

TOWNSHIP OF EMMETT
COUNTY OF ST. CLAIR
STATE OF MICHIGAN

RESOLUTION 2021-12

A RESOLUTION ESTABLISHING A MORATORIUM ON THE INSTALLATION OF OVER 50 KVA TOTAL ELECTRICAL TRANSFORMING CAPACITY PER SITE AND A MORATORIUM ON ISSUANCE OF ANY PERMITS OR APPROVALS AS THEY RELATE TO ANY EXISTING SITE CONTAINING OVER 50 KVA OF TOTAL ELECTRICAL TRANSFORMING CAPACITY WITHIN THE TOWNSHIP.

At a special meeting of the Emmett Township Board of Trustees, St. Clair Co., MI, held at 12:00 p.m. on the 7th of June, 2021 the following resolution was offered.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, MCL, 125.1501 et seq., allows a local unit of government to legally adopt and enforce the state building code at the local level. The purpose of the building code is to ensure public health, safety and welfare by protecting life and property from all hazards related to the design, erection, repair, change, addition, removal, demolition, or use and occupancy of buildings, structures, or premises. This is in relation to structural strength, adequate egress facilities, sanitary equipment, power, light, heating, cooling, ventilation, and fire safety. Building permits are required when construction or alterations of a structure are undertaken;

WHEREAS, higher amperage electrical upgrades and installations within the Township has resulted in problems including but not limited to insufficient or improper electrical supplies, building and electrical fires, noxious fumes, and/or other hazards which are associated with the improper installation and/or use of higher amperage electrical installations;

WHEREAS, the Michigan Zoning Enabling Act ("MZEA"), MCL 125.3101 et seq., provides the Township with statutory authority to regulate land use within the Township through its Zoning Ordinance. The Michigan Supreme Court in the recent case of DeRuiter v Byron Township, Case No. 15831 1, decided April 27, 2020, found that the Township had the authority under the MZEA to require zoning permits and permit fees for the use of buildings and structures within its jurisdiction;

WHEREAS, Emmett Township wishes to continue to explore how to best zone for such higher amperage installations, which will require additional study in terms of amending the Township Zoning Ordinances pertaining to land uses, zoning classifications and/or other requirement, and the Township is considering allowing

higher amperage installations in certain zoned areas only, with proper installation, usage and inspections;

WHEREAS, the Township Board has concluded that during the pendency of its consideration of possible amendments of the Township Zoning Ordinances, it would be counterproductive if building and zoning permits and/or other approvals were allowed or permitted to move forward in any zoning districts and, therefore, the Township Board has concluded that during the course of review and consideration of the possible Zoning Ordinance amendments, there should be a deferral of review of all applications for building and zoning permits and approvals related to the installation of over 50 KVA total electrical transforming capacity per site and to permits or approvals as they relate to any existing site containing over 50 KVA of total electrical transforming capacity; and

WHEREAS, an amendment to the Zoning Ordinances, pertaining to land use as it relates to the locations allowed for higher amperage installations will require proceedings before the Emmett Township Planning Commission and the Emmett Township Board of Trustees under the process provided for in the MZEA, which include, but are not limited to, a public hearing before the Planning Commission and deliberations by the Township Board which will take approximately One Hundred Eighty (180) days;

NOW, THEREFORE, be it resolved that Emmett Township hereby adopts, effective immediately, a Moratorium upon the issuance of any and all permits and/or approvals as they relate to any modifications to sites, structures or units in any zoning district related to the installation of over 50 KVA total electrical transforming capacity per site and to permits or approvals as they relate to any existing site containing over 50 KVA of total electrical transforming capacity;

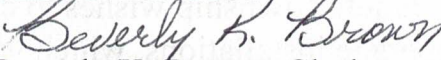
Motion made by Keith Scott and Supported by Mike Butler

Roll call: Butler; Yea;, Brown; Yea. Kot; Yea, Scott; Yea and Reliford; Absent

RESOLUTION 2021-12 Declared Adopted by the Emmett Township Board of Trustees this 7th day of June 2021.

The foregoing resolution was certified at a special meeting of the Board of Trustees of Emmett Township held on this 7th day of June 2021

CERTIFICATION


Beverly K. Brown, Clerk