Decommissioning, Abandonment, and Restoration, shall be determined by review of all actions, documents and reports of said decommissioning by the Board of Trustees of Marion Township.

H. Application Materials: Applications for Utility-Scale Solar Energy Facilities must submit the following additional materials with the special use permit application. These materials are in addition to information required for site plan and special use permit applications.

- 40 1. Identification: The name and address in full of the applicant, developer, owner, operator, and property owners, a statement that the applicant is the owner involved in the application, and any additional contact information shall be submitted.

2. Application Dating: Each application for a Utility-Scale Solar Energy Facility shall indicate the date the application is received by the Township.
3. Purchase Agreements or Leases: Copies of all purchase agreements or leases for all participating properties that confirm the applicant has the permission of the participating property owners to apply for the necessary approvals and permits for construction and operation of a Utility-Scale Solar Energy Facility.
4. Project Description: A general description of the proposed project, including name-plate generating capacity and an anticipated construction schedule shall be submitted.
5. Solar Arrays: A complete description of the proposed technology to include type of solar panel and system, maximum height, fixed mounted versus tracking, number of panels, and angles of orientation shall be submitted.
6. Conceptual Plan and Elevations: A graphical computer-generated depiction of how the Utility-Scale Solar Energy Facility will appear from all directions shall be submitted.
7. Documentation: A complete set of photos and video of the entire development area, including construction access roads, as it exists before the application date shall be submitted.
8. Operation: A description of operations, including anticipated regular and unscheduled maintenance and the hours of the day maintenance will take place shall be submitted.
9. Power Purchase Agreement: A copy of the power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Solar Energy Facility shall be submitted.
10. Insurance: Proof of the general liability insurance to cover the Utility-Scale Solar Energy Facility, the Township, and the participating property owners shall be submitted.
11. Certifications: Certification shall be submitted that the Utility-Scale Solar Energy Facility will comply with all applicable state and federal laws and regulations in effect at the time the application is submitted, including, but not limited to: Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); and Part 365, Endangered Species Protection (MCL324.36501 et. seq.).
12. Farmland Preservation Approval: Utility-Scale Solar Energy Facilities with any participating properties that are enrolled in the Michigan Farmland Preservation program must provide confirmation of approval from the Michigan Department of Agriculture to locate the facility on the property.
13. Road Agencies: Proof of approval or conditional approval by any road agency from which the Utility-Scale Solar Energy Facility will have access or whose roads will be used as a construction or maintenance route shall be submitted.
14. Drain Commission: Proof of approval or conditional approval by and the Livingston County Drain Commission for any Utility-Scale Solar Energy Facility that has participating properties with a county drain or propose improvements within a county drain easement.

15. Manufacturers' Safety Data Sheet(s): Documentation include the type and quantity of all materials used in the operation of all equipment shall be submitted.
16. Wildlife Impact: Copy of the wildlife impact analysis shall be submitted.
17. Environmental Impact: Copy of the environmental impact analysis shall be submitted.
- 5 18. Soil Chemical Analysis: A chemical analysis and borings including a Cation Exchange Capacity (CEC) of the soil involved in the project must be completed as recommended by the Township engineer.
19. Complaint Resolution Protocol: Copy of complaint resolution protocol shall be submitted.
- 10 20. Decommissioning Plan: Copy of the decommissioning plan shall be submitted.
21. Emergency Action Plan: Copy of the Emergency Action plan shall be submitted.
22. Indemnification: An attestation that the applicant, owner, operator, and property owners, jointly and severally, responsible will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Solar Energy Facility, which is subject to the Township's review and approval, shall be submitted.
- 15 23. Right-to-Enter: Submission of an application for a Utility-Scale Solar Energy Facility grants the Township and its agents the right to enter the facility and any participating property for inspection of the Utility-Scale Solar Energy Facility at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the applicant, owner, or operator.
- 20 24. Additional Information: Any additional information, studies, or documentation requested by the Township or its agents that are deemed necessary to determine compliance with this Ordinance and other applicable laws and regulations.
- 25 I. **Utility-Scale Solar Energy Facilities under PA 233:** On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to any Utility-Scale Solar Energy Facility with a name-plate capacity of at least fifty (50) megawatts. These provisions below shall control to the extent that they conflict with other provisions in §17.35 Utility-Scale Solar Energy Facilities. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect. This subsection does not apply to Utility-Scale Solar Energy Facilities with a nameplate capacity of less than 50 megawatts. All provisions in §17.35 Utility-Scale Solar Energy Facilities that do not conflict with this subsection remain in full force and effect.
- 30 1. **Setbacks:** Utility-Scale Solar Energy must comply with the minimum setback requirements in the table below, with setback distances measured from the nearest edge of the perimeter fencing of the facility.
- 35

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way

Nonparticipating parties	50 feet measured from the nearest shared property line
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2. Installation: Installation for the Utility-Scale Solar Energy Facilities must comply with the latest version of the National Electric Code as of November 29, 2024, or as subsequently amended.
- 5 3. Height: Solar panel components must not exceed a maximum height of twenty-five (25) feet above ground when the arrays are at full tilt.
- 10 4. Sound: Utility-Scale Solar Energy Facilities must not generate a maximum sound in excess of fifty-five (55) average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- 15 5. Lighting: Utility-Scale Solar Energy Facilities must implement dark sky-friendly lighting solutions.
- 20 6. Environmental Regulations: Utility-Scale Solar Energy Facilities must comply with applicable state or federal environmental regulations.
- 25 7. Host Community Agreement: The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Solar Energy Facility owner must pay the Township two thousand dollars (\$2,000.00) per megawatt of name-plate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or other projects as agreed to by the Township and the applicant.
8. PA 233 Requirements: The Utility-Scale Solar Energy Facility shall be subject to the other applicable rules and regulations outlined in PA 233 of 2023 and by the Michigan Public Service Commission.
9. Applicant's Option: An applicant can elect at the time of application to have their application for a Utility-Scale Solar Energy Facility processed using the other provisions of §17.35 Utility-Scale Solar Energy Facilities, even if PA 233 of 2023 is in full effect.

SECTION 2. AMENDMENT OF ARTICLE III DEFINITIONS

30 *§3.02 DEFINITIONS IS HEREBY AMENDED WITH THE REPLACEMENT OF THE CURRENT SOLAR ENERGY DEFINITIONS TO BE REPLACED WITH THE FOLLOWING, WHICH SHALL READ AS FOLLOWS:*

Solar Energy: The following definitions shall apply in the application of this Ordinance.

- 35 1. Abandonment: Any solar energy system or facility that is no longer producing power.
2. Building Integrated Photovoltaics (BIPVs): A private or utility solar energy system that is integrated into the structure of a building, such as solar roof tiles or solar shingles.

3. Decommission: To remove or retire a solar energy system or facility from active service.
4. Ground-mounted Solar Energy System: A private or utility solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.
5. Height: The height of a solar energy system, measured vertically from the adjacent grade to its highest point at maximum tilt.
6. Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, including, but not limited to: working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.
7. Non-participating Property: A property that is not subject to a Utility-Scale Solar Energy Facility lease or easement agreement at the time an application is submitted for a special use permit for a Utility-Scale Solar Energy Facility.
8. Participating Property: A property that participates in a lease or easement agreement, or other contractual agreement, with or that is owned by an entity submitting a special use permit application for a Utility-Scale Solar Energy Facility.
9. Photovoltaic Array (PV Array): A device designed to collect and transform solar energy into electricity.
10. Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for commercial resale of energy, except for the sale of surplus electrical energy back to the electrical grid.
11. Repowering: Replacing or upgrading Solar Energy System to increase power rating of panels or Solar Energy System accessory structures within the approved project footprint. This does not apply to regular maintenance.
12. Roof- or Building-mounted Solar Energy System: A private or utility solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIPVs.
13. Solar Energy System: A device designed to collect and transform solar energy into electricity, including, but not limited to, PV arrays, racks, inverters, transformers, wiring, batteries, and electrical system components.
14. Solar Farm: See Utility-Scale Solar Energy Facility.
15. Utility-Scale Solar Energy Facility: A facility with solar energy systems where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity with a name-plate capacity of at least one hundred (100) megawatts.

40 **SECTION 3. AMENDMENT OF ARTICLE XII SOLAR FARM OVERLAY DISTRICT**

§12.01(B) PERMITTED ACCESSORY USES IS HEREBY AMENDED TO READ AS FOLLOWS:

1. Accessory uses or structures clearly incidental to the operation of an approved Utility-Scale Solar Energy Facility.

5 *§12.01(C) USES PERMITTED BY SPECIAL USE PERMIT IS HEREBY AMENDED TO READ AS FOLLOWS:*

1. Utility-Scale Solar Energy Facilities.

SECTION 4. AMENDMENT OF TABLE OF CONTENTS

10 *THE TABLE OF CONTENTS IS HEREBY AMENDED FOR CONSISTENCY WITH THE ABOVE AMENDMENTS AND TO ACCOMMODATE REPAGINATION.*

SECTION 5. SEVERABILITY AND VALIDITY

15 If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

SECTION 6. REPEALER

 All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7. EFFECTIVE DATE

20 This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

25 26174:00003:201253520-1

MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
UTILITY-SCALE WIND ENERGY CONVERSION FACILITIES

5 AN AMENDMENT TO THE MARION TOWNSHIP ZONING ORDINANCE TO ESTABLISH
SPECIFIC STANDARDS FOR UTILITY-SCALE WIND ENERGY CONVERSION FACILITIES;
ADD DEFINITIONS RELATED TO UTILITY-SCALE WIND ENERGY CONVERSION FACILITIES;
AND AMEND THE TABLE OF CONTENTS ACCORDINGLY.

10 **SECTION 1. AMENDMENTS TO ARTICLE XVII STANDARDS FOR SPECIFIC SPECIAL
LAND USES**

*ARTICLE XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES IS HEREBY AMENDED
BY THE ADDITION OF A NEW §17.37 UTILITY-SCALE WIND ENERGY CONVERSION
FACILITIES, WHICH SHALL READ AS FOLLOWS:*

15 **Section 17.37 Utility-Scale Wind Energy Conversion Facilities**

A. Intent and Purpose: The intent and purpose of this section is to establish standards for the
siting, installation, operation, repair, decommissioning, and removal of Utility-Scale Wind
Energy Conversion Facilities; establish the process for the reviewing and permitting of such
facilities; protect the health, safety, and welfare and quality of life of the general public; and
20 ensure compatibility with land uses in the vicinity of the areas affected by such facilities; and
comply with state law.

B. Locational Requirements: Utility-Scale Wind Energy Conversion Facilities are permitted
by special use permit in the SFO Solar Farm Overlay District only.

25 **C. Site Requirements:** Utility-Scale Wind Energy Conversion Facility sites shall meet the site
standards below.

1. Site Composition: The site may consist of a single participating property or multiple
adjoining participating properties. All participating properties must have signed
agreements to participate in the Utility-Scale Wind Energy Conversion Facility.
2. Lot Area: The site shall have a total net lot area of at least fifty (50) acres and no more
30 than one thousand (1,000) acres.
3. Access: Utility-Scale Wind Energy Conversion Facilities shall meet the access
standards below.
 - a) Road or Easement: The site, all fenced compounds, and every wind turbine shall
35 have direct access from a public road or an access easement with a maximum
length of one thousand two hundred fifty (1,250) feet and width of at least thirty-three
(33) feet.
 - b) Access Drive Material: Access drives shall have a hard surface or material that can
pack hard that is sufficient to support fire apparatus and provide access at all times
of the year.

- c) Access Drive Maintenance: Access drives must be maintained and kept accessible at all times. The applicant, owner, operator, and property owners shall be jointly and severally responsible for maintenance of the access roads.
- 5 d) Access Drive Design: Access drives shall be designed to reduce the impact on agricultural use of the land and the visual impact. Access drives shall not impede the natural flow of water.
- e) Gates and Doors: All access gates and doors to Utility-Scale Wind Energy Conversion Facility compounds, electrical equipment, and wind turbines shall be lockable and kept secured at all times when service personnel are not present.
- 10 f) Towers: Wind turbines shall not be climbable for a height of twenty (20) feet above the ground.

4. Setbacks: Wind turbines, fenced compounds, and electrical equipment shall meet the setback standards below.

- 15 a) Measurement: Setbacks from wind turbines shall be measured horizontally from the center of the tower base.
- b) Fences and Improved Areas: All fences and improved areas shall comply with the applicable setback for the underlying zoning district in which it is located.
- c) Fenced Compounds: All structures and improved areas located within the fenced compound shall be at least thirty (30) feet from the fence line.
- 20 d) Wind Turbines: Wind turbines shall meet the minimum setbacks in the table below.

Setback from	Distance
Non-participating property lines	2.5 times wind turbine height
Occupied buildings on non-participating properties	3 times the wind turbine height
Occupied buildings on participating properties	1.5 times the wind turbine height
Lakes, rivers, creeks and similar bodies of water	1,250 feet
Adjacent wind turbine	1.5 times wind turbine height
Road rights-of-way	1.5 times wind turbine height

- 5. Height: Wind turbines shall have a maximum finished height of three hundred (300) feet.
- 6. Lighting: Lighting for Utility-Scale Wind Energy System Facilities shall comply with §14.04(E) Lighting and the standards below.
- 25 a) Safe Operation: Lighting of the facility is limited to the minimum light necessary for safe operation.
- b) Federal Aviation Administration: Wind turbines shall only be illuminated to the minimum extent required by the Federal Aviation Administration.
- c) Nature of Light: Wind turbines shall not have strobe or pulse lighting.
- 30 d) Synchronized: All wind turbine lighting shall be synchronized to illuminate at the same time.

e) Shielded: Wind turbine lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

7. Wind Turbines: Wind turbines within a Utility-Scale Wind Energy System Facility shall meet the design standards below.

5 a) Consistent: All wind turbines within the facility shall be of the same appearance.

b) Monopole: All wind turbines shall be of a monopole design.

10 c) Appearance: All wind turbines must be painted a non-obtrusive, neutral color, such as beige, gray, or off-white and must be non-reflective. The tower, nacelle, and blades must be the same color. Advertisements, graphics, or striping are not permitted on wind turbines.

d) Rotation: All wind turbine blades within a Utility-Scale Wind Energy Conversion Facility shall rotate in the same direction.

e) Good Condition: All wind turbines shall be maintained in good condition at all times, consistent with or better than industry standards.

15 f) Deicing: All wind turbines must be equipped with technology that automatically deices the turbine blades. The system must detect ice and heat the blades, such as through the use of built-in carbon heating mats or through the circulation of hot air. Turbine blades shall use stick-free surface coatings to the maximum extent practical.

20 g) Clearance: The swept area shall have a ground clearance of at least one hundred (100) feet and a clearance of at least one hundred (100) feet from any structure.

25 h) Braking: All wind turbines must be equipped with both an automatic and a manual braking or equivalent device, capable of stopping the wind turbine's operation in high winds with or without supervisory control and data acquisition control. The automatic braking system must be effective during complete grid power failure when the wind turbine is unable to communicate with supervisory control and data acquisition control or receive power.

i) Certification: All wind turbines shall be approved by Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

30 8. Wiring: All power transmission, communication, or other lines, wires, or conduits within a Utility-Scale Wind Energy Conversion Facility shall meet the standards below.

a) Stray Voltage: All wiring shall comply with all applicable safety and stray voltage standards. Stray voltage originating from a Utility-Scale Wind Energy Conversion Facility shall not be detected on any participating or non-participating properties.

35 1) Preconstruction Test: A preconstruction stray voltage test shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of all participating properties. The tests shall be performed by an investigator approved by the Township at the applicant's expense.

40 2) Report: A report of the tests shall be provided to the Township and the owners of all property included in the study area.

- 5
- 3) Permission: The applicant shall seek written permission from property owners prior to conducting testing. Testing shall not be required on non-participating properties where the owners have refused to grant permission to conduct the testing. The owner of any participating property shall not refuse the stray voltage testing.
- 10
- b) Underground: Wiring shall be underground, except for power switchyards or the area within a fenced substation. When the Township finds underground wiring is not feasible due to soil or water conditions, the above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
- 15
- c) Depth: Wiring shall be located at a depth to prevent any damage from freezing or frost, to prevent interference with drain tiles, and at a depth that complies with current National Electrical Code standards.
- d) Interference: Wiring shall be located and designed to not cause interference with wired or wireless communication systems.
- e) Armoring: Concrete armoring techniques shall be used at every location where wiring crosses a county drain, watercourse, water line, or sewer line.
- f) Marking: Permanent, visible markers or tracing wires shall be installed to indicate the location of wiring.
- 20
- g) Drain Tiles: Wiring shall be located to minimize conflict with drain tiles.
9. Drain Tiles: Drain tiles within the Utility-Scale Wind Energy Conversion Facility shall be preserved and maintained throughout the construction, operation, and restoration periods, as described below.
- 25
- a) Initial Inspection: Before the start of construction, all existing drain tiles within the facility and within any disturbed areas must be inspected by robotic camera with the imagery submitted to the Township for baseline documentation on tile conditions.
- b) Continuing Inspection: Drain tiles must be re-inspected by robotic camera every three (3) years while the facility is in operation or when conditions indicate there may be damage to drain tiles with the imagery submitted to the Township.
- 30
- c) Repairs: Damaged drain tiles shall be repaired within sixty (60) days of discovery. The Township shall be notified of any necessary repairs before the work commences and documentation of the repair work. Repairs necessary to address an emergency situation may be completed without prior notice to the Township.
- 35
- d) Inspection: The Township reserves the right to have a Township official or agent present at the time of repair of the drainage tile system.
- e) A report of the inspection results detailing status of all drains within the project area will be provided to the Township within thirty (30) days of completion of the physical inspection. These inspection reports may be shared with other township officials and
- 40
- agents.
10. Fire Suppression: A fire suppression system shall be provided that is specifically designed to immediately suppress and extinguish fires in any part of the Utility-Scale

Wind Energy Conversion Facility, including the wind turbines, electrical equipment, and transformers.

