

**Bertrand Township Board
Regular Meeting
Thursday, July 9, 2020**

Via Video-Conference during the historic COVID-19 Worldwide Pandemic

Supervisor Hicks called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Members Present: Hicks, Kuhn, Payton, Vite, Zelmer

Member Absent: None

Special Guests: None

Consent Agenda *(see attachments)*

Motion made by Zelmer supported by Payton to approve the Consent Agenda as amended:

- Added item #2 – New PC Resolution of Ordinance
- Added item #3 – Approval of Municode Annual Hosting
- Township Board Meeting Minutes from June 11, 2020
- Accounts Payable for the period 06/12/20-07/09/20 as presented:

Total General Fund Expenses	\$28,323.22
Total Fire Dept. Fund Expenses	\$23,664.12
Total WRT Fund Expenses	\$154.09
Total Expenses	<u>\$52,141.43</u>

- Treasurer's Report as of June 30, 2020

General Fund	\$1,492,352.20
Total Fire Dept. Fund	\$422,796.92
Total WRT Fund	2,052.72
Total Fund Current Assets	<u>\$1,917,201.84</u>

Roll call vote: **Motion carried unanimously**

Reports

Sheriff's Department *(on file)*

The report was mailed in.

Fire Department *(on file)*

Chief Knisely presented the July Fire Department report. He has two new recruits: Ethan Valentine and Darren Burgoyne. City of Buchanan has rescinded permission to use their fire water hydrant except in emergency situations. Chief has received a \$22,000 estimate from McCarty Well Drilling to install a well at station #1.

SMCAS *(on file)*

Chief Knisely emailed the report.

SE Berrien County Landfill

None.

Planning Commission

Did not meet in June.

NATS

None.

Public Comments

None.

Unfinished Business

None.

New Business

1. Accounts Payable Policy Review

Discussion: A vendor called asking for payment, but it was within the standard 30-day window typical of most invoices. The invoice did not list terms. Treasurer Kuhn explained his policy for retaining check vouchers until approval after the monthly board meeting. The assumption was in terms were not listed it was 30 days.

The decision was to promptly make payment if terms are not listed, otherwise to pay before the term listed on the invoice.

No vote taken.

2. New Planning Commission Resolution of Ordinance

Motion made by Vite, seconded by Zelmer to approve a Resolution to adopt Ordinance #20200709 – “An Ordinance to Adopt an Amendment To the Bertrand Township Zoning Ordinance and Repealing all Ordinances or Parts of Ordinances in Conflict Herewith” with an amendment correcting a typographical error in Section XIV.KK.1.d.

Discussion: The Planning Commission made proposed additions to the Zoning Ordinance including Barn Weddings and Receptions, Accessory Solar Energy Systems, Guest Houses, and Accessory Buildings and Structures that were approved by the Berrien County Planning Commission. This vote is procedural to adopt the changes.

Roll Call Vote: **Motion carried unanimously**

3. Approval of Municode Annual Online Hosting of Ordinances

Motion made by Vite, seconded by Payton, to approve the \$495 annual fee for Municode to host Bertrand Township Ordinances on their web portal for online access.

Roll Call Vote: **Motion carried unanimously**

Public Comments

None.

Board Member Comments

Treasurer Kuhn said various proposals are working through the legislature to make modifications to property tax penalties, tax deadlines, etc. re: the ongoing COVID pandemic.

Clerk Vite said the annual audit begins on Monday, July 13. Also, the Election Commission has their meeting re: the August 4 Primary Election at 6pm on July 13 followed by the Public Accuracy Test.

Communications

None.

Miscellaneous / Announcements / Schedule

- The next township board meeting will be Thursday, August 13, at 7:00 p.m.

