

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – March 24, 2026
7:30 pm**

Virtual access instructions for participating in the meeting are posted on www.mariontownship.com
MEETING WILL BE HELD IN MAIN HALL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MEMBERS' PRESENT

PUBLIC COMMENT

APPROVAL OF AGENDA *March 24, 2026, Regular Meeting*

APPROVAL OF MINUTES FOR *February 24, 2026, Regular Meeting*

ELECTION OF OFFICER FOR 2026

OLD BUSINESS

1. Action on Planning Commission Bylaws
2. Discussion of Hyper Scale Data Center Ordinance Updates
3. Discussion on Chicken Ordinance
4. Action on definition change for wild animals
5. Update on RFQ for new zoning ordinance

NEW BUSINESS

CORRESPONDANCE AND UPDATES

PUBLIC COMMENT

ADJOURNMENT

Next Meeting is scheduled for April 28, 2026, at 7:30 PM

Marion Township Public Participation Policy at Township Planning Commission Meetings

The Public shall be given an opportunity to be heard at every Township Planning Commission Meeting following the adoption of this Policy.

The Planning Commission Chairperson is the moderator of the meeting. In the absence of the Chairperson, the Planning Commission VICE-Chairperson shall be the moderator of the meeting.

The Public attending the meeting either in-person or on-line may speak during the "Call to the Public" part of the meeting agenda. 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. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

All comments shall be addressed to the Township Planning Commission members. The "Public Comment" is for attendees to provide information or opinions to the Township Planning Commission and is not intended to be a dialogue. Anyone needing a response should contact officials or staff during normal office hours.

The Public attending the meeting either in-person or on-line will be allowed to ask questions and make comments about NEW and UNFINISHED agenda items. These questions and comments must be made during the discussion of that agenda item. Anyone that would like to speak will raise their hand indicating their desire 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 about the NEW or UNFINISHED agenda item. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

The moderator can close the questions and comments session about a NEW and UNFINISHED agenda item at his/her discretion.

To preserve efficiency, at any time during the meeting, each speaker, whether in-person or online will be limited to THREE MINUTES.

Next Meeting is scheduled for April 28, 2026, at 7:30 PM

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 24, 2026 / 7:30PM**

PC MEMBERS PRESENT: JIM ANDERSON – *CHAIRPERSON*
LARRY FILLINGER– *VICE CHAIRPERSON*
CHERYL RANGE – *SECRETARY*
BRUCE POWELSON
SCOTT LLOYD

PC MEMBERS ABSENT: NONE

OTHERS PRESENT: SCOTT RICHARDSON – *MARION TWP. ZONING ADMINISTRATOR*
ZACH MICHELS – *TOWNSHIP PLANNER*

CALL TO ORDER:
Jim Anderson called the meeting to order at 7:30 pm.

CALL TO PUBLIC:
See page 2.

MEMBERS' PRESENT:
All Planning Commissioners are present. Jim Anderson stated that Board of Trustees did not re-appoint Larry Grunn to be on the Planning Commission.

APPROVAL OF FEBRUARY 24, 2026 AGENDA:
Bruce Powelson made a motion to approve the February 24, 2026 agenda as amended. Larry Fillinger seconded. **5-0 MOTION CARRIED**

APPROVAL OF JANUARY 27, 2026 MINUTES:
Underneath "CALL TO ORDER", Larry Grunn's name needs to be replaced with Jim Anderson.
Cheryl Range made a motion to approve the January 27, 2026 Planning Commission minutes as amended. Jim Anderson seconded. **5-0 MOTION CARRIED**

ELECTION OF OFFICER FOR 2026 PLANNING COMMISSION:
Jim Anderson made a motion to nominate Cheryl Range as Secretary for the Marion Township Planning Commission. Scott Lloyd seconded. **5-0 MOTION CARRIED**

Larry Fillinger made a motion to nominate Jim Anderson as Chairperson for the Marion Township Planning Commission. Cheryl Range seconded. **5-0 MOTION CARRIED**

Bruce Powelson made a motion to nominate Larry Fillinger as Vice-Chairperson for the Marion Township Planning Commission. Jim Anderson seconded. **5-0 MOTION CARRIED**

DRAFT

OLD BUSINESS:

1) UPDATE ON TXT# 01-25

Scott Richardson stated that the Board of Trustees approved of this TXT# 01-25 with some additional changes at the last Board meeting. Scott Richardson will make these final changes, and the language will take effect in 30 days.

2) DISCUSSION OF HYPER SCALE DATA CENTER ORDINANCE UPDATES

Scott Richardson stated that the Livingston County Planning Department provided the Commissioners with two samples of language to review. The Commissioners discussed the differences between Conventional Zoning and DPUD. The Commissioners also talked about doing land use permits for data centers, which would allow the Township to have more control and enforce stricter regulations.