- a) Documentation: Documentation shall be provided confirming the effectiveness of the fire suppression system and the results of a third-party independent inspection, as approved by the Township, of the fire suppression system.
- b) Fire Authority: The fire suppression system shall be reviewed and approved by the Township's fire authority.
- c) Annual Inspection: The fire suppression system shall be inspected and approved yearly by a third-party independent inspecting company that is approved by the Township.

11. Groundcover: Utility-Scale Wind Energy Conversion Facilities shall include the installation of perennial ground cover vegetation that shall be maintained for the duration of operation until the site is decommissioned where appropriate within the site.

- a) PA 116 Lands: Land within the project area that is enrolled or bound by the Farmland Preservation Program must follow the Michigan Department of Agriculture and Rural Development (MDARD) Policy for Allowing Commercial Renewable Energy Development on PA 116 Lands.
- b) Non-PA 116 Lands: Land within the project area that is not enrolled or bound by the Farmland Preservation Program must provide at least one (1) of the following types of dual-use ground cover to promote ecological benefits:
 - 1) Pollinators: Pollinator habitat with a score of at least seventy-six (76) on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites (www.pollinators.msu.edu);
 - 2) Conservation Cover: Conservation cover focused on restoring native plants, grasses, or prairie with the aim of protecting specific species, such as bird habitat, or providing specific ecosystem services, such as carbon sequestration or improving soil health;
 - 3) Grazing: Incorporation of rotational livestock grazing and forage production as part of an overall vegetative maintenance plan; or
 - 4) Crops: Raising crops for food, fiber, or fuel and generating electricity within the site to maximize land use.
- c) Alternative Ground Cover: The Township may approve or require alternative ground cover upon finding it is not feasible to provide groundcover as defined above.
- d) Ground Cover Nature: All ground cover must be native plants with substantial root systems to support soil. Turf grass is not permitted as ground cover.
- e) Invasives and Noxious: Invasive species and noxious weeds are not permitted and must be removed in a timely manner.

12. Fencing: Utility-Scale Wind Energy Conversion Facility compounds shall be completely surrounded by a fence designed to prevent unauthorized access and to screen the facility.

- a) Height: The fence shall be at least seven (7) feet tall.

b) Fence Posts: Fence posts shall extend at least thirty-six (36) inches into the ground, and gate posts and corner posts shall have a concrete foundation.

c) Fence Type: The fence shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material to be integrated into the fence if necessary for buffering or screening.

d) Gate Access: Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.

e) Gate Type: Gates shall be the same height and constructed of the same material as the fencing. Access, such as Knox box, shall be provided for emergency responders.

f) Wildlife Considerations: The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

g) Alternative Fencing: Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.

13. Signage: Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.

D. Buffering Requirements: Utility-Scale Wind Energy Conversion Facilities shall provide buffering described below.

1. Vegetative Buffer: There shall be a landscape buffer at least twenty (20) feet wide along the exterior of any fenced compound, whenever existing natural vegetation does not otherwise reasonably obscure the fenced compound.

a) Design: The buffer shall have two (2) rows of staggered evergreen trees planted twelve (12) feet apart or less trunk-to-trunk. The two (2) rows shall be ten (10) feet apart. The Township may consider an alternative landscape buffer, provided the alternative buffer provides adequate screening.

b) Vegetation Size: Plantings shall be at least eight (8) feet tall at time of planting, measured from the top of the root ball to the base of the leader, not including the height of the leader, and must be a species that can reasonably be expected to reach a height of ten (10) feet within three (3) growing seasons.

c) Maintenance: The trees may be trimmed but must maintain a height of at least eighteen (18) feet. Damaged or diseased trees shall be replaced at the next appropriate planting season.

d) Evergreen Species: Evergreen trees shall be Norway Spruce in the row closest to fence and Thuja Green Giant Arborvitae in the row away from the fence. The Township may require or consider alternative evergreen species, provided the alternative species are more desirable due to disease or pest or more appropriate for the local conditions.

2. Buffer Maintenance: Good arboricultural techniques shall be followed with respect to vegetation, including, but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be

replanted in a manner consistent with these standards at the next appropriate planting season.

5 a) The Utility-Scale Wind Energy Conversion Facility will be inspected on at least an annual basis to insure compliance with the Buffer Maintenance provisions outlined above.

10 b) A complaint of violation of the Buffer Maintenance provision above must be addressed within thirty (30) days of the owner/operator of the Utility-Scale Wind Energy Conversion Facility with a proposed resolution of the complaint submitted to the Township.

E. Performance Standards: Utility-Scale Wind Energy Conversion Facilities shall meet the performance standards below.

15 1. Compliance: Utility-Scale Wind Energy Conversion Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations and industry standards.

2. Sound: The sound generated by a Utility-Scale Wind Energy Conversion Facilities must meet the sound standards of this Ordinance and the additional standards below.

20 a) Day Sound Level: The maximum sound level shall be forty (40) Dba Lmax, as measured at the project boundary and road rights-of-way between the hours of 7:00 am and 9:00 pm.

b) Night Sound Level: The maximum sound level shall be thirty-five (35) Dba Lmax, as measured at the project boundary and road rights-of-way between the hours of 9:00 pm and 7:00 am.

25 c) Pure Tone: If pure tones are produced, the maximum sound level shall be reduced by five (5) Dba.

d) Ambient Sound: If the ambient sound levels exceed these standards, the maximum sound level shall be the ambient sound level plus five (5) Dba.

30 e) Inverter Sound Screening: A sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than ten (10) feet apart, must be constructed to reduce noise levels surrounding all inverters. Berms must be within ten (10) feet of all inverters and must be at least as tall as all inverters but cannot be more than three (3) feet taller than the height of the adjacent inverters.

35 f) Continued Compliance: The sound level by a Utility-Scale Wind Energy Conversion Facilities must be inspected every three (3) years, at the operator's expense, by an auditory expert to ensure compliance with applicable sound standards.

3. Flicker and Glint: Reasonable design and operation shall be used to minimize or mitigate flicker and blade glint impacts on non-participating habitable buildings, public roads, and all road intersections.

40 4. Airport Impact: Utility-Scale Wind Energy Conversion Facilities shall not create hazardous conditions for airports.

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- a) Adverse Impacts: A study shall determine if there are any potential adverse effects on any registered airfield within ten (10) miles of the project. Effects noted, but not exclusively, should include any possible decreased safety and utility.
 - b) Determination of No Hazard: Utility-Scale Wind Energy Conversion Facilities must obtain a Determination of No Hazard from the Federal Aviation Administration.
 - c) Timing: The Determination of No Hazard must be obtained before breaking ground on any portion of the Utility-Scale Wind Energy Conversion Facility. An airport impact study must be submitted to the Township. Safety and Utility Impacts: Utility-Scale Wind Energy Conversion Facilities that impact safety or utility of any registered airfield shall not be permitted.
5. Reports: In addition to other reports identified in this Ordinance, the owner or operator shall submit the following reports to the Township during the operation of Utility-Scale Wind Energy Conversion Facilities.
- a) Annual Report: An annual report shall be provided to the zoning administrator showing continuity of operation.
 - b) Operation. A report shall be provided to the zoning administrator if the Utility-Scale Wind Energy Conversion Facility or any of its components are no longer being used.
 - c) Incident Report: Reports shall be submitted if there is a major incident at the Utility-Scale Wind Energy Facility that did or could have caused harm to life or property, including calls for service from emergency responders. The report shall identify the cause of the incident and corrective action to prevent future incidents of that nature.
6. Safety: Utility-Scale Wind Energy Conversion Facilities shall be subject to the safety standards below.
- a) Warning Signs: The manufacturers or installer's identification and appropriate warning signs shall be posted on or near each wind turbine unit in a clearly visible manner.
 - b) Fire Suppression and Data Sheets: Fire suppression plans and Safety Data Sheets shall be kept onsite and be accessible for emergency responders.
 - c) Safety Manual: An unredacted copy of the manufacturer's safety manual for each component of the Utility-Scale Wind Energy Conversion Facility, without distribution restraints, shall be provided before construction commences. These shall be kept at the Township Hall and other locations deemed necessary by the Township or local first responders. The manual shall include standard details for an industrial site such as materials, chemicals, fire, access, and safe distances during a Utility-Scale Wind Energy Conversion Facility failure, processes in emergencies, etc.
7. Interference: Utility-Scale Wind Energy Conversion Facilities must not interfere with any radio, television, or other communication systems. The applicant or operator must resolve any known interference immediately and provide proof that the interference has been resolved within ninety (90) days.
8. Complaint Resolution: Utility-Scale Wind Energy Conversion Facilities shall provide a complaint resolution process, as described below.

- a) Signs: Signs with contact information to report complaints related to the Utility-Scale Wind Energy Conversion Facility shall be posted throughout the project area. Signs shall be posted before construction begins and maintained until decommissioning is complete.
- 5 b) Resolution Options: Any resolution shall include lawful and reasonable solutions consistent with this Ordinance.
- c) Contact: A twenty-four (24) hour, toll-free number shall be established and maintained by the owner or operator to receive complaints. Additional reporting methods, such as postal mail or electronic mail, may also be used.
- 10 d) Log: A log shall be kept by the owner or operator of all complaints received and documentation of the resolution. The log shall be available for review by Township Officials.
- e) Notification: The Township shall receive notification of all complaints received. An annual report shall be submitted to the Township that details all complaints received, the status of complaint resolution, and actions taken to resolve complaints.
- 15 f) Resolution Period: Complaints for hazardous conditions shall be resolved within twelve (12) hours or as soon as reasonably possible. Other complaints shall be resolved within ten (10) business days.
- g) Adjudication: The operator or its assignees reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction.
- 20 9. Insurance and Performance Guarantees: Utility-Scale Wind Energy Conversion Facilities shall provide insurance and performance guarantees. These are in addition to other insurance or performance guarantees required by this Ordinance or other entities.
- a) General Liability Insurance: Utility-Scale Wind Energy Conversion Facilities shall have and maintain general liability insurance of at least ten million (\$10,000,000) dollars. The Township may require a higher amount for larger projects and may allow for a lesser amount for smaller projects upon a finding that the alternate amount is more consistent with the likely risk.
- 25 b) General Maintenance Performance Guarantee: A General Maintenance Performance Guarantee shall be provided before construction commences to guarantee all aspects of this Ordinance are met at all times during the construction and operation of the Utility-Scale Wind Energy Conversion Facility. At the time of the application, the applicant shall submit two (2) third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the Utility-Scale Wind Energy System Facility, and the performance guarantee shall be the higher of the two (2) bids. The Township may use the performance guarantee to repair any landscaping, fencing, drainage infrastructure (including drainage tiles), and/or to correct any ongoing violation of this Ordinance in the event that the site improvements for the Utility-Scale Wind Energy Conversion Facility are not maintained or the Utility-Scale Wind Energy Conversion Facility fails to make operational changes to correct an operational violation.
- 30 c) Road Performance Guarantee: A road performance guarantee shall be provided before construction commences in a form acceptable to the Township, such as: a) a surety bond from a surety listed as acceptable on the Federal Surety Bond circular
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570 of the U.S. Department of Treasury; or b) an acceptable irrevocable letter of credit; or c) an escrow account established in a financial institution licensed in the State of Michigan. A construction surety bond shall not be accepted. The amount of the performance guarantee shall be at least one million two hundred fifty thousand dollars (\$1,250,000), but this amount may be increased if the third-party consultant determines the amount needed for road repairs is greater than this amount. The performance guarantee shall only be released, in whole or part, when the Township Board, in consultation with the Livingston County Road Commission and Michigan Department of Transportation, as applicable, and the third-party inspector, determines that all required road work has been completed and approved by the affected road agencies. The Township may waive or reduce the requirement for this performance guarantee if the road agencies collect a performance guarantee.

d) Complaint Inspection Escrow: An escrow account, funded by the applicant, owner, or operator, to be used for investigation of complaints shall be established before construction commences. The escrow account shall be used by the Township for investigation of complaints, including reasonable reimbursement of qualified third-party agents, for, but not limited to, glare, stray voltage, sound, and signal interference. The escrow account shall be kept with the Township Treasurer. The initial escrow account shall be in the amount of fifteen thousand dollars (\$15,000). When the escrow account balance is below five thousand dollars (\$5,000), the Township shall notify the responsible party, who must replenish the escrow account to the amount of fifteen thousand dollars (\$15,000) within a period of forty-five (45) calendar days.

10. Dust Control: Reasonable dust control measures shall be taken during construction, operation, and decommissioning.

11. Plants and Grasses: Plants or grasses not part of the buffer area shall be maintained at a height of twelve (12) inches or less. The Township may approve a taller height upon a finding that it will not result in a nuisance.

12. Wildlife: Utility-Scale Wind Energy Conversion Facilities shall be designed, sited, and operated in a manner to minimize impact on wildlife.

a) Wildlife Impact Analysis: The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use shall be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

b) Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

c) Special Scrutiny: Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally- or state-listed endangered species of

birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

d) US Fish and Wildlife Service: The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

5 e) Post-Construction Mortality Study: A post-construction wildlife mortality study may be required for the proposed Utility-Scale Wind Energy Conversion Facility. If such a study is determined unnecessary by the owner, operator or property owner, the reasons why such a study does not need to be conducted shall be submitted to the Township. The company to complete the Post-Construction Mortality Study shall be
10 jointly chosen by the Township and property owner. The cost of the Post-Construction Mortality Study shall be paid for by the owner, operator, and property owner. The final report of the Post Construction Mortality Study shall be submitted to the Township prior to construction of the Utility-Scale Wind Energy Conversion Facility. All above-ground lines, transformers, or conductors should follow any Avian
15 Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

f) All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

20 13. Environment: Utility-Scale Wind Energy Conversion Facilities shall be designed, sited, and operated to minimize impact on the environment.

a) Environmental Impact Analysis: The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess
25 any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.

b) Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

30 c) Environmental Laws: Utility-Scale Wind Energy Conversion Facilities shall comply with applicable parts of the Michigan Natural Resources and Environmental protection Act (Act 451 of 1994, MCL 324.101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324030301 et seq.), Part 323
35 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

d) Containment System: A containment system shall surround any transformers in case of hazardous waste or oil spills.

40 e) Removal: All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

f) Responsibility: The Utility-Scale Wind Energy Conversion Facility owner, operator, and property owner shall be jointly and severally responsible for mitigating erosion, flooding, and all other environmental impacts resulting from the Facility.

14. Emergency Action Plan: Utility-Scale Wind Energy Conversion Facilities shall have an emergency action plan to identify actions to be taken in event of an emergency.

5 a) The Emergency Action Plan shall jointly reviewed and approved by the Howell Fire Department and Livingston County Emergency Management Director before the operation of the Utility-Scale Wind Energy Conversion Facility can begin commercial operation. The Emergency Action Plan shall be reviewed every three years by the Howell Fire Department and the Livingston County Emergency Management Director. All approvals or reviews of the Emergency Action Plan shall be provided to the Township. The cost for any review shall be the responsibility, jointly and
10 severally, of the Utility-Scale Solar Facility owner or operator.

b) Fire Suppression: The Emergency Action Plan must include a fire suppression plan, including the technology to be used.

15 c) Special Equipment and Training: The Emergency Action Plan shall identify special equipment and training that is required for emergency response to the Utility-Scale Wind Energy Conversion Facility.

d) The cost of purchasing the required special equipment for fire protection will be the responsibility, jointly and severally, of the owner and operator of Utility-Scale Wind Energy Conversion Facility.
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e) Clean-up: The emergency action plan must include plans for immediate cleanup and long-term aftermath efforts following an emergency.

25 f) Emergency Training: Before the Utility-Scale Wind Energy Conversion Facility is operational, the owner or operator of the Utility-Scale Wind Energy Conversion Facility must provide the necessary training, equipment, or agreements specified in the emergency action plan to the Township, Howell Fire Department, Livingston County Emergency Response Director or any other emergency personnel at the local, state or federal level. All training must be consistent with current industry standards.
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g) The cost of the required training for the fire protection personnel shall be the responsibility, jointly and severally, of the owner and operator of the Utility-Scale Wind Energy Conversion Facility.

35 h) Once a year a fire suppression training shall be held with the cost of such training being the responsibility, jointly and severally, of the owner and operator of the Utility-Scale Wind Energy Conversion Facility.

40 i) Public Record: The Emergency Action Plan will be a public record. Copies of the most up to date Emergency Action Plan shall be maintained at all times at the Utility-Scale Wind Energy Conversion Facility, the Marion Township Hall, the Howell Fire Department substation located at the Marion Township Hall, and at the office of the Livingston County Emergency Response Director. This plan shall be available for public inspection if requested.
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F. General Provisions: Utility-Scale Wind Energy Conversion Facilities shall be subject to the general provisions below.