Having no further business, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,



July 17, 2020

Don Vite

Date

Bertrand Township Clerk

**BERTRAND TOWNSHIP
COUNTY OF BERRIEN, STATE OF MICHIGAN
ORDINANCE NO. 20200709
ADOPTED: July 09, 2020
EFFECTIVE: EIGHT DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to adopt an amendment to the Bertrand Township Zoning Ordinance regarding Accessory Structure height; and to repeal all ordinances or parts of ordinances in conflict herewith.

**BERTRAND TOWNSHIP
BERRIEN COUNTY, MICHIGAN
ORDAINS:
SECTION I
ADDITION TO THE TABLE OF CONTENTS**

Section 3.31 Accessory Solar Energy Systems

**SECTION II
ADDITION TO SECTION 2.03(B)
DEFINITIONS**

BARN WEDDINGS AND RECEPTIONS

A use that is clearly incidental to a principal farm, for the purpose of holding weddings and wedding receptions.

**SECTION III
ADDITION TO SECTION 2.08(G)
DEFINITIONS**

GUEST HOUSE

A structure that is accessory to a single family residence, which is used for guest accommodation.

SECTION IV
AMENDMENT OF SECTION 3.10 (C)(2)
ACCESSORY BUILDINGS AND STRUCTURES

3.10 ACCESSORY BUILDINGS AND STRUCTURES, C. Location and Setbacks

2. Detached accessory buildings over 200 square feet shall have a setback of twenty (20) feet from the side and rear property line. Detached accessory buildings 200 square feet and under shall have a setback of five (5) feet from the rear and side property line, and

SECTION V
AMENDMENT OF SECTION 3.10 (D)(5)
ACCESSORY BUILDINGS AND STRUCTURES

3.10 ACCESSORY BUILDINGS AND STRUCTURES, D. 5 is DELETED.

SECTION VI
AMENDMENT OF SECTION 3.13 (B)
FENCES

3.13 FENCES, B. Fence Height

1. Unless specifically provided for elsewhere in this Ordinance, no fence within the front yard setback may exceed a height of four (4) feet for chain-link, wrought iron, or picket fences. No opaque or substantially solid fence shall be permitted within the front yard setback.

SECTION VII
ADDITION OF SECTION 3.31
ACCESSORY SOLAR ENERGY SYSTEMS

Section 3.31 ACCESSORY SOLAR ENERGY SYSTEMS, Accessory Non-Commercial Solar Energy Systems

A. Applicability

1. This section authorizes and regulates accessory non-commercial building mounted and ground-mounted solar energy systems in all zoning districts.
2. This section does not regulate commercial solar energy systems.
3. This section does not apply to small-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than six (6) feet above the ground.

B. Application and Review

1. In addition to all other required application contents for zoning and building permits, equipment and unit renderings and plans shall be submitted for review.
2. Accessory non-commercial building-mounted solar energy systems shall be approved administratively by the Township Building Official.
3. Accessory non-commercial ground-mounted solar energy systems shall be approved administratively by the Zoning Administrator and the Building Official.
4. All installation must follow current Federal and State construction, electrical and building codes.

C. Accessory Non-Commercial Building-Mounted Solar Energy Systems.

Systems are permitted on all buildings, as long as all components comply with required building setbacks and maximum height requirements for buildings.

D. Accessory Non-Commercial Ground-Mounted Solar Energy Systems

1. Glare and Reflection. The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs considerable glare onto neighboring dwellings or adjacent streets.
2. Location. Systems shall be placed in rear yards unless existing vegetation and other site constraints make rear yard placement unfeasible. The Zoning Administrator shall refer side and front yard placement requests to the Planning Commission in cases where there is a higher likelihood of visual impact to nearby residents.
3. Installation. Systems shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy shall be submitted to the Township before installation for review and approval by the Fire Department.
4. Wires. All wires shall be buried underground. Overhead wires are prohibited.
5. Setbacks. Accessory non-commercial ground-mounted solar energy systems shall be subject to the setbacks required for accessory buildings. Measurement shall be taken from the outermost edge of the support structure or solar panel, whichever is closer to the property line, to the applicable property line.
6. Maximum Number. One (1) accessory non-commercial ground-mounted solar energy system and its associated support structure are permitted per lot or parcel.
7. Maximum Size. Systems shall be no larger than the square footage required to provide power to a residence and accessory buildings on a lot or parcel but shall not exceed 1,500 square feet of collector panels. Proposed

system power generation specifications shall be provided by the applicant for Township review.