Commissioners decided to have Zach Michels put together some language using the samples provided by the Livingston County Planning Department to create an ordinance. Commissioners discussed the districts in Marion Township that would allow data centers. Scott Lloyd said to make sure we exclude our well-head-protected areas, in the ordinance.

Larry Fillinger made a motion to have Zach Michels put together language for a *hyper scale data center* ordinance. Jim Anderson seconded. **5-0 MOTION CARRIED**

Jim Anderson shared that the Board of Trustees is currently working on a Moratorium for data centers.

Scott Richardson said there is an MTA Livingston meeting being held at the Township on March 30th at 4pm. Bruce Powelson, Cheryl Range and Jim Anderson plan to attend.

CALL TO PUBLIC:

Les Andersen is a Marion Township resident and addressed the Commissioners about regulating data centers.

3) REVIEW OF DRAFT ORDINANCE ON STORAGE CONTAINERS FROM ZACH MICHELS

Zach Michels reviewed the new language he created for storage containers. The Commissioners discussed different potential regulations, such as not allowing any electricity options. Scott Lloyd said the allowable square footage of the structure should be based on the size of the lot.

Zach Michels will make these revisions and have a draft ready for the next Planning Commission meeting on March 24, 2026.

4) DISCUSSION ON CHICKEN ORDINANCE

A. DEFINITION LANGUAGE ON LIVESTOCK

Scott Richardson discussed the Township's current definition of *wild animals*. Richardson will bring back the actual language to the next Planning Commission meeting.

Jim Anderson made a motion to postpone discussion on this agenda item until the next Planning Commission meeting on March 24, 2026. Bruce Powelson seconded. **5-0 MOTION CARRIED**

NEW BUSINESS:

1) REVIEW OF BYLAWS

Larry Fillinger suggested changing the term "Call to Public" to "Public Comment" on the Public Comment policy and PC bylaws.

Scott Richardson said that he would get the Grand Ledge Public Comment policy from Gregory Newman, the presenter from the Parliamentary Procedure training we had on January 15th.

Cheryl Range made a motion to extend the Planning Commission meeting past 9:30pm. Jim Anderson seconded. **5-0 MOTION CARRIED**

DRAFT

(NEW BUSINESS CONTINUED)

2) DISCUSSION OF DEFINITION OF FENCE AS AN ACCESSORY STRUCTURE

Jim Anderson made a motion to postpone discussion on this agenda item until the next Planning Commission meeting on March 24, 2026. Cheryl Range seconded. **5-0 MOTION CARRIED**

CORRESPONDENCE AND UPDATES:

Scott Richardson discussed some of the proposed bills that will have an impact on the Land Division Act, the Zoning Enabling Act, Site Plans and Lot Areas. Scott Richardson will email these bills to the Commissioners.

Jessica told the Commissioners that the Livingston County Citizen Planner program classes will take place on 04/23/2026, 04/28/2026, 05/07/2026, 05/14/2026 and 05/28/2026. Please let Jessica or Tammy know if you are interested in taking this class.

CALL TO PUBLIC:

No comment was made.

ADJOURNMENT:

Bruce Powelson made a motion to adjourn the Planning Commission meeting at 9:57pm. Jim Anderson seconded. **5-0 MOTION CARRIED**

MINUTES TAKEN BY: Jessica S. Timberlake

DRAFT

MARION TOWNSHIP PLANNING COMMISSION BYLAWS

INTRODUCTION

The basic responsibilities of Marion Township Planning Commission are contained in Act 33 of the Public Acts of 2008, as amended and Act 110 of the Public Acts of 2006, as amended. Each of these acts grants specific jurisdiction to a township planning commission in matters of land use planning and associated public concerns. The intent of this text is to outline the procedures and rules of order that will be followed by the Marion Township Planning Commission. The general operating regulations for the Marion Township Planning Commission are also presented herein which include regular meetings, special meetings, public records, referrals, quorum, disqualification and order of business.

REGULAR MEETING SCHEDULE

Regular meetings of the Marion Township Planning Commission will be held on the fourth (4th) Tuesday of every month at 7:30 p.m. at the Marion Township Hall, 2877 W. Coon Lake Road, Howell, or as otherwise determined by the Planning Commission. When regular meeting day falls on a legal holiday or when an occasion of special importance takes place or because of conditions of weather, the Chairperson shall select a suitable alternative day. Dates and times for meetings shall be posted at the Marion Township Hall in accordance with the Open Meetings Act. Regular meetings may be cancelled by the Chairperson for lack of scheduled business with appropriate notification of all Commission members and the public when feasible.