1. **Damage Repair:** The owner, operator, and property owner shall be jointly and severally responsible for making repairs to any public roads, drains, and infrastructure damaged by the construction of, use of, maintenance of, or damage to the Utility-Scale Wind Energy System Facility.
2. **Mixed Facilities:** Utility-Scale Wind Energy Conversion Facilities may be co-located with other renewable energy facilities, such as and Utility Battery Energy Storage Facilities or Utility-Scale Solar Energy Facilities. Review and approval are required for each use.
3. **As-Built:** The applicant shall submit an as-built drawing with dimensions relative to property lines of all new structures including turbines and buried cable both inside and outside fenced areas upon completion and before any power is supplied to the grid. The as-built drawing shall be a scale of 1" = 200 feet.
4. **Repowering or Modifications:** Any modifications of an approved site plan or special use permit that are made after the initial date of approval, including, but not limited to, an expansion of project, repowering, reconfiguration, technological updates, shall require new site plan and special use permit applications. Any changes of the approved site plan or special use permit will be subject to this Ordinance as it exists at time of this new application.
5. **Transfer or Sale:** In the event of a transfer or sale of a Utility-Scale Wind Energy System Facility, the new owner or operator must notify the Township within thirty (30) days, and the zoning administrator shall administratively amend the permit to name the new owner or operator. Upon transfer or sale, the cash bond shall be transferred to the new owner or operator and shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.

G. Decommissioning, Abandonment, and Restoration: Following the operational life or abandonment of a Utility-Scale Wind Energy Conversion Facility, the site shall be decommissioned and restored as outlined below.

1. **Decommissioning Plan:** The applicant shall have a third-party qualified professional, acceptable to the Township, prepare a decommissioning plan. The decommissioning plan shall be written to provide security to the township for one hundred twenty-five percent (125%) of the cost to remove and dispose of all panels, wiring, and restoration of the land to its original conditions. The decommissioning security shall be paid in cash to the Township.
 - a) **Anticipated Life:** The decommissioning plan shall describe the anticipated life span of the Utility-Scale Wind Energy Conversion Facility and its components.
 - b) **Decommissioning Costs:** The decommissioning plan shall provide a probable cost estimate for decommissioning, including current cost and cost at the time of decommissioning.
 - c) **How Paid:** The decommissioning plan shall provide a description of how decommissioning costs will be paid.
 - d) **Regular Updating:** The decommissioning plan shall be updated on a regular, period basis of at least once every three (3) years. Additional security may be required to

account for increased anticipated decommissioning costs during the preceding three (3) years.

2. Abandonment: Utility-Scale Wind Energy Conversion Facilities or any components that are not operated for a continuous period of six (6) months shall be considered abandoned, whether or not there is an intent to continue the use, and shall be removed or restored to operation. An extension may be granted by the Township upon finding that the delay does not create a hazardous condition and the applicant has demonstrated a good-faith effort to continue operation.
3. Damage: Any Utility-Scale Wind Energy Conversion Facility components that are damaged shall be replaced or removed within seven (7) days. An extension may be granted by the Township upon finding that it is not feasible to replace or remove the component in that period and that the delay does not create a hazardous condition.
4. Unsafe: Any unsafe components shall be removed or made safe within a reasonable period as determined by the Township.
5. Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
6. Chemical Analysis and Boring: A chemical analysis and boring of the soil, as recommended by the Township engineer shall be performed before any decommissioning work begins with the results compared to the baseline soil chemical analysis baseline test results obtained before construction of the Utility-Scale Wind Energy Conversion Facility.
 - a) Chemical Levels: All levels of any chemical entity found in the soil chemical analysis must be equal to or are lower than the levels of all chemical entities determined in the baseline testing performed prior to construction. If a new chemical entity, either organic or inorganic compounds, is identified in the soil chemical analysis, its level must be below established federal and state government levels for hazardous materials in soils for that chemical entity.
 - b) Report: A report of the soil chemical analysis must be provided to the Township within seven (7) days. If any chemical entity, organic or inorganic compounds, is above established federal and state government levels for hazardous materials in soils, the report must be submitted to the appropriate Federal and State regulatory agencies within seven (7) days of receiving the testing report showing a violation.
 - c) Violation Resolution: Once a violation has been determined and finalized, a reclamation plan for the contaminated soil must be developed and implemented to remove the contaminated soil from the Utility-Scale Wind Energy Conversion Facility site. The reclamation plan must meet all Federal and State regulations for the reclamation of a contaminated site. The plan must be approved by the Township Board and the Township engineer. Once the contaminated soil has been removed and replaced with uncontaminated soil, a final soil chemical analysis shall be performed to confirm the Utility-Scale Wind Energy Conversion Facility site soils have been returned to its original state for levels of organic and inorganic compounds that existed before construction.
 - d) Cation Exchange Capacity: A Cation Exchange Capacity soil test shall also be required at the completion of the decommission process. The company to complete this study will be determined jointly by the Township and the property owner. The

final report of this test shall be submitted to the Township Supervisor, Zoning Administrator, Township Engineer, and property owner for review and comment.

e) Violation Remediation: Any negative variations from the preconstruction soil testing must be remedied and the final results of the testing approved by the Township engineer and the Township Board.

7. Ground Restoration: The ground must be restored to its original topography and land must be restored to a depth of three (3) feet below grade within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted by the Township if a good-faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.

8. Land Balancing: If land balancing is required, all top soil will be saved within the project site and spread evenly over balanced area.

9. Township Action: The Township may remove any abandoned or unsafe Utility-Scale Wind Energy Conversion Facility components that are not removed or restored within the allowed time. The owner, operator, and property owner shall be jointly and severally responsible for any costs.

10. Attorney Costs: The owner, operator, and property owner shall be jointly and severally responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the Township has to enforce removal.

11. Vegetation: Disturbed land shall be revegetated at the next appropriate planting season.

12. Disposal: It is the responsibility, jointly and severally, of the owner, operator, and property owner of Utility-Scale Wind Energy Conversion Facility to remove all structures, equipment, and waste from the site and disposed of properly. All costs for this disposal of structures, equipment, and waste shall be the total responsibility, jointly and severally, of the Utility-Scale Wind Energy Conversion Facility owner, operator and property owner.

13. Compliance with the above provisions of Section G. Decommissioning, Abandonment, and Restoration, shall be determined by review of all actions, documents and reports of said decommissioning by the Board of Trustees of Marion Township.

H. Application Materials: Applications for Utility-Scale Wind Energy Conversion Facilities must submit the following additional materials with the special use permit application. These materials are in addition to information required for site plan and special use permit applications.

1. Identification: The name and address in full of the applicant, developer, owner, operator, and property owners, a statement that the applicant is the owner involved in the application and any additional contact information shall be submitted. Each application for a Wind Energy System Facility shall also be dated to indicate the date the application is submitted to Marion Township.

2. Application Dating: Each application for a Utility-Scale Wind Energy Conversion Facility shall indicate the date the application is received by the Township.

3. Purchase Agreements or Leases: Copies of all purchase agreements or leases for all participating properties that confirm the applicant has the permission of the participating

property owners to apply for the necessary approvals and permits for construction and operation of a Utility-Scale Wind Energy Conversion Facility.

4. Project Description: A general description of the proposed project, including name-plate generating capacity and an anticipated construction schedule shall be submitted.
5. Wind Turbines and Equipment: A complete description of the proposed technology to be installed at the Wind Energy System Facility to include type of wind turbine and its manufacturer, electrical generation capacity of each wind turbine, total number of wind turbines to be installed, and average distance between each wind turbine shall be submitted.
10. Conceptual Plan and Elevations: A graphical computer-generated depiction of how the Utility-Scale Wind Energy Conversion Facility will appear from all directions shall be submitted.
15. Documentation: A complete set of photos and video of the entire development, including construction access roads, area as it exists before the application date shall be submitted.
8. Operation: A description of operations, including anticipated regular and unscheduled maintenance and the hours of the day maintenance will take place shall be submitted.
9. Power Purchase Agreement: A copy of the power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Wind Energy Conversion Facility shall be submitted.
20. Insurance: Proof of the general liability insurance to cover the Utility-Scale Wind Energy Conversion Facility, the Township, and the participating property owners shall be submitted.
25. Certifications: Certification shall be submitted that the Utility-Scale Wind Energy Conversion Facility will comply with all applicable state and federal laws and regulations in effect at the time the application is submitted, including, but not limited to: Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); and Part 365, Endangered Species Protection (MCL324.36501 et. seq.).
30. Farmland Preservation Approval: Utility-Scale Wind Energy Conversion Facilities with any participating properties that are enrolled in the Michigan Farmland Preservation program must provide confirmation of approval from the Michigan Department of Agriculture to locate the facility on the property.
35. Road Agencies: Proof of approval or conditional approval by any road agency from which the Utility-Scale Wind Energy Conversion Facility will have access or whose roads will be used as a construction or maintenance route shall be submitted.
40. Drain Commission: Proof of approval or conditional approval by and the Livingston County Drain Commission for any Utility-Scale Wind Energy Conversion Facility that has participating properties with a county drain or propose improvements within a county drain easement.

- 15. Manufacturers' Safety Data Sheet(s): Documentation include the type and quantity of all materials used in the operation of all equipment shall be submitted.
- 16. Wildlife Impact: Copy of the wildlife impact analysis shall be submitted.
- 17. Environmental Impact: Copy of the environmental impact analysis shall be submitted.
- 5 18. Soil Chemical Analysis: A chemical analysis and borings including a Cation Exchange Capacity (CEC) of the soil involved in the project must be completed as recommended by the Township engineer.
- 19. Complaint Resolution Protocol: Copy of complaint resolution protocol shall be submitted.
- 10 20. Decommissioning Plan: Copy of the decommissioning plan shall be submitted.
- 21. Emergency Action Plan: Copy of the emergency action plan shall be submitted for review by the Township, Howell Fire Department, and the Livingston County Emergency Management Director.
- 15 22. Indemnification: An attestation that the applicant, owner, operator, and property owners will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Wind Energy Conversion Facility, which is subject to the Township's review and approval, shall be submitted.
- 20 23. Right-to-Enter: Submission of an application for a Utility-Scale Wind Energy Conversion Facility grants the Township and its agents the right to enter the facility and any participating property for inspection of the Utility-Scale Wind Energy Conversion Facility at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator.
- 25 24. Additional Information: Any additional information, studies, or documentation requested by the Township or its agents that are deemed necessary to determine compliance with this Ordinance and other applicable laws and regulations.
- I. **Utility-Scale Wind Energy Conversion Facilities under PA 233:** On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Wind Energy Conversion Facilities with a nameplate capacity of at least one hundred (100) megawatts. These provisions below shall control to the extent that they conflict with the other provisions of §17.37 to Utility-Scale Wind Energy Conversion Facilities. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect. This subsection does not apply to Utility-Scale Wind Energy Conversion Facilities with a nameplate capacity of less than 100 megawatts. All provisions in §17.37 Utility-Scale Wind Energy Conversion Facilities that do not conflict with this subsection remain in full force and effect.
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- 40 1. Setbacks: Utility-Scale Wind Energy Conversion Facilities must comply with the minimum setback requirements in the table below, with setback distances measured from the center of the base of the wind tower:

Setback Description	Setback Distance
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Occupied community buildings and residences on nonparticipating properties	2.1 time the maximum wind turbine height (see definitions) to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way

2. Shadow Flicker. Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry-standard computer modeling.
3. Height. Each Utility-Scale Wind Energy Conversion Facility blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
4. Radar Interference. The Utility-Scale Wind Energy Conversion Facility must meet any standards concerning radar interference, lighting (subject to subparagraph (5)), or other relevant issues as determined by the Township.
5. Lighting: The Utility-Scale Wind Energy Conversion Facility must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
 - a) The purpose of the exemption.
 - b) The proposed length of the exemption.
 - c) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
 - d) The technical or economic reason a light-mitigating technology is not feasible.
 - e) Any other relevant information requested by the Township.
6. Sound: Utility-Scale Wind Energy Conversion Facilities must not generate a maximum sound in excess of fifty-five (55) average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

7. Environmental Regulations: Utility-Scale Wind Energy Conversion Facilities must comply with applicable state or federal environmental regulations.
8. Host Community Agreement: The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Wind Energy Conversion Facility owner must pay the Township two thousand dollars (\$2,000.00) per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or other projects as agreed to by the Township and the applicant.
9. PA 233 Requirements: The Utility-Scale Wind Energy Conversion Facility shall be subject to the other applicable rules and regulations outlined in PA 233 of 2023 and by the Michigan Public Service Commission.
10. Applicant's Option: An applicant can elect at the time of application to have their application for a Utility-Scale Wind Energy Conversion Facility processed using the other provisions of §17.37 Utility-Scale Wind Energy Conversion Facilities, even if PA 233 of 2023 is in full effect.

SECTION 2. AMENDMENT OF ARTICLE III DEFINITIONS

§3.02 DEFINITIONS ARE HEREBY AMENDED TO ADD THE FOLLOWING DEFINITIONS, TO BE ADDED IN ALPHABETICAL ORDER, WHICH SHALL READ AS FOLLOWS:

Cation Exchange Capacity (CEC): The total capacity of a soil to hold exchangeable cations. CEC is an inherent soil characteristic and is difficult to alter significantly. It influences the soil's ability to hold onto essential nutrients and provides a buffer against soil acidification.

Inorganic Compound: Any substance in which two or more chemical elements (usually other than carbon) are combined, nearly always in definite proportions, either naturally occurring or manmade.

Organic Compound: A large class of chemical compounds in which one or more atoms of carbon are covalently linked to atoms of other elements, most commonly hydrogen, oxygen, or nitrogen, either naturally occurring or manmade.

Swept Area: The area that is swept by the wind turbine blade.

Utility-Scale Wind Energy Conversion Facility: A facility with one (1) or more wind turbines that convert wind energy to electrical energy, including all appurtenant structures and infrastructure, that has a nameplate capacity of at least one hundred (100) kilowatts.

Wind Turbine Height: The vertical distance between the ground and the highest point of the swept area.

SECTION 3. AMENDMENTS OF ARTICLE XII SOLAR FARM OVERLAY DISTRICT

§12.01(B) PERMITTED ACCESSORY USES IS HEREBY AMENDED TO ADD A NEW §12.01(B)(2), WHICH SHALL READ AS FOLLOWS:

2. Accessory uses or structures clearly incidental to the operation of an approved Utility-Scale Wind Energy Conversion Facility.

5

§12.01(C) USES PERMITTED BY SPECIAL USE PERMIT IS HEREBY AMENDED TO ADD A NEW §12.01(C)(2) [SIC], WHICH SHALL READ AS FOLLOWS:

3. Utility-Scale Wind Energy Conversion Facilities.

10 **SECTION 4. AMENDMENT OF TABLE OF CONTENTS**

THE TABLE OF CONTENTS IS HEREBY AMENDED FOR CONSISTENCY WITH THE ABOVE AMENDMENTS AND TO ACCOMMODATE REPAGINATION.

SECTION 5. SEVERABILITY AND VALIDITY

- 15 If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

SECTION 6. REPEALER

- 20 All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7. EFFECTIVE DATE.

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

25

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MARION TOWNSHIP

ZONING ORDINANCE TEXT AMENDMENT

5 UTILITY-SCALE BATTERY ENERGY STORAGE FACILITIES

AN AMENDMENT TO THE MARION TOWNSHIP ZONING ORDINANCE TO ESTABLISH
SPECIFIC STANDARDS FOR UTILITY-SCALE BATTERY ENERGY STORAGE FACILITIES;
ADD DEFINITIONS RELATED TO UTILITY-SCALE BATTERY ENERGY STORAGE FACILITIES;
10 AMEND ZONING DISTRICTS TO ALLOW FOR THE USE; AND AMEND THE TABLE OF
CONTENTS ACCORDINGLY.

**SECTION 1. AMENDMENT OF ARTICLE XVII STANDARDS FOR SPECIFIC SPECIAL
LAND USES**

15 *ARTICLE XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES IS AMENDED BY THE
ADDITION OF NEW §17.38 UTILITY-SCALE BATTERY ENERGY STORAGE FACILITIES,
WHICH SHALL READ AS FOLLOWS:*

Section 17.38 Utility-Scale Battery Energy Storage Facilities

20 **A. Intent and Purpose:** The intent and purpose of this section is to establish standards for the
siting, installation, operation, repair, decommissioning, and removal of Utility-Scale Battery
Energy Storage Facilities; establish the process for the reviewing and permitting of such
facilities; protect the health, safety, welfare and quality of life of the general public; ensure
compatibility with land uses in the vicinity of the areas affected by such facilities; and comply
with state law.

25 **B. Locational Requirements:** Utility-Scale Battery Energy Storage Facilities are subject to the
locational requirements below.

1. Zoning Districts: Utility-Scale Battery Energy Storage Facilities are permitted by special
use permit in the SFO Solar Farm Overlay District only.
- 30 2. Spacing: Utility-Scale Battery Energy Storage Facilities shall be at least two thousand
five hundred (2,500) feet from any adjacent, existing Utility-Scale Battery Energy
Storage Facility.