8. Maximum Height. The maximum height of a system at its highest point, or at full title, shall be sixteen (16) feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
9. Abandonment. Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the property owner provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension for reinstatement may be granted by the Zoning Administrator.
10. Removal. The property owner shall remove the support structure, panels, and all equipment and restore the site to its condition prior to the installation of the system within one (1) year of abandonment, and

SECTION VIII

ADDITION TO SECTION 5.02

TABLE OF USES (AGRICULTURAL)

Section 5.02 TABLE OF USES (WITH A SPECIAL LAND USE PERMIT)

Guest House

Barn Weddings and Receptions

Commercial Solar Energy Systems

SECTION IX

ADDITION TO SECTION 6.02

TABLE OF USES (RR RURAL RESIDENTIAL)

Section 6.02 TABLE OF USES (WITH A SPECIAL LAND USE PERMIT)

Guest House

Barn Weddings and Receptions

SECTION X

ADDITION TO SECTION 6.02

TABLE OF USES (R-1 LOW DENSITY RESIDENTIAL)

Section 6.02 TABLE OF USES (WITH A SPECIAL LAND USE PERMIT)

Guest House

SECTION XI
ADDITION TO SECTION 7.02
TABLE OF USES (COMMERCIAL)

Section 7.02 TABLE OF USES (WITH A SPECIAL LAND USE PERMIT)
Commercial Solar Energy Systems

SECTION XII
ADDITION TO SECTION 8.02
TABLE OF USES (INDUSTRIAL)

Section 8.02 TABLE OF USES (WITH A SPECIAL LAND USE PERMIT)
Commercial Solar Energy Systems

SECTION XIII
ADDITION TO SECTION 11.04 (I)
SPECIAL LAND USES SPECIFIC REQUIREMENTS

- I. Earth removal, quarrying, gravel processing, mining and/or related mineral extraction businesses
 6. Nuisance Abatement d. Traffic (adding) Expansions to adjacent parcels requiring a new or modified Special Land Use, will be required to have an undercarriage water station for dust migration that meets all state and local requirements.
 7. Reclamation of Mined Areas c. A performance bond (changing) "\$10,000" to "\$15,000". (adding) "All accrued interest will be reinvested into the escrow account.", and

SECTION XIV
ADDITION KK TO SECTION 11.04
SPECIAL LAND USES SPECIFIC REQUIREMENTS

KK. Guest House

1. A guest house may be permitted by Special Land Use Permit in the AG, RR and R-1 Districts subject to the following conditions:
 - a. Shall not be the principal use on the site.
 - b. May be located on a lot or parcel in combination with a single family dwelling, provided that the guest house complies with the accessory building location guidelines (see "Accessory Building") and is a minimum of thirty (30) feet from the principal single family dwelling.

- c. May only be used for sleeping accommodations. If lavatory facilities are provided, the guest house must be heated: Sanitary facilities must meet the requirements of the Berrien County Health Department.
- d. May not exceed nine-hundred fifty (950) square feet in total floor area including loft.
- e. Shall not exceed the height of the principal dwelling.
- f. Shall be smaller than the primary dwelling.
- g. Shall not be used as a source of income.
- h. Must remain as an accessory structure and shall not be eligible for consideration as a principal structure on its own lot or parcel.
- i. Must be in compliance with the Building Code of the State of Michigan.