ANNUAL ORGANIZATIONAL MEETING -MEMBERSHIP

An annual organizational meeting shall occur at the first regular meeting in November of each calendar year for appointments to committees (if necessary), election of officers (Chair and Vice-Chair and Secretary), preparation of an annual budget (if required), and review of rules and procedures of the Planning Commission. The Marion Township Planning Commission shall consist of five (5) members; one will be the Township Board liaison and a Marion Township Board member, the remaining four (4) shall be residents of Marion Township. Each member shall be appointed by the Township Supervisor with the approval of the Township Board. Terms of office shall be three (3) years, except the Township Board member's term shall terminate if his/her membership on the Township Board ends before his/her three (3) year term is completed. Vacancies shall be filled for the remainder of the uncompleted term by appointment of the Supervisor and approval of the Township Board. The legislative body may remove a member of the planning commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

OFFICERS

The officers of the Planning Commission shall consist of a Chairperson, Vice Chairperson and a Secretary. The Chairperson shall preside at all meetings and hearings of the Planning Commission. The Vice Chairperson shall preside when the Chairperson is absent. Should neither the Chairperson nor the Vice Chairperson be present at a meeting, a temporary Chairperson shall be elected. The Secretary shall keep the minutes and the Zoning Administrator keep the records of the Commission, prepare the agenda of regular and special meetings with the Chairperson, provide notice of meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Zoning Administrator.

No Planning Commission rule or procedure shall supersede any regulation adopted by the Township Zoning Ordinance and no rule or procedure shall be in conflict with the provisions of Act 110 of the Public Acts of 2006, as amended or Act 33 of the Public Acts of 2008, as amended, or Act 267 of the Public Acts of 1976, as amended.

SPECIAL MEETINGS

Special meetings may be called for the following reasons:

1. For business that cannot await action until a regular meeting.
2. For the convenience of citizens or communities with matters before the Planning Commission for consideration, accompanied by specified fee.
3. At the request of the Chairman.
4. By request of two (2) members of the Planning Commission.

Fees shall be established by resolution of the Marion Township Board.

Applications shall be supplied by the Township Clerk to the applicant upon request.

Procedure for special meetings shall be:

1. Township Clerk shall receive the appropriate fees and forward the applications/request to the Township's Zoning Administrator.
2. The Zoning Administrator, with the approval of the Chairperson, shall choose a day for the special meeting and give notice of the date to the Township Clerk who then shall post it at the Township Hall and time permitting, local newspapers. The Zoning Administrator shall also, by means of written or verbal notice, inform each Planning Commission member at least 72 hours prior to such meeting and shall state the purpose, time, and place of the meeting.

QUORUM

Three (3) members shall constitute a quorum for the transaction of business and the taking of official action. An affirmative vote of a majority of the Planning Commission members shall be required to make a decision on any matter that is before the Planning Commission for its action. Whenever a quorum is not present at a regular or special meeting, those present may adjourn to another day or meet as a committee of the whole for the purpose of considering such matters as are on the agenda. No formal action shall be taken at such meetings. An adjournment to a date which does not constitute a regular meeting is subject to the same provisions of notice as hereby required for special meetings. Voting shall ordinarily be voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission, including the Chairperson, shall vote on all matters. A member abstaining from a vote should not participate in discussion of that item. Any member may be excused from voting only if that person has a conflict of interest. Should any Planning Commission member have a perceived conflict of interest regarding an item before the Planning Commission, that member shall not participate in the discussion of that item and shall not vote.

The Planning Commission member with a perceived conflict of interest shall state why they believe there is a conflict of interest. The remaining members of the Planning Commission may discuss the potential conflict of interest and may vote to determine if that member should abstain.

REFERRALS

All matters to be referred to or presented to the Planning Commission for study and recommendation must be referred to the Zoning Administrator or the Township Clerk of Marion Township.

The Zoning Administrator shall review all submitted information to determine if it is administratively complete. Only administratively complete packages will be officially received by the Planning Commission. All matters shall be reviewed at a meeting of the Planning Commission held no less than 21 days nor more than 45 days after receipt of an administratively complete package. The Livingston County Road Commission Site Distance Approval is not required for an administratively complete package.

The Chairperson of the Planning Commission or the Township Zoning Administrator shall establish and post the Agenda by the Monday preceding the meeting. Individual items can be added to the agenda upon request of a Planning Commission member with the support of a majority vote of the Planning Commission.

ATTENDANCE

Members of the Marion Township Planning Commission are required to attend all regular meetings and special meetings, duly scheduled or called by the chairperson or membership except in the event of illness, emergency or other similar circumstances. Any member who is absent from three (3) consecutive meetings or four (4) meetings held within a five (5) month period shall be subject to recommendation to the Marion Township Board for removal for nonfeasance from the Commission. A roll of monthly attendance shall be recorded as part of official minutes.