C. Site Requirements: Utility-Scale Battery Energy Storage Facility sites shall meet the site
standards below.

- 35 1. Site Composition: The site may consist of a single participating property or multiple
adjoining participating properties. All participating properties must have signed
agreements to participate in the Utility-Scale Battery Energy Storage Facility.
2. Lot Area: The site shall have a total net lot area of at least twenty (20) acres and no
more than one thousand (1,000) acres.
- 40 3. Access: Utility-Scale Battery Energy Storage Facilities shall meet the access standards
below.
 - a) Road or Easement: The site, all fenced compounds, and every battery storage
component shall have direct access from a public road or an access easement with a

maximum length of one thousand two hundred fifty (1,250) feet and width of at least thirty-three (33) feet.

- b) Access Drive Material: Access drives shall have a hard surface or material that can pack hard that is sufficient to support fire apparatus and provide access at all times of the year.
 - c) Access Drive Maintenance: Access drives must be maintained and kept accessible at all times. The applicant, owner, operator, and property owners shall be jointly and severally responsible for maintenance of the access roads.
 - d) Access Drive Design: Access drives shall be designed to reduce the impact on agricultural use of the land and the visual impact. Access drives shall not impede the natural flow of water.
 - e) Gates and Doors: All access gates and doors to Utility-Scale Battery Energy Storage Facility compounds and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
 - f) Compound Surface Material: Utility-Scale Battery Energy Storage Facility compounds shall have a hard surface or material that can pack hard that is sufficient to support fire apparatus and provide access at all times of the year.
4. Setbacks: Buildings or structures containing batteries, fenced compounds, accessory structures, and electrical equipment shall meet the setback standards below.
- a) Measurement: Setbacks from any battery buildings or structures or accessory structures shall be measured horizontally from the edge of the building or component structure.
 - b) Fences and Improved Areas: All fences and improved areas shall comply with the applicable setback for the underlying zoning district in which it is located.
 - c) Fenced Compounds: All structures and improved areas located within the fenced compound shall be at least thirty (30) feet from the fence line.
 - d) Utility-Scale Battery Energy Storage Systems: Utility-Scale Battery Energy Storage systems and related accessory structures shall meet the minimum setbacks in the table below.

Setback from	Distance
Non-participating property lines	100 feet
Occupied buildings on non-participating properties	500 feet
Occupied buildings on participating properties	500 feet
Lakes, rivers, creeks, and similar bodies of water and Wellhead Protection Areas	100 feet
Road rights-of-way	100 feet

5. Battery Component Spacing: Battery component spacing shall comply with industry standards and be adequate to provide emergency access throughout the facility.

6. Height: Utility-Scale Battery Energy Storage components must not exceed a maximum height of twenty-five (25) feet above ground.
7. Lighting: Lighting shall be limited to inverter or substation locations only and shall comply with §14.04(E) Lighting.
- 5 8. Utility-Scale Battery Energy Storage Structures: Utility-Scale Battery Energy Storage Facility structures within a Utility-Scale Battery Energy Storage Facility shall meet the design standards below.
 - a) Consistent: All Utility-Scale Battery Energy Storage Facility and related accessory structures within the facility shall be of the same appearance.
 - 10 b) Good Condition: All Utility-Scale Battery Energy Storage Facility systems and related accessory structures shall be maintained in good condition at all times, consistent with or better than industry standards.
 - 15 c) Certification: Utility-Scale Battery Energy Storage Facility systems and related accessory structures shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), International Electrotechnical Commission (IEC), or other similar certification organization.
9. Wiring: All power transmission, communication, or other lines, wires, or conduits within a Utility-Scale Battery Energy Storage Facility shall meet the standards below.
 - 20 a) Stray Voltage: All wiring shall comply with all applicable safety and stray voltage standards. Stray voltage originating from a Utility-Scale Battery Energy Storage Facility shall not be detected on any participating or non-participating properties.
 - 25 1) Preconstruction Test: A preconstruction stray voltage test shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of all participating properties. The tests shall be performed by an investigator approved by the Township at the applicant's expense.
 - 30 2) Report: A report of the tests shall be provided to the Township and the owners of all property included in the study area.
 - 35 3) Permission: The applicant shall seek written permission from property owners prior to conducting testing. Testing shall not be required on non-participating properties where the owners have refused to grant permission to conduct the testing. The owner of any participating property shall not refuse the stray voltage testing.
 - b) Underground: Wiring shall be underground, except for power switchyards or the area within a fenced substation. When the Township finds underground wiring is not feasible due to soil or water conditions, the above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
 - 40 c) Depth: Wiring shall be located at a depth to prevent any damage from freezing or frost, to prevent interference with drain tiles, and at a depth that complies with current National Electrical Code standards.
 - d) Interference: Wiring shall be located and designed to not cause interference with wired or wireless communication systems.

- e) Armoring: Concrete armoring techniques shall be used at every location where wiring crosses a county drain, watercourse, water line, or sewer line.
- f) Marking: Permanent, visible markers or tracing wires shall be installed to indicate the location of wiring.

5 g) Drain Tiles: Wiring shall be located to minimize conflict with drain tiles.

10. Drain Tiles; Drain tiles within the Utility-Scale Battery Energy Storage Facility shall be preserved and maintained throughout the construction, operation, and restoration periods, as described below.

10 a) Initial Inspection: Before the start of construction, all existing drain tiles within the facility and within any disturbed areas must be inspected by robotic camera with the imagery submitted to the Township for baseline documentation on tile conditions.

b) Continuing Inspection: Drain tiles must be re-inspected by robotic camera every three (3) years while the facility is in operation or when conditions indicate there may be damage to drain tiles with the imagery submitted to the Township.

15 c) Repairs: Damaged drain tiles shall be repaired within sixty (60) days of discovery. The Township shall be notified of any necessary repairs before the work commences and documentation of the repair work. Repairs necessary to address an emergency situation may be completed without prior notice to the Township.

20 d) Inspection: The Township reserves the right to have a Township official or agent present at the time of repair of the drainage tile system.

25 e) A report of the inspection results detailing status of all drains within the project area will be provided to the Township within thirty (30) days of completion of the physical inspection. These inspection reports may be shared with other township officials and agents.

30 11. Fire Suppression: A fire suppression system shall be provided that is specifically designed to immediately suppress and extinguish fires in any part of the Utility-Scale Battery Energy Storage Facility, including the battery components, electrical equipment, and transformers.

a) Documentation: Documentation shall be provided confirming the effectiveness of the fire suppression system and the results of a third-party independent inspection, as approved by the Township, of the fire suppression system.

35 b) Fire Authority: The fire suppression system shall be reviewed and approved by the Township's fire authority.

c) Annual Inspection: The fire suppression system shall be inspected and approved yearly by a third-party independent inspecting company that is approved by the Township.

40 12. Groundcover: Utility-Scale Battery Energy Storage Facilities shall include the installation of perennial ground cover vegetation that shall be maintained for the duration of operation until the site is decommissioned where appropriate within the site.

a) PA 116 Lands: Land within the project area that is enrolled or bound by the Farmland Preservation Program must follow the Michigan Department of Agriculture

and Rural Development (MDARD) Policy for Allowing Commercial Renewable Energy Development on PA 116 Lands.

5 b) Non-PA 116 Lands: Land within the project area that is not enrolled or bound by the Farmland Preservation Program must provide at least one (1) of the following types of dual-use ground cover to promote ecological benefits:

1) Pollinators: Pollinator habitat with a score of at least seventy-six (76) on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites (www.pollinators.msu.edu);

10 2) Conservation Cover: Conservation cover focused on restoring native plants, grasses, or prairie with the aim of protecting specific species, such as bird habitat, or providing specific ecosystem services, such as carbon sequestration or improving soil health;

3) Grazing: Incorporation of rotational livestock grazing and forage production as part of an overall vegetative maintenance plan; or

15 4) Crops: Raising crops for food, fiber, or fuel and generating electricity within the site to maximize land use.

c) Alternative Ground Cover: The Township may approve or require alternative ground cover upon finding it is not feasible to provide groundcover as defined above.

20 d) Ground Cover Nature: All ground cover must be native plants with substantial root systems to support soil. Turf grass is not permitted as ground cover.

e) Invasive and Noxious: Invasive species and noxious weeds are not permitted and must be removed in a timely manner.

25 13. Fencing: Utility-Scale Battery Energy Storage Facility compounds shall be completely surrounded by a fence designed to prevent unauthorized access and to screen the facility.

a) Height: The fence shall be at least seven (7) feet tall.

b) Fence Posts: Fence posts shall extend at least thirty-six (36) inches into the ground, and gate posts and corner posts shall have a concrete foundation.

30 c) Fence Type: The fence shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material to be integrated into the fence if necessary for buffering or screening.

d) Gate Access: Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.

35 e) Gate Type: Gates shall be the same height and constructed of the same material as the fencing. Access, such as Knox box, shall be provided for emergency responders.

f) Wildlife Considerations: The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

40 g) Alternative Fencing: Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.

14. Signage: Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.

D. Buffering Requirements: Utility-Scale Battery Energy Storage Facilities shall provide buffering described below.

5 1. Vegetative Buffer: There shall be a landscape buffer at least twenty (20) feet wide along the exterior of any fenced compound, whenever existing natural vegetation does not otherwise reasonably obscure the fenced compound.

10 a) Design: The buffer shall have two (2) rows of staggered evergreen trees planted twelve (12) feet apart or less trunk-to-trunk. The two (2) rows shall be ten (10) feet apart. The Township may consider an alternative landscape buffer, provided the alternative buffer provides adequate screening.

15 b) Vegetation Size: Plantings shall be at least eight (8) feet tall at time of planting, measured from the top of the root ball to the base of the leader, not including the height of the leader, and must be a species that can reasonably be expected to reach a height of ten (10) feet within three (3) growing seasons.

c) Maintenance: The trees may be trimmed but must maintain a height of at least eighteen (18) feet. Damaged or diseased trees shall be replaced at the next appropriate planting season.

20 d) Evergreen Species: Evergreen trees shall be Norway Spruce in the row closest to fence and Thuja Green Giant Arborvitae in the row away from the fence. The Township may require or consider alternative evergreen species, provided the alternative species are more desirable due to disease or pest or more appropriate for the local conditions.

25 2. Buffer Maintenance: Good arboricultural techniques shall be followed with respect to vegetation, including, but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted in a manner consistent with these standards at the next appropriate planting season.

30 a) The Utility-Scale Battery Energy Storage Facility will be inspected on at least an annual basis to insure compliance with the Buffer Maintenance provisions outlined above.

35 b) A confirmed violation of the Buffer Maintenance provision above must be addressed within thirty (30) days of the owner/operator of the Utility-Scale Battery Energy Storage Facility with a proposed resolution of the complaint submitted to the Township.

40 **E. Performance Standards:** Utility-Scale Battery Energy Storage Facilities shall meet the performance standards below.

1. Compliance: Utility-Scale Battery Energy Storage Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations and industry standards.

2. Sound: The sound generated by a Utility-Scale Battery Energy Storage Facilities must meet the sound standards of this Ordinance and the additional standards below.
- 5 a) Day Sound Level: The maximum sound level shall be forty (40) Dba Lmax, as measured at the project boundary and road rights-of-way between the hours of 7:00 am and 9:00 pm.
- b) Night Sound Level: The maximum sound level shall be thirty-five (35) Dba Lmax, as measured at the project boundary and road rights-of-way between the hours of 9:00 pm and 7:00 am.
- 10 c) Pure Tone: If pure tones are produced, the maximum sound level shall be reduced by five (5) Dba.
- d) Ambient Sound: If the ambient sound levels exceed these standards, the maximum sound level shall be the ambient sound level plus five (5) Dba.
- 15 e) Inverter Sound Screening: A sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than ten (10) feet apart, must be constructed to reduce noise levels surrounding all inverters. Berms must be within ten (10) feet of all inverters and must be at least as tall as all inverters but cannot be more than three (3) feet taller than the height of the adjacent inverters.
- 20 f) Continued Compliance: The sound level generated by a Utility-Scale Battery Energy Storage Facility must be inspected every three (3) years, at the operator's expense, by an auditory expert to ensure compliance with applicable sound standards.
3. Reports: In addition to other reports identified in this Ordinance, the owner or operator shall submit the following reports to the Township during the operation of Utility-Scale Battery Energy Storage Facilities.
- 25 a) Annual Report: An annual report shall be provided to the zoning administrator showing continuity of operation.
- b) Operation. A report shall be provided to the zoning administrator if the Utility-Scale Battery Energy Storage Facility or any of its components are no longer being used.
- 30 c) Incident Report: Reports shall be submitted if there is a major incident at the Utility-Scale Battery Energy Storage Facility that did or could have caused harm to life or property, including calls for service from emergency responders. The report shall identify the cause of the incident and corrective action to prevent future incidents of that nature.
4. Safety: Utility-Scale Battery Energy Storage Facility shall be subject to the safety standards below.
- 35 a) Warning Signs: The manufacturers or installer's identification and appropriate warning signs shall be posted on or near each battery storage unit and electrical equipment in a clearly visible manner.
- b) Fire Suppression and Data Sheets: Fire suppression plans and Safety Data Sheets shall be kept onsite and be accessible for emergency responders.
- 40 c) Safety Manual: An un-redacted copy of the manufacturer's safety manual for each component of the Utility-Scale Battery Energy Storage Facility, without distribution restraints, shall be provided before construction commences. These shall be kept

at the Township Hall and other locations deemed necessary by the Township or local first responders. The manual shall include standard details for an industrial site such as materials, chemicals, fire, access, and safe distances during a Utility-Scale Battery Energy Storage Facility failure, processes in emergencies, etc.

- 5 5. Interference: Utility-Scale Battery Energy Storage Facilities must not interfere with any radio, television, or other communication systems. The applicant or operator must resolve any known interference immediately and provide proof that the interference has been resolved within ninety (90) days.
- 10 6. Complaint Resolution: Utility-Scale Battery Energy Storage Facilities shall provide a complaint resolution process, as described below.
 - 15 a) Signs: Signs with contact information to report complaints related to the Utility-Scale Battery Energy Storage Facility shall be posted throughout the project area. Signs shall be posted before construction begins and maintained until decommissioning is complete.
 - 20 b) Resolution Options: Any resolution shall include lawful and reasonable solutions consistent with this Ordinance.
 - 25 c) Contact: A twenty-four (24) hour, toll-free number shall be established and maintained by the owner or operator to receive complaints. Additional reporting methods, such as postal mail or electronic mail, may also be used.
 - 30 d) Log: A log shall be kept by the owner or operator of all complaints received and documentation of the resolution. The log shall be available for review by Township Officials.
 - 35 e) Notification: The zoning administrator shall receive notification of all complaints received. An annual report shall be submitted to the Township that details all complaints received, the status of complaint resolution, and actions taken to resolve complaints.
 - 40 f) Resolution Period: Complaints for hazardous conditions shall be resolved within twelve (12) hours or as soon as reasonably possible. Other complaints shall be resolved within ten (10) business days.
 - g) Adjudication: The operator or its assignees reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction.
7. Insurance and Performance Guarantees: Utility-Scale Battery Energy Storage Facilities shall provide insurance and performance guarantees. These are in addition to other insurance or performance guarantees required by this Ordinance or other entities.
 - 35 a) General Liability Insurance: Utility-Scale Battery Energy Storage Facilities shall have and maintain general liability insurance of at least ten million (\$10,000,000) dollars. The Township may require a higher amount for larger projects and may allow for a lesser amount for smaller projects upon a finding that the alternate amount is more consistent with the likely risk.
 - 40 b) General Maintenance Performance Guarantee: A General Maintenance Performance Guarantee shall be provided before construction commences to guarantee all aspects of this Ordinance are met at all times during the construction and operation of the Utility-Scale Battery Energy Storage Facility. At the time of the

application, the applicant shall submit two (2) third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the Utility-Scale Battery Energy Storage Facility, and the performance guarantee shall be the higher of the two (2) bids. The Township may use the performance guarantee to repair any landscaping, fencing, drainage infrastructure (including drainage tiles), and/or to correct any ongoing violation of this Ordinance in the event that the site improvements for the Utility-Scale Battery Energy Storage Facility is not maintained or the Utility-Scale Battery Energy Storage Facility fails to make operational changes to correct an operational violation.

c) Road Performance Guarantee: A road performance guarantee shall be provided before construction commences in a form acceptable to the Township, such as: a) a surety bond from a surety listed as acceptable on the Federal Surety Bond circular 570 of the U.S. Department of Treasury; or b) an acceptable irrevocable letter of credit; or c) an escrow account established in a financial institution licensed in the State of Michigan. A construction surety bond shall not be accepted. The amount of the performance guarantee shall be at least one million two hundred fifty thousand dollars (\$1,250,000), but this amount may be increased if the third-party consultant determines the amount needed for road repairs is greater than this amount. The performance guarantee shall only be released, in whole or part, when the Township Board, in consultation with the Livingston County Road Commission and Michigan Department of Transportation, as applicable, and the third-party inspector, determines that all required road work has been completed and approved by the affected road agencies. The Township may waive or reduce the requirement for this performance guarantee if the road agencies collect a performance guarantee.

d) Complaint Inspection Escrow: An escrow account, funded by the applicant, owner, or operator, to be used for investigation of complaints shall be established before construction commences. The escrow account shall be used by the Township for investigation of complaints, including reasonable reimbursement of qualified third-party agents, for, but not limited to, glare, stray voltage, sound, and signal interference. The escrow account shall be kept with the Township Treasurer. The initial escrow account shall be in the amount of fifteen thousand dollars (\$15,000). When the escrow account balance is below five thousand dollars (\$5,000), the Township shall notify the responsible party, who must replenish the escrow account to the amount of fifteen thousand dollars (\$15,000) within a period of forty-five (45) calendar days.