SECTION XV

ADDITION LL TO SECTION 11.04

SPECIAL LAND USES SPECIFIC REQUIREMENTS

LL. Barn Weddings and Receptions

1. This specific use shall be clearly incidental to a principal farm use as permitted in the AG and RR districts.
2. The site shall have a minimum area of 20 acres identified by a single property (parcel) ID.
3. A paved parking area shall not be required in order to maintain the agricultural character of the district. However, the applicant must demonstrate the capacity of the site to accommodate vehicle parking and circulation without disruption of normal traffic flow on the public right-of-way. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall when it is determined by the planning commission to be appropriate.
4. The applicant must demonstrate fire code compliance and receive fire and building department approval prior to hosting any events. There shall be no smoking or cooking within the facility. Areas for smoking must be designated and be a minimum of 50 feet from any structure, be shielded from adjoining properties and be approved by local fire authority.
5. The applicant must secure all necessary permits from the Berrien County Health Department, township building department, Berrien County Road Department, as applicable, and must comply with all government regulations.
6. Sanitary facilities, that may consist of portable stations, must be properly maintained and located within a side or rear yard and screened from public view.

7. All waste products shall be screened from public view, properly disposed of on a regular basis and shall in no way be allowed to become a nuisance to adjacent properties.
8. Hours of operation for visitors must be no later than midnight.
9. The number of persons allowed at any event shall not exceed the limit as established by the township fire department based on the maximum occupancy load of the building.
10. Food and drink may be served but shall be prepared off site.
11. Barn weddings and receptions must be conducted by persons who own the premises.
12. Licenses, insurance certificates, and permits must be submitted to township administration annually for review and approval, by January 30 of each calendar year.

SECTION XVI

ADDITION MM TO SECTION 11.04

SPECIAL LAND USES SPECIFIC REQUIREMENTS

MM. Commercial Solar Energy Systems

1. Principal or Accessory Use. Commercial solar energy systems may be established as principal or accessory uses.
2. Applications. In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review.
3. Glare and Reflection. The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs considerable glare onto neighboring dwellings or adjacent streets.
4. Wires. On-site power lines between solar panels and inverters shall be placed underground.
5. Minimum Setbacks. 100 feet minimum.
6. Maximum Height. The maximum height of a system at its highest point or at full tilt, shall be sixteen (16) feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
7. Minimum Acreage: Ten (10) acres.
8. Screening. Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of fences, screening walls, landscaping, or preservation of existing vegetation that will blend the facility into the natural setting and existing environment.

9. Abandonment. Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the responsible party provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension for reinstatement may be granted by the Township Board.
10. Removal. The responsible party shall remove all equipment and structures and restore the site to its condition prior to the installation of the system within one (1) year of abandonment.
11. Decommissioning. A decommissioning plan signed by the responsible party and the property owner (if different), addressing the following shall be submitted prior to approval:
 - a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)
 - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
 - c. Restoration of property to its original condition, or a condition that is stabilized and graded to be consistent with the character of the area.
 - d. The timeframe for completion of decommissioning activities.
 - e. Description of any agreement (e.g. lease) with the property owner regarding decommissioning, if applicable.
 - f. The entity or individual responsible for decommissioning.
 - g. The financial plan for decommissioning activities and site restoration.
 - h. Protocol for updating the decommissioning plan.
 - i. A performance guarantee maybe required to be posted in the form of a bond, letter of credit, cash, or another form acceptable to the Township to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.
 - j. The property owner and responsible party shall agree to the decommissioning plan, and the Township's requirements for decommissioning, in the form of a written agreement with the Township that shall be filed with the Berrien County Register of Deeds.

SECTION XVII
SEVERABILITY

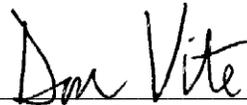
Should any provision or part thereof, within the Zoning Ordinance be declared by any court or competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION XVIII
REPEAL

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

SECTION XIV
EFFECTIVE DATE

This Ordinance shall take effect eight days following publication after adoption.



Don Vite, Clerk
Bertrand Township
Berrien County, Michigan