8. Dust Control: Reasonable dust control measures shall be taken during construction, operation, and decommissioning.

9. Plants and Grasses: Plants or grasses not part of the buffer area shall be maintained at a height of twelve (12) inches or less. The Township may approve a taller height upon a finding that it will not result in a nuisance.

10. Wildlife: Utility-Scale Battery Energy Storage Facilities shall be designed, sited, and operated in a manner to minimize impact on wildlife.

a) Wildlife Impact Analysis: The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats,

raptors, or general avian use shall be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

- 5 b) Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 10 c) Special Scrutiny: Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally- or state-listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- 15 d) US Fish and Wildlife Service: The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
- 20 e) Post-Construction Mortality Study: A post-construction wildlife mortality study may be required. The analysis should indicate if such a study is determined unnecessary and the reasons why such a study does not need to be conducted. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
- 25 11. Environment: Utility-Scale Battery Energy Storage Facilities shall be designed, sited, and operated to minimize impact on the environment.
- 30 a) Environmental Impact Analysis: The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.
- 35 b) Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 40 c) Environmental Laws: Utility-Scale Battery Energy Storage Facilities shall comply with applicable parts of the Michigan Natural Resources and Environmental protection Act (Act 451 of 1994, MCL 324.101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324030301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
- d) Containment System: A containment system shall surround any transformers in case of hazardous waste or oil spills.
- e) Removal: All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.
- f) Responsibility: The Utility-Scale Battery Energy Storage Facility owner, operator, and property owner shall be jointly and severally responsible for mitigating erosion, flooding, and all other environmental impacts resulting from the Facility.

12. Emergency Action Plan: Utility-Scale Battery Energy Storage Facilities shall have an emergency action plan to identify actions to be taken in event of an emergency.

- 5 a) The Emergency Action Plan shall jointly reviewed and approved by the Howell Fire Department and Livingston County Emergency Management Director before the operation of the Utility-Scale Battery Energy Storage Facility can begin commercial operation. The Emergency Action Plan shall be reviewed every three years by the Howell Fire Department and the Livingston County Emergency Management Director. All approvals or reviews of the Emergency Action Plan shall be provided to the Township. The cost for any review shall be the responsibility, jointly and
10 severally, of the Utility-Scale Battery Energy Storage Facility owner or operator.

- b) Fire Suppression: The emergency action plan must include a fire suppression plan, including the technology to be used.

- 15 c) Special Equipment and Training: The emergency action plan shall identify special equipment and training that is required for emergency response to the Utility-Scale Battery Energy Storage Facility.

- d) The cost of purchasing the required special equipment for fire protection shall be the responsibility, jointly and severally, of the owner and operator, of Utility-Scale Battery Energy Storage Facility.

- 20 e) Clean-up: The emergency action plan must include plans for immediate containment, cleanup and long-term aftermath efforts following an emergency.

- f) Emergency Training: Before the Utility-Scale Battery Energy Storage Facility is operational, the owner or operator of the Utility-Scale Solar Energy Facility must provide the necessary training, equipment, or agreements specified in the
25 emergency action plan to the Township, Howell Fire Department, Livingston County Emergency Response Director or any other emergency personnel at the local, state or federal level. All training must be consistent with current industry standards.

- g) The cost of the required training for the fire protection personnel shall be the responsibility, jointly and severally, of the owner and operator of the Utility-Scale
30 Battery Energy Storage Facility.

- h) Once a year a fire suppression training shall be held with the cost of such training shall be the responsibility, jointly and severally, of the owner and operator of the
35 Utility-Scale Battery Energy Storage Facility.

- i) Public Record: The Emergency Action Plan will be a public record. Copies of the most up to date Emergency Action Plan shall be maintained at all times at the Utility-Scale Battery Energy Storage Facility, the Marion Township Hall, the Howell Fire Department substation located at the Marion Township Hall, and at the office of the
40 Livingston County Emergency Response Director. This plan shall be available for public inspection if requested.

F. General Provisions: Utility-Scale Battery Energy Storage Facilities shall be subject to the general provisions below.

1. Damage Repair: The owner, operator, and property owner shall be jointly and severally responsible for making repairs to any public roads, drains, and infrastructure damaged by the construction of, use of, maintenance of, or damage to the Utility-Scale Battery Energy Storage Facility.
- 5 2. Mixed Facilities: Utility-Scale Battery Energy Storage Facilities may be co-located with other renewable energy facilities, such as Utility-Scale Solar Energy Facilities or Utility-Scale Wind Energy Conversion Facilities. Review and approval are required for each use.
- 10 3. As-Builts: The applicant shall submit an as-built drawing with dimensions relative to property lines of all new structures including battery storage units and buried cable both inside and outside fenced areas upon completion and before any power is supplied to the grid. The as-built drawing shall be a scale of 1" = 200 feet.
- 15 4. Repowering or Modifications: Any modifications of an approved site plan or special use permit that are made after the initial date of approval, including, but not limited to, an expansion of project, repowering, reconfiguration, technological updates, shall require new site plan and special use permit applications. Any changes of the approved site plan or special use permit will be subject to this Ordinance as it exists at time of this new application.
- 20 5. Transfer or Sale: In the event of a transfer or sale of a Utility-Scale Battery Energy Storage Facility, the new owner or operator must notify the Township within thirty (30) days, and the zoning administrator shall administratively amend the permit to name the new owner or operator. Upon transfer or sale, the cash bond shall be transferred to the new owner or operator and shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.
- 25

G. Decommissioning, Abandonment, and Restoration: Following the operational life or abandonment of a Utility-Scale Battery Energy Storage Facility, the site shall be decommissioned and restored as outlined below.

- 30 1. Decommissioning Plan: The applicant shall have a third-party qualified professional, acceptable to the Township, prepare a decommissioning plan. The decommissioning plan shall be written to provide security to the township for one hundred twenty-five percent (125%) of the cost to remove and dispose of all battery components and wiring and to restore the land to its original conditions. The decommissioning security shall be paid in cash to the Township.
- 35 a) Anticipated Life: The decommissioning plan shall describe the anticipated life span of the Utility-Scale Battery Energy Storage Facility and its components.
- b) Decommissioning Costs: The decommissioning plan shall provide a probable cost estimate for decommissioning, including current cost and cost at the time of decommissioning.
- 40 c) How Paid: The decommissioning plan shall provide a description of how decommissioning costs will be paid.
- d) Regular Updating: The decommissioning plan shall be updated on a regular period basis at of at least once every three (3) years.

2. Abandonment: Utility-Scale Battery Energy Storage Facilities or any components that are not operated for a continuous period of six (6) months shall be considered abandoned, whether or not there is an intent to continue the use, and shall be removed or restored to operation. An extension may be granted by the Township upon finding that the delay does not create a hazardous condition and the application has demonstrated a good faith effort to continue operation.
3. Damage: Any Utility-Scale Battery Energy Storage Facility components that are damaged shall be replaced or removed within seven (7) days. An extension may be granted by the Township upon finding that it is not feasible to replace or remove the component in that period and that the delay does not create a hazardous condition.
4. Unsafe: Any unsafe components shall be removed or made safe within a reasonable period as determined by the Township.
5. Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
6. Chemical Analysis and Boring: A chemical analysis and boring of the soil, as recommended by the Township engineer shall be performed before any decommissioning work begins with the results compared to the baseline soil chemical analysis baseline test results obtained before construction of the Utility-Scale Battery Energy Storage Facility.
- a) Chemical Levels: All levels of any chemical entity found in the soil chemical analysis must be equal to or are lower than the levels of all chemical entities determined in the baseline testing performed prior to construction. If a new chemical entity, either organic or inorganic compounds, is identified in the soil chemical analysis, its level must be below established federal and state government levels for hazardous materials in soils for that chemical entity.
- b) Report: A report of the soil chemical analysis must be provided to the Township within seven (7) days. If any chemical entity, organic or inorganic compounds, is above established federal and state government levels for hazardous materials in soils, the report must be submitted to the appropriate Federal and State regulatory agencies within seven (7) days of receiving the testing report showing a violation.
- c) Violation Mitigation: Once a violation has been determined and finalized, a reclamation plan for the contaminated soil must be developed and implemented to remove the contaminated soil from the Utility-Scale Battery Energy Storage Facility site. The reclamation plan must meet all Federal and State regulations for the reclamation of a contaminated site. The plan must be approved by the Township Board and the Township engineer. Once the contaminated soil has been removed and replaced with uncontaminated soil, a final soil chemical analysis shall be performed to confirm the Utility-Scale Battery Energy Storage Facility site soils have been returned to its original state for levels of organic and inorganic compounds that existed before construction.
- d) Cation Exchange Capacity: A Cation Exchange Capacity soil test shall also be required at the completion of the decommission process. The company to complete this study will be determined jointly by the Township and the property owner. The final report of this test shall be submitted to the Township and property owner for review and comment.

e) Violation Remediation: Any negative variations from the preconstruction soil testing must be remedied and the final results of the testing approved by the Township engineer and the Township Board.

- 5 7. Ground Restoration: The ground must be restored to its original topography and land must be restored to a depth of three (3) feet below grade within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted by the Township if a good-faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.
- 10 8. Land Balancing: If land balancing is required, all top soil will be saved within the project site and spread evenly over balanced area.
- 15 9. Township Action: The Township may remove any abandoned or unsafe Utility-Scale Battery Energy Storage Facility components that are not removed or restored within the allowed time. The owner, operator, and property owner shall be jointly and severally responsible for any costs.
- 20 10. Attorney Costs: The owner, operator, and property owner shall be jointly and severally responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the Township has to enforce removal.
- 25 11. Vegetation: Disturbed land shall be revegetated at the next appropriate planting season.
- 30 12. Disposal: It shall be the responsibility, jointly and severally, of the owner, operator, and property owner of Utility-Scale Battery Energy Storage Facility to remove all structures, equipment, and waste shall be removed from the site and disposed of properly. All costs for this disposal of structures, equipment, and waste shall be the total responsibility, jointly and severally, of the Utility-Scale Battery Storage Facility owner, operator and property owner.
- a) Compliance with the above provisions of Section G. Decommissioning, Abandonment, and Restoration, shall be determined by review of all actions, documents and reports of said decommissioning by the Board of Trustees of Marion Township.

35 **H. Application Materials:** Applications for Utility-Scale Battery Energy Storage Facilities must submit the following additional materials with the special use permit application. These materials are in addition to information required for site plan and special use permit applications.

- 40 1. Identification: The name and address in full of the applicant, developer, owner, operator and property owners, a statement that the applicant is the owner involved in the application, and any additional contact information shall be submitted.
2. Application Dating: Each application for a Utility-Scale Battery Energy Storage Facility shall indicate the date the application is received by the Township.
3. Purchase Agreements or Leases: Copies of all purchase agreements or leases for all participating properties that confirm the applicant has the permission of the participating

property owners to apply for the necessary approvals and permits for construction and operation of a Utility-Scale Battery Energy Storage Facility.

4. Project Description: A general description of the proposed project, including name-plate generating capacity and an anticipated construction schedule shall be submitted.
- 5 5. Battery Components: A complete description of the proposed technology to include type of battery components, dimensions, anticipated life, and any hazardous materials contained in the battery components shall be submitted.
- 10 6. Conceptual Plan and Elevations: A graphical computer-generated depiction of how the Utility-Scale Battery Energy Storage Facility will appear from all directions shall be submitted.
7. Documentation: A complete set of photos and video of the entire development area, including construction access roads, as it exists before the application date shall be submitted.
- 15 8. Operation: A description of operations, including anticipated regular and unscheduled maintenance and the hours of the day maintenance will take place shall be submitted.
9. Power Purchase Agreement: A copy of the power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Battery Energy Storage Facility shall be submitted.
- 20 10. Insurance: Proof of the general liability insurance to cover the Utility-Scale Battery Energy Storage Facility, the Township, and the participating property owners shall be submitted.
- 25 11. Certifications: Certification shall be submitted that the Utility-Scale Battery Energy Storage Facility will comply with all applicable state and federal laws and regulations in effect at the time the application is submitted, including, but not limited to: Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); and Part 365, Endangered Species Protection (MCL324.36501 et. seq.).
- 30 12. Farmland Preservation Approval: Utility-Scale Battery Energy Storage Facilities with any participating properties that are enrolled in the Michigan Farmland Preservation program must provide confirmation of approval from the Michigan Department of Agriculture to locate the facility on the property.
- 35 13. Road Agencies: Proof of approval or conditional approval by any road agency from which the Utility-Scale Battery Energy Storage Facility will have access or whose roads will be used as a construction or maintenance route shall be submitted.
- 40 14. Drain Commission: Proof of approval or conditional approval by and the Livingston County Drain Commission for any Utility-Scale Battery Energy Storage Facility that has participating properties with a county drain or propose improvements within a county drain easement.
15. Manufacturers' Safety Data Sheet(s): Documentation include the type and quantity of all materials used in the operation of all equipment shall be submitted.
16. Wildlife Impact: Copy of the wildlife impact analysis shall be submitted.

17. Environmental Impact: Copy of the environmental impact analysis shall be submitted.

18. Soil Chemical Analysis: A chemical analysis and borings including a Cation Exchange Capacity (CEC) of the soil involved in the project must be completed as recommended by the Township engineer.

5 19. Complaint Resolution Protocol: Copy of complaint resolution protocol shall be submitted.

20. Decommissioning Plan: Copy of the decommissioning plan shall be submitted.

21. Emergency Action Plan: Copy of the emergency action plan shall be submitted.

10 22. Indemnification: An attestation that the applicant, owner, operator, and property owners, jointly and severally, will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Battery Energy Storage Facility, which is subject to the Township's review and approval, shall be submitted.

15 23. Right-to-Enter: Submission of an application for a Utility-Scale Battery Energy Storage Facility grants the Township and its agents the right to enter the facility and any participating property for inspection of the Utility-Scale Battery Energy Storage Facility at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the applicant, owner, or operator, jointly and severally.

20 Additional Information: Any additional information, studies, or documentation requested by the Township or its agents that are deemed necessary to determine compliance with this Ordinance and other applicable laws and regulations.

25 **I. Utility-Scale Battery Energy Storage Facilities under PA 233:** On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Battery Energy Storage Facilities with a name-plate capacity of at least fifty (50) megawatts and an energy discharge capacity of at least two hundred (200) megawatt hours. These provisions below shall control to the extent that they conflict with the other provisions in §17.38 Utility-Scale Battery Energy Storage Facilities. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect. This subsection does not apply to Utility-Scale Battery Energy Facilities with a nameplate capacity of less than 50 megawatts or an energy discharge capability of fewer than 200 megawatt hours. All provisions in §17.38 Utility-Scale Battery Energy Facilities that do not conflict with this subsection remain in full force and effect.

35 1. Setbacks: Utility-Scale Battery Storage must comply with the minimum setback requirements in the table below, with setback distances measured from the nearest edge of the perimeter fencing of the facility.

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way

Nonparticipating parties	50 feet measured from the nearest shared property line
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- 2. Installation: Installation for the Utility-Scale Battery Energy Storage Facilities must comply with the latest version of the National Electric Code as of November 29, 2024, or as subsequently amended.
- 5 3. Sound: Utility-Scale Battery Storage Facilities must not generate a maximum sound in excess of fifty-five (55) average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- 10 4. Lighting: Utility-Scale Battery Storage Facilities must implement dark sky-friendly lighting solutions.
- 5 6. Host Community Agreement: The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage Facility owner must pay the Township two thousand dollars (\$2,000.00) per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or other projects as agreed to by the Township and the applicant.
- 20 7. PA 233 Requirements: The Utility-Scale Battery Energy Storage Facility shall be subject to the other applicable rules and regulations outlined in PA 233 of 2023 and by the Michigan Public Service Commission.
- 25 8. Applicant's Option: An applicant can elect at the time of application to have their application for a Utility-Scale Battery Energy Storage Facility processed using the other provisions of §17.38 Utility-Scale Battery Energy Storage Facilities, even if PA 233 of 2023 is in full effect.

SECTION 2. AMENDMENT OF ARTICLE III DEFINITIONS

30 *§3.02 DEFINITIONS IS HEREBY AMENDED TO ADD THE FOLLOWING UTILITY-SCALE BATTERY ENERGY STORAGE FACILITY DEFINITION, WHICH SHALL BE PLACED IN ALPHABETICAL ORDER WITH EXISTING DEFINITIONS, WHICH SHALL READ AS FOLLOWS:*

35 **Utility-Scale Battery Energy Storage Facility:** A facility with energy storage systems that absorb, store, and discharge electricity with a name-plate capacity of at least fifty (50) megawatts and an energy discharge capacity of at least two hundred (200) megawatt hours. This does not include fossil fuel storage or power-to-gas storage that directly uses fossil fuel input.

SECTION 3. AMENDMENT OF ARTICLE XII SOLAR FARM OVERLAY DISTRICT

§12.01(B) PERMITTED ACCESSORY USES IS HEREBY AMENDED TO ADD THE FOLLOWING ACCESSORY USE, WHICH SHALL READ AS FOLLOWS:

- 5 3. Accessory uses or structures clearly incidental to the operation of an approved Utility-Scale Battery Energy Storage Facility.

§12.01(C) USES PERMITTED BY SPECIAL USE PERMIT IS HEREBY AMENDED TO ADD THE FOLLOWING USE PERMITTED BY SPECIAL USE PERMIT, WHICH SHALL READ AS FOLLOWS:

- 10 3. Utility-Scale Battery Energy Storage Facilities.

SECTION 4. AMENDMENT OF TABLE OF CONTENTS

THE TABLE OF CONTENTS IS HEREBY AMENDED FOR CONSISTENCY WITH THE ABOVE AMENDMENTS AND TO ACCOMMODATE REPAGINATION.

15

SECTION 5. SEVERABILITY AND VALIDITY

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

20

SECTION 6. REPEALER

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7. EFFECTIVE DATE

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

25

26174:00003:201253486-1

MEMO

To: Marion Township Board
From: Bill Fenton
Subject: Budget Adjustments
Date: 4/10/2025

Please find the Profit & Lost Budget vs. Actual in the packet.

Due to the findings regarding changes and additional expenses, please review the proposed budget amendments brought before you for approval.

Marion Township 2024 - 2025
 Budget Amendments
 Proposed at Regular Board Meeting April 10, 2025

	Year-to-Date Jul '24 - Jun 25	Approved Budget	Proposed Amended Budget
Income			
402-001 · PROP TAX - MARION ALLOCATION	484,173.38	525,000.00	500,000.00
Expense			
101-000 · TOWNSHIP BOARD			
101-704 · RECORDING SECRETARY	2,641.50	3,500.00	4,000.00
101-910 · MEETINGS & SEMINARS	1,163.24	500.00	1,500.00
171-000 · SUPERVISOR			
171-750 · SUPPLIES	395.93	-	500.00
171-765 · LUNCH STIPEND	125.00	-	200.00
171-860 · MILEAGE	172.04	-	400.00
253-000 · TREASURER			
253-791 · DUES & PUBLICATIONS	206.78	200.00	300.00
257-000 · ASSESSOR			
257-791 · DUES & MEMBERSHIPS	905.00	900.00	1,000.00
262-000 · ELECTIONS			
262-702 · SALARY PRECINCT WORKERS	47,976.50	25,000.00	50,000.00
264.000 · Litigation Baldwin-Attorney			
264-801 · LEGAL FEES	2,519.80	-	6,000.00
264.000 · Litigation Baldwin-Attorney - Other	105.93	-	250.00
265.000 · Litigation Chris Smith-Attorney			
265-801 · LEGAL FEES	4,088.43	-	6,000.00
265.000 · Litigation Chris Smith-Attorney - Other	669.55	-	1,000.00
266-000 · ATTORNEY			
266-806 · SPECIAL ATTORNEY - SOLAR	4,576.27		6,000.00
270-000 · PAYROLL			
270-725 · HSA CARD EMPLOYER Contribution	42,900.00	65,000.00	45,000.00
270-726 · HRA CARD EMPLOYER Contribution	16,500.00	3,500.00	20,000.00
271-000 · BONDS & INSURANCE			

271-718 · INSURANCE/BONDS	96,494.75	75,000.00	100,000.00
276-000 · TOWNSHIP-GENERAL			
276-703 · CUSTODIAL	4,863.60	6,000.00	7,000.00
276-850 · TELEPHONE	4,253.64	5,000.00	7,000.00
276-931 · EQUIP. MAINT/LEASE	26,687.97	15,000.00	32,000.00
450-000 · ROADS			
450-967 · ROAD MAINTENANCE	176,785.78	250,000.00	500,000.00
701-000 · PLANNING COMMISSION			
701-702 · SALARIES	8,135.25	11,100.00	12,000.00
701-705 · RECORDING SECRETARY	2,450.00	3,000.00	3,500.00
701-900 · PRINTING & PUB.	665.50	750.00	1,250.00
703-000 · ZONING BOARD OF APPEALS			
703-900 · PRINTING & PUB	160.00	200.00	350.00
971-000 · EQUIPMENT & LAND			
971-977 · COMPUTERS/SOFTWARE	3,982.50	5,000.00	6,000.00

#101 General Fund Profit & Loss Budget vs. Actual July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
Income				
402-001 · PROP TAX - MARION ALLOCATION	484,173.38	525,000.00	-40,826.62	92.2%
432-001 · ACT 451 swamp land PILT	1,296.57			
439-001 · TAX CHARGE BACKS	-242.25	-2,000.00	1,757.75	12.1%
447-001 · ADMIN FEES	177,240.11	160,000.00	17,240.11	110.8%
448-001 · SUMMER TAX COLLECT-SCHOOL&SET	0.00	16,000.00	-16,000.00	0.0%
477-001 · CHARTER (SPECTRUM)	90,036.69	115,000.00	-24,963.31	78.3%
477-002 · DIRECT TV VIDEO FRANCHISE FEES	6,855.00	8,000.00	-1,145.00	85.7%
490-001 · SPECIAL USE PERMIT	700.00			
491-001 · LAND USE PERMITS	6,725.00	5,000.00	1,725.00	134.5%
491-002 · LAND DIVISION APP	250.00			
491-003 · LAND COMBINATION PERMIT	75.00			
491-004 · DOG LICENSES	106.50	100.00	6.50	106.5%
574-001 · STATE REV SHARING	855,957.00	1,210,000.00	-354,043.00	70.7%
574-002 · STATE REV SHAR - PUBLIC SAFETY	757.00			
574-003 · LCSA DIST. / METRO PAYMENTS	375.12	10,000.00	-9,624.88	3.8%
580-001 · ACT 425- CITY OF HOWELL	7,013.05	6,000.00	1,013.05	116.9%
600-001 · ZBA MEETING FEES	1,200.00			
600-002 · SITE PLAN - SUP - MTG FEES	1,500.00			
600-003 · BOUNDARY LINE CHANGE	375.00			
600-004 · SPECIAL EVENT PERMITS	1,000.00			
665-001 · INTEREST	24,003.04	5,000.00	19,003.04	480.1%
667-001 · HALL RENTAL	2,700.00			
667-003 · AT&T CELL TOWER LEASE	23,611.59	27,000.00	-3,388.41	87.5%
667-004 · VERIZON CELL TOWER LEASE-MONTH	10,950.03	14,000.00	-3,049.97	78.2%
671-001 · SALES & COPIES	30.00			
672-002 · INSURANCE REIMB	722.70			
676-002 · ELECTION REIMBURSEMENTS	55,664.57			
Total Income	1,753,075.10	2,099,100.00	-346,024.90	83.5%
Gross Profit	1,753,075.10	2,099,100.00	-346,024.90	83.5%
Expense				
101-000 · TOWNSHIP BOARD				
101-702 · TRUSTEES	26,798.72	42,000.00	-15,201.28	63.8%
101-704 · RECORDING SECRETARY	2,641.50	3,500.00	-858.50	75.5%
101-765 · LUNCH STIPEND	0.00	50.00	-50.00	0.0%
101-791 · MTA MEMBERSHIP	0.00	9,000.00	-9,000.00	0.0%
101-805 · ORDINANCE ENFORCEMENT	200.09	25,000.00	-24,799.91	0.8%
101-860 · MILEAGE	0.00	100.00	-100.00	0.0%
101-900 · PRINTING & PUB	1,618.78	3,000.00	-1,381.22	54.0%
101-910 · MEETINGS & SEMINARS	1,163.24	500.00	663.24	232.6%
101-955 · MISCELLANEOUS	13.99	100.00	-86.01	14.0%
Total 101-000 · TOWNSHIP BOARD	32,436.32	83,250.00	-50,813.68	39.0%
171-000 · SUPERVISOR				
171-702 · ANNUAL SALARY	49,804.04	68,000.00	-18,195.96	73.2%
171-703 · Deputy Supervisor WAGES	5,090.00	11,200.00	-6,110.00	45.4%
171-750 · SUPPLIES	180.65			
171-765 · LUNCH STIPEND	125.00			
171-860 · MILEAGE	251.84			
171-910 · TRAINING AND SEMINARS	543.00	1,500.00	-957.00	36.2%
Total 171-000 · SUPERVISOR	55,994.53	80,700.00	-24,705.47	69.4%

#101 General Fund Profit & Loss Budget vs. Actual July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
215-000 · CLERK				
215-702 · ANNUAL SALARY	54,895.67	75,000.00	-20,104.33	73.2%
215-703 · DEPUTY CLERK SALARY	36,045.75	48,000.00	-11,954.25	75.1%
215-750 · SUPPLIES	175.87	600.00	-424.13	29.3%
215-765 · LUNCH STIPEND	50.00	150.00	-100.00	33.3%
215-791 · DUES AND PUBLICATIONS	540.00	750.00	-210.00	72.0%
215-860 · MILEAGE	81.40	1,000.00	-918.60	8.1%
215-910 · TRAINING AND SEMINARS	961.32	3,500.00	-2,538.68	27.5%
215-955 · MISCELLANEOUS	0.00	100.00	-100.00	0.0%
Total 215-000 · CLERK	92,750.01	129,100.00	-36,349.99	71.8%
247-000 · BOARD OF REVIEW				
247-702 · SALARIES	632.00	2,000.00	-1,368.00	31.6%
247-900 · PRINTING & PUBLICATIONS	217.50	500.00	-282.50	43.5%
247-910 · Training & Seminars	0.00	500.00	-500.00	0.0%
247-955 · MISCELLANEOUS	68.36	125.00	-56.64	54.7%
Total 247-000 · BOARD OF REVIEW	917.86	3,125.00	-2,207.14	29.4%
253-000 · TREASURER				
253-702 · ANNUAL SALARY	49,804.04	68,000.00	-18,195.96	73.2%
253-703 · DEPUTY TREASURER	34,443.93	45,000.00	-10,556.07	76.5%
253-704 · ASSISTANT TREAS	28,176.65	40,000.00	-11,823.35	70.4%
253-750 · SUPPLIES	230.91	1,000.00	-769.09	23.1%
253-765 · LUNCH STIPEND	100.00	400.00	-300.00	25.0%
253-791 · DUES & PUBLICATIONS	206.78	200.00	6.78	103.4%
253-860 · MILEAGE	880.13	1,300.00	-419.87	67.7%
253-910 · TRAINING & SEMINARS	2,277.40	3,500.00	-1,222.60	65.1%
Total 253-000 · TREASURER	116,119.84	159,400.00	-43,280.16	72.8%
257-000 · ASSESSOR				
257-702 · FIELD/PREP WORK FOR ASSESSOR	13,839.28	20,000.00	-6,160.72	69.2%
257-703 · ASSESSOR' S SALARY	54,849.13	81,000.00	-26,150.87	67.7%
257-704 · DEPUTY ASSESSOR SALARY	40,940.25	55,000.00	-14,059.75	74.4%
257-750 · SUPPLIES	100.65	1,500.00	-1,399.35	6.7%
257-765 · LUNCH STIPEND	100.00	300.00	-200.00	33.3%
257-791 · DUES & MEMBERSHIPS	945.00	900.00	45.00	105.0%
257-806 · OUTSIDE CONSULTANT	0.00	450.00	-450.00	0.0%
257-851 · PREP, PRINTING & POSTAGE	4,680.74	5,000.00	-319.26	93.6%
257-860 · MILEAGE	1,401.72	2,000.00	-598.28	70.1%
257-910 · TRAINING AND SEMINARS	1,888.25	6,500.00	-4,611.75	29.1%
Total 257-000 · ASSESSOR	118,745.02	172,650.00	-53,904.98	68.8%
260-000 · CONTINGENCY				
260-941 · CONTINGENCY	0.00	15,000.00	-15,000.00	0.0%
Total 260-000 · CONTINGENCY	0.00	15,000.00	-15,000.00	0.0%
262-000 · ELECTIONS				
262-702 · SALARY PRECINCT WORKERS	47,976.50	25,000.00	22,976.50	191.9%
262-703 · EXTRA STAFF WORKERS	2,251.26	4,000.00	-1,748.74	56.3%
262-710 · PAYROLL SERVICES - ELEC. INSPEC	470.90	4,500.00	-4,029.10	10.5%
262-750 · SUPPLIES	6,706.12	10,000.00	-3,293.88	67.1%
262-751 · EXTRA SUPPLIES	118.93			
262-851 · POSTAGE	4,232.95	6,000.00	-1,767.05	70.5%
262-860 · MILEAGE	200.38	500.00	-299.62	40.1%
262-900 · PRINTING & PUB	2,295.50	7,500.00	-5,204.50	30.6%
262-931 · Equipment	2,400.00	7,000.00	-4,600.00	34.3%
262-955 · MISCELLANEOUS	300.00	2,000.00	-1,700.00	15.0%
262-958 · ELECTION SECURITY SUPPLIES	0.00	1,000.00	-1,000.00	0.0%
262-970 · NINE DAY EARLY VOTING EXPENSES	42.50	15,000.00	-14,957.50	0.3%
262-975 · SECURITY SUPPLIES	3,819.76			
Total 262-000 · ELECTIONS	70,814.80	82,500.00	-11,685.20	85.8%

#101 General Fund Profit & Loss Budget vs. Actual July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
263-000 · SCHOOL ELECTIONS				
263-702 · SALARIES	0.00	12,000.00	-12,000.00	0.0%
263-750 · SUPPLIES	0.00	3,000.00	-3,000.00	0.0%
263-851 · POSTAGE	0.00	5,000.00	-5,000.00	0.0%
263-860 · MILEAGE - SCHOOL ELECTION	0.00	100.00	-100.00	0.0%
Total 263-000 · SCHOOL ELECTIONS	0.00	20,100.00	-20,100.00	0.0%
264.000 · Litigation Baldwin-Attorney				
264-801 · LEGAL FEES	2,519.80			
264.000 · Litigation Baldwin-Attorney - Other	105.93			
Total 264.000 · Litigation Baldwin-Attorney	2,625.73			
265.000 · Litigation Chris Smith-Attorney				
265-801 · LEGAL FEES	4,088.43			
265.000 · Litigation Chris Smith-Attorney - Other	669.55			
Total 265.000 · Litigation Chris Smith-Attorney	4,757.98			
266-000 · ATTORNEY				
266-801 · GEN TWP ATTORNEY	8,913.92	12,000.00	-3,086.08	74.3%
266-806 · SPECIAL ATTORNEY - SOLAR	4,576.27			
Total 266-000 · ATTORNEY	13,490.19	12,000.00	1,490.19	112.4%
270-000 · PAYROLL				
270-704 · MISC Stipend	29,799.00	45,000.00	-15,201.00	66.2%
270-709 · EMPLOYER PAID - FICA & MEDICARE	40,420.85	70,000.00	-29,579.15	57.7%
270-718 · BCBS INVOICE - Health Premium	166,403.94	226,000.00	-59,596.06	73.6%
270-720 · BCBS EMPLOYEE Contrabution	-16,485.79	-22,000.00	5,514.21	74.9%
270-724 · HSA CARD EMPLOYEE Contribution	805.00			
270-725 · HSA CARD EMPLOYER Contribution	42,900.00	65,000.00	-22,100.00	66.0%
270-726 · HRA CARD EMPLOYER Contribution	16,500.00	3,500.00	13,000.00	471.4%
270-727 · FLEX EMPLOYEE Dependent	0.00			
270-728 · FLEX EMPLOYEE Health	250.00			
270-729 · FLEX-LIMITED PURPOSE-EE CONTRIB	250.00			
270-731 · Garnishments	0.00			
270-800 · PAYROLL SERVICES	1,503.60	2,500.00	-996.40	60.1%
270-935 · Colonial Life Ins E4270229	-187.81			
Total 270-000 · PAYROLL	282,158.79	390,000.00	-107,841.21	72.3%
271-000 · BONDS & INSURANCE				
271-716 · EMPLOYER RETIRE. CONTRIB. D.C.	40,202.17	50,000.00	-9,797.83	80.4%
271-718 · INSURANCE/BONDS	96,494.75	75,000.00	21,494.75	128.7%
271-000 · BONDS & INSURANCE - Other	0.00	3,000.00	-3,000.00	0.0%
Total 271-000 · BONDS & INSURANCE	136,696.92	128,000.00	8,696.92	106.8%
276-000 · TOWNSHIP-GENERAL				
276-702 · SECRETARY	21,282.97	31,000.00	-9,717.03	68.7%
276-703 · CUSTODIAL	4,863.60	6,000.00	-1,136.40	81.1%
276-708 · Recording Fees	60.00	150.00	-90.00	40.0%
276-750 · SUPPLIES	5,274.68	7,500.00	-2,225.32	70.3%
276-752 · Recycle Bins	75.00	1,200.00	-1,125.00	6.3%
276-753 · TRASH REMOVAL	543.06	1,200.00	-656.94	45.3%
276-800 · LAWN, SNOW REMOVAL	10,005.00	11,000.00	-995.00	91.0%
276-809 · BANK CHARGES	45.27	400.00	-354.73	11.3%
276-850 · TELEPHONE	4,253.64	5,000.00	-746.36	85.1%
276-851 · POSTAGE	2,457.65	5,500.00	-3,042.35	44.7%
276-860 · MILEAGE	157.57	300.00	-142.43	52.5%
276-920 · UTILITIES	9,036.60	12,000.00	-2,963.40	75.3%
276-925 · Cable	752.92	1,200.00	-447.08	62.7%
276-926 · INTERNET SERVICES	819.92	3,200.00	-2,380.08	25.6%
276-930 · MAJOR REPAIRS & GEN UPKEEP	3,304.00	8,500.00	-5,196.00	38.9%
276-931 · EQUIP. MAINT/LEASE	26,687.97	15,000.00	11,687.97	177.9%
276-934 · HALL REPAIRS	62.00	500.00	-438.00	12.4%

#101 General Fund Profit & Loss Budget vs. Actual July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
276-955 · MISCELLANEOUS	265.70	500.00	-234.30	53.1%
276-957 · VOID	0.00			
Total 276-000 · TOWNSHIP-GENERAL	89,947.55	110,150.00	-20,202.45	81.7%
277-000 · PROFESSIONAL FEES				
277-804 · Planner/Consultant	0.00	1,000.00	-1,000.00	0.0%
277-805 · ENGINEERING FEES	0.00	1,500.00	-1,500.00	0.0%
277-809 · AUDIT CONTRACT	11,875.00	12,000.00	-125.00	99.0%
277-810 · ACCT SERVICES	0.00	1,000.00	-1,000.00	0.0%
277-933 · SOFTWARE SUPPORT	11,300.07	25,000.00	-13,699.93	45.2%
Total 277-000 · PROFESSIONAL FEES	23,175.07	40,500.00	-17,324.93	57.2%
278-000 · TAX ROLL				
278-802 · TAX ROLL PREP & POSTAGE	9,658.15	3,500.00	6,158.15	275.9%
278-851 · POSTAGE	0.00	7,500.00	-7,500.00	0.0%
Total 278-000 · TAX ROLL	9,658.15	11,000.00	-1,341.85	87.8%
445-955 · DRAINS MAINT	0.00	10,000.00	-10,000.00	0.0%
450-000 · ROADS				
450-934 · DUST CONTROL	49,480.09	75,000.00	-25,519.91	66.0%
450-967 · ROAD MAINTENANCE	176,785.78	250,000.00	-73,214.22	70.7%
Total 450-000 · ROADS	226,265.87	325,000.00	-98,734.13	69.6%
527-000 · DRAINS				
527-931 · DRAIN MAINTENANCE	4,663.33	40,000.00	-35,336.67	11.7%
527-000 · DRAINS - Other	0.00	1,000.00	-1,000.00	0.0%
Total 527-000 · DRAINS	4,663.33	41,000.00	-36,336.67	11.4%
536-000 · PUBLIC WORKS DPT				
536-702 · SALARY	4,500.00	6,000.00	-1,500.00	75.0%
536-750 · SUPPLIES	0.00	100.00	-100.00	0.0%
536-852 · REIMBURSE FROM WAT/SEWER	0.00	-6,000.00	6,000.00	0.0%
536-860 · MILEAGE	0.00	25.00	-25.00	0.0%
Total 536-000 · PUBLIC WORKS DPT	4,500.00	125.00	4,375.00	3,600.0%
567-000 · CEMETERY				
567-702 · SEXTON SALARY	5,835.35	8,000.00	-2,164.65	72.9%
567-995 · TRANS TO CEMETERY FUND	0.00	25,000.00	-25,000.00	0.0%
Total 567-000 · CEMETERY	5,835.35	33,000.00	-27,164.65	17.7%
701-000 · PLANNING COMMISSION				
701-702 · SALARIES	8,135.25	11,100.00	-2,964.75	73.3%
701-705 · RECORDING SECRETARY	2,450.00	3,000.00	-550.00	81.7%
701-750 · SUPPLIES	0.00	100.00	-100.00	0.0%
701-801 · ATTORNEY	1,036.84	1,500.00	-463.16	69.1%
701-804 · PLANNER	4,220.00	12,000.00	-7,780.00	35.2%
701-860 · MILEAGE	0.00	50.00	-50.00	0.0%
701-900 · PRINTING & PUB.	665.50	750.00	-84.50	88.7%
701-910 · TRAINING FOR PLANNING COMMISSIO	715.00	1,250.00	-535.00	57.2%
Total 701-000 · PLANNING COMMISSION	17,222.59	29,750.00	-12,527.41	57.9%
702-000 · ZONING ADMINISTRATOR				
702-702 · SALARY	39,506.32	52,000.00	-12,493.68	76.0%
702-710 · ATTEND BOARD MEETINGS	0.00	400.00	-400.00	0.0%
702-750 · SUPPLIES	0.00	250.00	-250.00	0.0%
702-801 · ATTORNEY	141.24	500.00	-358.76	28.2%
702-860 · MILEAGE	841.95	1,400.00	-558.05	60.1%
702-910 · TRAINING AND SEMINARS	0.00	250.00	-250.00	0.0%
Total 702-000 · ZONING ADMINISTRATOR	40,489.51	54,800.00	-14,310.49	73.9%

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Accrual Basis

#101 General Fund Profit & Loss Budget vs. Actual July 2024 through June 2025

	Jul '24 - Jun 25	Budget	\$ Over Budget	% of Budget
703-000 · ZONING BOARD OF APPEALS				
703-702 · SALARIES	2,351.00	3,500.00	-1,149.00	67.2%
703-703 · RECORDING SECRETARY	341.00	500.00	-159.00	68.2%
703-801 · ATTORNEY	0.00	1,000.00	-1,000.00	0.0%
703-900 · PRINTING & PUB	160.00	200.00	-40.00	80.0%
703-910 · TRAINING SEMINARS	127.00	750.00	-623.00	16.9%
Total 703-000 · ZONING BOARD OF APPEALS	2,979.00	5,950.00	-2,971.00	50.1%
751-000 · RECREATION DEPARTMENT				
751-702 · SALARY FOR REP	1,720.00	3,000.00	-1,280.00	57.3%
751-800 · HAPRA RECR CONTRACT	62,250.00	130,000.00	-67,750.00	47.9%
751-808 · MARION RECREATION				
808.1 · WALKING PATH	48,734.63			
751-808 · MARION RECREATION - Other	1,749.62	10,000.00	-8,250.38	17.5%
Total 751-808 · MARION RECREATION	50,484.25	10,000.00	40,484.25	504.8%
751-955 · OTHER	0.00	25.00	-25.00	0.0%
751-995 · TRANS TO RECREATION FUND	0.00	12,000.00	-12,000.00	0.0%
Total 751-000 · RECREATION DEPARTMENT	114,454.25	155,025.00	-40,570.75	73.8%
970-000 · BLDG IMP. CAPITAL OUTLAY				
970-974 · TWP HALL EXPANSION - COST	780.00	5,000.00	-4,220.00	15.6%
970-986 · TORNADO SIREN	850.00	1,000.00	-150.00	85.0%
970-000 · BLDG IMP. CAPITAL OUTLAY - Other	0.00	5,000.00	-5,000.00	0.0%
Total 970-000 · BLDG IMP. CAPITAL OUTLAY	1,630.00	11,000.00	-9,370.00	14.8%
971-000 · EQUIPMENT& LAND				
971-975 · FURNITURE & FIXTURES	4,765.78	3,000.00	1,765.78	158.9%
971-977 · COMPUTERS/SOFTWARE	4,340.27	5,000.00	-659.73	86.8%
971-979 · CITY OF HOWELL PROPERTY	18,012.56	18,000.00	12.56	100.1%
Total 971-000 · EQUIPMENT& LAND	27,118.61	26,000.00	1,118.61	104.3%
995-000 · TRANSFERS OUT				
995-999 · TRANS TO LAND AQUISITION FUND	0.00	25,000.00	-25,000.00	0.0%
Total 995-000 · TRANSFERS OUT	0.00	25,000.00	-25,000.00	0.0%
Total Expense	1,495,447.27	2,154,125.00	-658,677.73	69.4%
Net Income	257,627.83	-55,025.00	312,652.83	-468.2%

HANDBOOK KEY CODE

GREY Current wording

YELLOW Updated wording

MARION TOWNSHIP
PERSONNEL POLICY
AND
ADMINISTRATIVE REGULATIONS
HANDBOOK

MARION TOWNSHIP POLICY HANDBOOK

Marion Township has always emphasized that outstanding people are the key to our success. To ensure continued success, we feel it is important that all employees understand our policies and administrative regulations. This handbook will familiarize you with the various aspects of working for Marion Township. You are encouraged to use it as a valuable resource for understanding your employment with the Township. It will also be a useful reference document for all employees. If you have questions, please do not hesitate to ask your immediate supervisor or Township supervisor.

No individual, other than the Township Board, is authorized to modify or amend these policies. Further, no statement of policy set forth in the handbook is intended as a contractual commitment or obligation of the Township to any individual employee or group of employees.

INTRODUCTION

The policies, practices and benefits will be reviewed for updating and may change from time to time. Therefore, you should always check to ensure that you have the most current copy of the policy book.

ETHICAL STANDARDS/CONFLICT OF INTEREST

Marion Township has an excellent reputation for conducting its business activities with integrity, fairness, and in accordance with the highest ethical standards. As an employee, you enjoy the benefits of that reputation and are obligated to uphold it in every business activity. If you are ever in doubt whether an activity meets our ethical standards or compromise the Township's reputation, please discuss it with your immediate supervisor or Township supervisor. The Township Board of Trustees endeavors to hire the best-qualified candidates for the position.

All employees must maintain a pleasant and helpful attitude in dealing with members of the public and co-workers, whether by telephone or in person. The following are also prohibited: Failing to report to work when scheduled, failure to be on time for work, violation of departmental rules or confidentiality, neglect of duty, reporting to work in an intoxicated condition, consumption or possession of alcohol or illegal drugs or substance (such as marijuana) on township premises while on or off duty, use of obscene language in public office areas, threatening other persons or instigating a fight, verbally abusing or physically attacking customers, residents, visitors or township personnel. Personal conduct that is obnoxious or abusive to other customers, residents or employees including gossip, rumors and statements of defamatory nature will result in further action, which may include withholding a merit increase, demotion, suspension without pay, or termination.

A public official or employee shall not solicit or accept any gift of value including money, goods, or services for the benefit of any person or organization excluding the Township. A public official or employee shall not engage in a business transaction in which they may profit from their official position or authority including benefiting financially from confidential information they obtained by reason of that position or authority. A public official or employee shall not engage in, accept employment, or render services for any private or public interest when it is in conflict with their official duties or when that employment or service may impair their judgment in actions while performing their official duties.

A public official or employee shall not participate on behalf of the township in negotiation or execution of contracts, making loans, granting of subsidies, fixing of rates, issuance of permits and certificates, or other regulation and supervision relating to any business entity in which they have a personal interest. A public official or employee shall disclose all

conflicts of interest that they discover or that have been brought to their attention in connection with the activities of the township. Voluntary work performed by family members is not perceived as a conflict of interest.

Disclosure is defined as providing a written description of the facts comprising the conflict of interest to the appropriate person be it the Board of Trustees or immediate supervisor. A resolution to the conflict of interest shall be determined by the Board of Trustees.

At the time of hiring and on an annual basis, the township will require employees and public officials to sign a policy to show their understanding of this policy.

EQUAL EMPLOYMENT OPPORTUNITY

Marion Township maintains a strong policy of equal employment opportunity. We ensure equal employment opportunity for all employees and applicants for employment. We hire, train, promote, and compensate employees on the basis of personal competence and potential for advancement without regard for race, color, religion, sex, national origin, age, height, weight, or physical impairments.

Our equal employment opportunity philosophy applies to all aspects of employment including recruiting, hiring, training, transfer, promotion, job benefits, educational assistance, and social and recreational activities.

Reasonable Accommodation for the Disabled

In carrying out its commitment of equal employment the Township will make reasonable accommodations for applicants, as well as employees, who can perform the essential functions of the job with or without reasonable accommodations.

Discrimination or Harassment

Any form of discrimination or harassment is prohibited by Marion Township as well as by state and federal law. Any person engaging in such conduct may be terminated immediately.

Any employee who feels that he or she is being subjected to a form of discrimination or harassment prohibited by this policy should notify his or her immediate supervisor or the Township supervisor.

Any employee who is determined, after an investigation, to have engaged in discrimination or harassment in violation of this policy may be subject to disciplinary action, up to and including discharge.

Sexual Harassment

The Township is committed to providing employees with a working environment that is safe, comfortable and productive. Sexual harassment in any form will not be tolerated. Simply stated, sexual harassment is any unwanted sexual attention pressed on an unwilling employee by co-workers or superiors. For purposes of this policy, sexual harassment is defined as including, but not limited to, the following acts:

1. Sexual relations, sexual contact, or the threat of sexual relations or sexual contact, which is not freely and mutually agreeable to both parties.
2. The continual or repeated verbal abuse of a sexual nature including, but not limited to, sexually explicit statements, sexually suggestive objects or pictures, sexually degrading words used to describe the employee, or propositions of a sexual nature.

3. The threat or insinuation that lack of sexual submission will adversely affect the employee's wages, advancement, assigned duties, or other conditions that affect employment.

If you believe you are a victim of sexual harassment, deal with the problem immediately by making a written complaint to your immediate supervisor, to the Township Clerk, or to the Township Supervisor. All allegations of sexual harassment will be investigated fully, impartially, and with discretion. There will be NO retaliation against an employee who files a complaint.

Any employee who is found, after investigation, to have engaged in sexual harassment of another employee will be subject to discipline, up to and including discharge. An employee who files a false report of sexual harassment will also be subject to discipline, up to and including discharge.

SUPERVISION

Personnel shall take direction from their immediate supervisor. The Township Supervisor is the immediate supervisor for the Assessors and the Zoning Administrator. The Township Clerk is the immediate supervisor of the Deputy Clerk, Receptionist and Election Workers. The Township Treasurer is the immediate supervisor of the Deputy Treasurer and the Treasurer's Assistant.

COMPENSATION POLICY

Pay Period

For all employees, the standard pay period is monthly. Checks and automatic deposits will be available on the 10th of each month or on the last working day prior to the 10th. Pay period will cover the first through the last day of each calendar month.

For all employees working 32 hours per week, the standard workweek is Monday-Thursday, 9:00 am-5:00 pm. All employees are allowed a daily thirty (30) minute paid lunch and two fifteen (15) minute paid breaks. Customer service will be provided during these times by the appropriate staff.

Payroll Procedures

The normal workweek is defined in the Pay Period paragraph. All regular, non-elected employees are required to clock in and out each day to record hours worked. If hourly employees are authorized to work over 32 hours per week, they will be compensated at their normal hourly rate up to 40 hours. Hourly employees authorized to work over 40 hours in a week will be paid at 1½ times the regular rate.

Paid time off must be recorded on the standard PTO request form. Scheduled time off must be requested prior to taking time off. Unscheduled PTO must be recorded on the PTO request form when the employee returns to work.

Pay is calculated on the following basis:

Elected Officials are paid monthly in equal payments based on the annual salary approved by the board.

Non-elected regular hourly employees are paid monthly based on time recorded on time clock and PTO forms.

If an hourly employee is required to work hours other than the normal township business

hours then they will be compensated at their regular rate of pay, be paid for time spent traveling and mileage. Example: Such as an MTT Hearing on a Friday that is out of town.

Appointed boards and commissions are paid as follows:

Planning Commission- \$110 \$127 per meeting as recorded by the zoning administrator and paid monthly. The chairman will receive \$165 \$191 per meeting.

Zoning Board of Appeals-\$110 \$127 per meeting as recorded by the zoning administrator and paid monthly.

Zoning Administrator will receive \$110 \$127 for attending the Planning Commission Meeting, Zoning Board of Review Meeting and \$110 \$127 per meeting when asked by the Supervisor, Clerk or Treasurer to attend the regular Board of Trustee meeting.

Board of Review--\$27.50 \$32.00 per hour for all meetings and training recorded on sign-in sheets paid monthly. Mileage will be paid up to 100 miles per class.

Howell Area Park and Recreation Authority Representative--\$175 \$220 per meeting, paid monthly.

Election Workers--pay rates set by election commission, approved by Board of Trustees. Time recorded on sign-in sheets for training and elections paid monthly.

Overtime

Employees will be compensated for all work authorized by their immediate supervisor in excess of 40 hours per week at a rate equal to 1½ times the employee's regular rate of pay.

All authorized work in excess of sixteen (16) consecutive hours worked, or work on holidays, (addressed on page #11) will be compensated at a rate equal to two (2) times the employee's regular rate of pay.

Unpaid Furlough Days

If the workload and/or financial situation warrants, temporary unpaid furlough days may be enacted as determined by the Officers. PTO may not be taken as furlough days. Furlough days can only be changed at the request of an Official; i.e.: if the staff person is needed to come in because of an extra work load. This will not affect the benefit package.

Date of Hire

The effective date on which an individual officially hired, as an employee of Marion Township shall be designated as that individual's "Date of Hire." This date is used to determine benefits. Benefits will not commence until after a 90-day probation period. An employee's "Date of Hire" will remain in effect throughout an employee's continuous consecutive years of paid employment with the Township. The following shall alter an employee's date of hire:

- Authorized leaves of absence exceeding 180 days, which shall change employee's date of hire to the date of return to his/her position.

Seniority

Seniority is determined by years of service without more than a six-month approved leave of absence.

Salary Increases/Raises

Employee starting salary will be that which has been established by the Board of Trustees. Merit raises will become effective July 1 of each calendar year upon review by the Board of Trustees.

Education

Continuing education classes that will benefit the township will be paid by the township within the limits of each department's budget and must be approved by their immediate supervisor, **prior to the training**. Coverage may include class fee, mileage at the current rate, and reasonable overnight lodging. Hourly employees will be paid for only eight (8) hours per day at their regular hourly rate. ZBA and Planning Commission members are encouraged to attend in house or external training yearly, they will be paid \$80 for up to a four-hour class or \$160 for up to an 8-hour class. A class handout **or registration confirmation** or report must be turned in after each class/seminar. Full time office staff are required to take one day (8 hours) of training per year that pertains to their job. Elected officials are encouraged to attend yearly educational classes to enrich their knowledge of government. If the workshop is 6 hours or more then the employee will be reimbursed \$25 for meals and incidentals for the day's expenses.

Jury Duty

The employer shall pay the employee called for jury duty at his/her regular straight time rate, which he/she would earn if working, less an amount equal to the payment received for jury service. The employee must return to work and work any hours out of his/her scheduled workday that he/she is not actually on jury duty.

In order to receive compensation, an employee must give the employer at least two (2) days prior notice that he/she has been summoned for jury duty, and shall furnish documentation that he/she reported for or performed jury duty on the day(s) for which payment is received. The maximum payment obligation under this section is twenty (20) days each calendar year.

Unacceptable Job Performance, Disciplinary Action

The employee's immediate supervisor will first advise an employee verbally if he or she is not performing to the acceptable standards.

If satisfactory improvements are not exhibited after a verbal warning, and within a maximum period of thirty (30) days, a written warning will be given to the employee for review and action.

If the employee's performance does not improve to an acceptable level after a written warning, further action will be taken, which may include withholding a merit increase, demotion, suspension without pay, or termination.

Use of this disciplinary procedure does not change the at-will relationship between the Township and its employees.

Employment of Relatives

Marion Township has no prohibition against hiring relatives. However, one general restriction has been established to help assure fair treatment of all employees.

While we accept and consider applications for full-time employment from relatives, close family members such as parents, children, spouses, or in-laws will not be hired into or transferred into positions in which they are the immediate supervisor of or are supervised

by, a close family member.

OVERVIEW

Every organization has certain guidelines, which were developed to reflect good business practices. In establishing any rules of conduct, the Township has no intention of restricting the personal rights of any individual. Rather, we wish to define the guidelines that protect the rights of all employees and to ensure maximum understanding and cooperation. Therefore, employees are expected to be:

- On-time and alert when scheduled to be at work
- Careful and conscientious in performance of duties
- Thoughtful and considerate of other people
- Courteous and helpful, both when dealing with customers and fellow employees

Absenteeism and Tardiness

Marion Township expects employees to be at work on time and to observe the working hours established by the Township. An employee who will be absent from work for any reason must call the clerk's office within thirty (30) minutes of the start time of that day. If the clerk or deputy clerk is unavailable, request that whoever takes the message relay the information to the clerk's office as soon as possible. Repeated absenteeism and/or tardiness will be cause for disciplinary action up to and including termination.

All board members and commissioners should attend every scheduled meeting for which they are appointed or elected. If you need a copy of the meeting schedule, please contact the Clerk's office. However, in the event a board member or commissioner is unable to attend a meeting they should notify the Clerk's office as soon as possible so there is the presence of a quorum.

Arrangements for time-off must be made with the employee's immediate supervisor. The clerk's office shall also be notified of planned absences in advance and in accordance with the policy provisions of the leave regulations. The clerk's office must also be notified when unexpected leaves occur. Any scheduling change will be given to each employee in written form.

Force Majeure Days

(An extraordinary interruption by a natural cause of the usual course of events that experience or care cannot reasonably foresee or prevent.)

It is the responsibility of the employee to determine if they can safely travel to and from work. The township will not pay them for that day of missed work, but if they feel they cannot get to work safely then PTO will be used to cover the time missed. If it is determined that the entire township offices are to be closed, the employees will be contacted via phone or text and compensated for that day's work at their regular rate of pay. Once at work if something occurs such as inclement weather or a power failure the employees may be dismissed by the officials and will not lose that day's pay.

Safety

Marion Township expects its employees to conduct themselves in a safe manner. Please use good judgment and common sense in matters of safety, and observe any safety rules posted in various areas.

Substance Abuse

Marion Township will not tolerate any substance abuse on its premises. Any employee reporting to work subject to the effects of alcohol, or non-prescription drugs or Marijuana,

or who uses alcohol, non-prescription drugs or Marijuana, on the premises, will be asked to leave immediately. Under these circumstances, assistance may be provided to ensure that the employee arrives home safely. Any employee who reports to work subject to the effects of alcohol, non-prescription drugs or Marijuana, or who uses alcohol, non-prescription drugs or Marijuana on the premises, may have his or her employment terminated immediately.

Considerations for Smokers and Nonsmokers

Employees are requested to confine smoking to outside at the rear of the building. Smokers are further requested to have consideration for nonsmoking co-workers.

Dress Code

What we wear to work is a reflection of the pride we have in our Township. To favorably impress members of the public, it is important for all employees to present a businesslike appearance. However, in case there are questions, here are some guidelines:

- Clothing should not constitute a safety hazard
- Employees should practice common sense rules of neatness, good taste and comfort
- Clothing should be appropriate relative to the employee's duties and specific job description

Kitchen Clean Up

Staff members shall be responsible and considerate of their colleagues by cleaning up after themselves. Dishes should be washed, counters kept clean and food properly stored to prevent rodent invasions. If you make the mess, you will clean it up!

Terminations

Employment with Marion Township is for no specified time, regardless of length of service. Just as you are free to leave for any reason, we reserve the same right to end our relationship with any employee at any time, with or without notice. All of Marion Township non-elected staff are "at will employees".

When an employee wishes to resign because of illness or for personal reasons, the possibility of a leave of absence should be explored if the employee has a good work record and has sufficient length of service.

The employee is expected to give at least two weeks written notice before terminating employment.

Personnel Files

Contact the Clerk if there are any changes in your:

- Home address
- Telephone number
- E-mail address
- Emergency contact
- Martial status
- Number of dependents
- Military status

You may review your personnel file by contacting the Clerk and arranging a time to do so.

Telephone Use

Telephones are a vital part of our business since much of our business is handled on the phone. Personal use of the telephone should be limited to emergencies and unusual circumstances. Also, personal calls should be brief. Cell phones should be used discreetly and at a minimum so as not to interfere with regular township business.

Solicitations and Distributions

People who do not work for the Township or are not approved vendors are prohibited from distributing literature of any kind or soliciting employees for any purpose at any time on Township property.

Protection of Township and Employee Property

Respect and protection of Township property and employee personal property is everyone's concern. If you find property missing or damaged, please report immediately.

Release of Information

Except for records and information that we are legally required to provide to government agencies, no information about you will be released unless there is a signed authorization form from you on file, and the request is in writing.

BENEFITS

The term benefits for this section refer to health insurance coverage and the pension plan. **New employees are on a 90-day probationary period and employee will not be eligible for benefits until after that 90-day period.**

1. Pension Plan-Defined Contribution Plan:

The Township will contribute 8% of individual's monthly gross wages, excluding wages earned for sitting on any boards that would also include recording secretary's earnings.

The employee may also voluntarily contribute to the MERS 457 plan (before or after-tax compensation) or to the VOYA plan (before-tax compensation).

**All contributions to the plan are vested immediately.

2. Health Insurance Coverage:

Employees (32+hours per week) and elected officials are eligible for health care coverage. The Township will cover 90% of the premium, the employee 10% paid on a monthly basis. The Township will pay a portion of the employees' health insurance deductible. Any elected official or employee (32+ hours per week) opting not to participate will receive a **miscellaneous stipend determined by resolution of the township board.** of \$660 per month.

Paid Time Off

Paid time off is determined by length of service and is accrued as follows:
Employees working 32 hours per week:

- Five years and below 96 hours per year
(Accrued at the rate of 8 hours per month)
- Starting the 5th year and 1 day 144 hours per year
through 10 years (Accrued at the rate of 12 hours per month)
- Starting the 10th year and 1 day 192 hours per year
(Accrued at the rate of 16 hours per month)

Paid time off (PTO) may be taken at any time during the year, but should be scheduled with

their immediate supervisor and then notify the Clerk's office to avoid conflicts with other employees' vacations and with busy periods of the year. Vacations will be scheduled on a first come first serve basis. A form signed by the immediate supervisor must be filed with the Clerk. Unpaid time off may be granted after PTO time is exhausted. Any employee who gives proper notice (2 weeks) regarding termination of his/her employment with the Township shall be entitled to his or her regular pay for any unused portion of paid time off, as of date of separation.

Any employee who is laid off or separated from the Township for reasons other than disciplinary action shall be paid accrued leave time upon approval of his/her supervisor. Unused vacation (PTO) days will be allowed to accumulate up to twelve working days. On an annual basis, accumulated PTO days in excess of twelve working days will be paid by a check issued in January with taxes withheld.

In the event of death, employee's beneficiary shall be paid his/or accumulated time.

If an employee terminates employment with the Township a two-week notice shall be given.

Medical Leave of Absence

To qualify for a medical leave of absence, employee must be employed with the Township for at least twelve (12) months. If a full-time employee (32 hours per week) is off for an extended period of time due to a physical or mental illness, the employee may request a leave of absence not to exceed twelve (12) weeks. Any leave of absence granted shall be considered leave time and shall be without pay except for that portion covered under accumulated paid leave time. Employees will be required to utilize their accumulated paid leave time before any unpaid leave.

Multiple medical leave of absences shall be based on a twelve-month period. After twelve (12) weeks leave of absence, employees must work another twelve months before they are eligible for another township paid health insurance (90%) leave of absence.

To qualify for a medical leave of absence, non-elected employees must submit a physician's certificate stipulating that the employee is unable to work, the reason therefore, and an estimated return to work date. Marion Township reserves the right to require the employee to furnish additional medical certificates verifying the continued need for medical leave of absence. Said verification must be submitted within thirty (30) days of the Township's request. This does not apply to elected officials.

During an unpaid leave of absence, the Township will continue to pay the non-elected employee's portion of health insurance (90%) and the employee shall pay their portion (10%) for a period not to exceed twelve (12) weeks. If a non-elected employee fails to pay their (10%) share of the monthly coverage, it will be terminated.

If a full-time (32 hours) employee is off for an extended period of time due to prolonged illness of his/her spouse or children, the employee may be granted, at his/her request, a leave of absence not to exceed twelve (12) weeks, or a length of time equal to his/her accumulated leave days, whichever is greater. Such leave shall be without pay with the exception of accumulated paid leave time. Employees will be required to utilize their accumulated paid leave time before any unpaid leave. The township will continue to pay the non-elected employee's portion of health insurance (90%) and the employee shall pay their portion (10%) for a period not to exceed twelve (12) weeks. If the leave is unprotected, whether from the start or because the protected leave is exhausted, the employee is no longer entitled to receive the miscellaneous medical stipend, during their unprotected absence.

Elected officials are covered by the township's health insurance including medical leave of absence. This takes effect immediately upon start date, (90%) paid by the township and (10%) paid by the elected official. The elected official is exempt from the length of absence and is governed by separate policies.

COVID-19

Marion Township officials and staff will be following the current Livingston County Health Department Isolation and Quarantine Guidelines to actively mitigate the spread of coronavirus.

Holidays

The township hall will be closed on the holidays listed below. They will be paid holidays unless they fall on a Friday or Saturday. If a holiday falls on a Sunday, the following Monday will be the paid holiday and the township hall will be closed for business. When a holiday falls on a day of the week that results in no benefit to the employee, the lost benefit will be added to the employee's leave time accrual.

New Year's Day	Veteran's Day
Martin Luther King Day	Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	New Year's Eve

Eligible employees requested to work on a holiday will be paid for time worked plus holiday pay. This will be compensated at their regular hourly rate.

Bereavement Leave of Absence

Employees working 32 hours shall be allowed the following leaves of absence, with pay, as bereavement leave. Bereavement leave will not be deducted from the employee's accumulated paid leave time.

- Four (4) days for the death of a spouse/significant other, child, parent, daughter-in-law or son-in-law.
- Three (3) days for the death of a sister, brother, mother-in-law, father-in-law, stepchildren, grandchildren.
- Two (2) days for the death of grandparents, stepparents, brother-in-law, sister-in-law, or member of the employee's immediate household.
- One (1) day for aunt or uncle.

Worker's Disability Compensation

All injuries incurred on the job must be reported to the employee's supervisor IMMEDIATELY.

Employee Complaint Procedure

Differences of opinion occasionally arise between individuals in an employment setting. It is in the best interest of the Township that such conflicts be resolved. Only complaints or replies to complaints, which are of extreme significance, need be in writing. Open discussion is encouraged so that employee grievances and complaints may be resolved to the satisfaction of all concerned.

Employees who submit a complaint or grievance under this procedure will not be harassed nor will any reprisals be taken. However, employees are not to disrupt or in any manner interfere with the work of any other employee.

Procedure

1. Any employee or representatives of a group of employees (not to exceed three) having a grievance or complaint relating to his/her status or conditions of employment with the Township should first discuss the problem with the employee's immediate supervisor. (Should an employee have a grievance concerning his/her immediate supervisor, the employee should discuss the matter with the Township Supervisor).
2. If the employee feels that no satisfactory conclusion has been offered, the employee may submit a written complaint to the Supervisor giving the employee's reason for disagreement. The Township Supervisor will then make a recommendation.
3. If the employee still feels that no satisfactory conclusion has been offered, the employee may request a special meeting with the Township Supervisor and others concerned may be asked to attend to discuss the employee's written complaint in order to make a fair determination of the complaint.
4. If the employee still feels that no satisfactory conclusion has been offered, the employee may submit a written complaint to the Township Supervisor for presentation to the Township Board at a Special Meeting for a recommendation. The employee and others concerned may be asked to attend the meeting with the Board to discuss the complaint in order to make a fair and final determination.

These procedures are not intended to create any contract between the Township and an employee concerning the procedures that will be followed in handling any employee concerns, including termination of employment.

Gifts and Gratuities Prohibited

No employee, officer or department head of the township shall knowingly accept any gift, frank, free ticket, pass, reduced price, or reduced rate of service, other than as generally granted to the people of the community at large not the same class or quality of goods and services, from any person, firm or corporation operating a public utility within the Township or from any person known to him or her to have secured, or to be endeavoring to secure, a contract with the Township.

Common gifts given to the entire staff during the holiday season are acceptable if they do not exceed \$100 from each gift giver.

Township Hall Use

The Marion Township Hall may be used by elected officials and staff at no cost two times per year. All rules and regulations apply the same as they do for the general public. Special requests must be approved by the officers.

Please Note: All final decisions related to the personnel policy and administrative regulations will be made by the Township's Board of Trustees.



MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (the "MOU") is entered into on May 1st, 2025, between Marion Township, hereinafter referred to as the "Client," and HAPRA, hereinafter referred to as the "Service Provider."

1. Purpose: The purpose of this MOU is to establish the terms and conditions under which the Service Provider will maintain the Client's grounds and property as defined below.

2. Scope of Work: The Service Provider agrees to provide regularly scheduled weekly visual inspection and clean-up of the Client's grounds and property. This includes trash removal, clearing pavilion, playground and fields of debris and routine checks of the walking path. Exhibit A displays a routine task list. Additional work orders outside the routine work can be submitted. Exhibit B shows map of properties where routine and scheduled work will be completed on Client's property.

3. Billing Rate: The Client agrees to compensate the Service Provider at a rate of \$750 per month for the services provided under this MOU (Exhibit A). The billing rate may be subject to adjustment with mutual agreement in writing. The billing rate includes Service Provider staff hours and vehicle usage. Any additional equipment, services or projects request by the Client will be quoted and billed separately from this agreement. Exhibit C breaks down billing for additional work orders. Marion Township will provide or reimburse trash bags and related items to complete routine tasks.

4. Invoicing: An Invoice will be submitted by the Service Provider to the Client monthly. The services unit will be tracked by the Service Provider and the Client will be updated monthly with a service report. Any additional service requests from Client will be quoted by the service provider. Once the client has approved the quote for the extra services, the Service Provider will complete the service and invoice client.

5. Payment Terms: Payment is due within 30 days of the invoice date.

6. Term of Agreement: This MOU shall commence on the date the agreement is signed and will continue until Dec 31st, 2025, unless terminated earlier by mutual agreement. This agreement can be extended if both parties agree to the services and compensation for future needs of both parties.

7. Termination: Either party may terminate this MOU with written notice to the other party in the event of a material breach. Upon termination, the Client agrees to pay for all services provided up to the termination date.

Marion Township Supervisor

Howell Recreation Executive Director