ORDER OF BUSINESS

The Chairperson of the Planning Commission in conjunction with the Township Zoning Administrator shall develop an agenda for each meeting of the Planning Commission. A recommended order of business is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda/Introduction of Planning Commission Members
4. Public Comment-limited to 3 minutes per person
5. Approval of Past Minutes
6. Public Hearing
7. Old Business
8. New Business

9. Public Comment

10. Adjournment

OPTIONAL

11 Recess to another night.

The Chairman may recess a Planning Commission Meeting to the next monthly meeting or special meeting after a request by a commissioner and a vote to finish an agenda item only after 9:30pm or if the meeting has been over two (2) hours upon a majority vote of the members. For a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess/table and must complete any agenda item in process and all items where an applicant is involved.

DISQUALIFICATION - CONFLICT OF INTEREST

If any member of the Marion Township Planning Commission has pecuniary or financial interest in the outcome of a proceeding, such member should abstain from participation in the decision making process and voting on the issue. Conflicts of interest include but are not limited to a financial interest in the outcome of the request; a close business or family relationship with the applicant, his/her attorney or an expert witness. The member with a conflict of interest should disqualify him/herself at the outset of the hearing or sooner if the conflict is identified.

COMMITTEES

The Chairperson may appoint such other committees from time to time which serve to assist the Planning Commission in discharging its responsibilities. Said committees shall consist of two (2) members.

RECORDS

Availability to the Public

All meetings of the Marion Township Planning Commission, any resolutions, any transactions, findings, dated letters submitted and determinations as well as acts shall be open to the public during business hours as posted at the Township Hall as governed by the Freedom of Information Act.

The office of Marion Township Planning Commission shall be located at the Township Hall.

PROCEDURE FOR PUBLIC PARTICIPATION

In the interest of time and of equal opportunity to address the Commission, a limit of three (3) minutes during the call to the public shall be permitted, if necessary, for each person submitting written or verbal statements. This rule may be implemented by majority vote of the Commission. At the discretion of the Chairperson, the public may be allowed to participate during Planning Commission discussion of agenda items provided such participation does not interfere with the orderly conduct of the meeting. Any letters regarding agenda items will be read aloud by the Chairperson and will include name, address and date. Specific content will be noted in the minutes.

POWERS AND DUTIES OF THE PLANNING COMMISSION

1. The Commission shall, after a public hearing, make a recommendation for the approval or denial of any petition for the rezoning of property.
2. The Commission shall, after a public hearing, make a recommendation for the approval, approval with conditions or denial requests for certain special land uses specified in the zoning ordinance and shall set forth its finds and conclusions upon which the action is recommended in accordance with the Zoning Enabling Act.
3. The Commission shall conduct site plan reviews for those land uses for which the zoning ordinance requires such approval. The Commission shall make a recommendation to approve, approve with conditions or denial of final site plans. Reasonable modifications of the site plans may be required by the Commission prior to the recommendation of final approval.
4. The Commission shall conduct tentative, preliminary, and final plat reviews and shall make recommendations for the approval, modification or denial of such plat proposals to the Board of Trustees. *Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat consistent with requirements under Section 71 of PA 33 of 2008, 125.3871.*
5. The Commission shall, after a public hearing, recommend approval or denial of amendments to the zoning ordinance. Such amendments may be initiated by the Commission, the Township Board, or by private petitioners (landowners).
6. The Commission shall, after a public hearing, approve or deny modifications to the Township Master Plan.
7. The Commission shall refer cases to the Zoning Board of Appeals when it is deemed appropriate.
8. The Commission shall submit a yearly report of its activities to the Township Board.
9. The Commission shall fulfill such other duties and responsibilities as are delegated to it by the Township Board, Township ordinances, or State Statutes.

AMENDMENTS

Amendments to these Bylaws may be proposed at any meeting of the Planning Commission and may be adopted by an affirmative vote of at least two-thirds of the Commission membership.

Adopted by the Marion Planning Commission on the 18th day of April 2018.

Presiding Chairperson: _____
James Anderson, Chair

Secretary: _____
Cheryl Range, Secretary

PUBLIC HEARING PROCEDURAL GUIDE

Opening of Hearing:

- ❖ Official opening announcement, indicating basic nature of request, citing public notice in official newspaper and notification of neighboring properties (if applicable).
- ❖ Announce order of hearing which is as follows:
 - Explanation of request as received by the Township
 - Comments and explanation by applicant.
 - Questions by Commissioners
 - Responses by applicant and/or professional
 - Opening of hearing for public comments
 - + Written letters received
 - + Oral comments from the public
 - Close hearing to public comments
 - Review and recommendation by planner and other township consultants
 - Consideration of action by commission
- ❖ Announce that all comments will be addressed to the Chairperson. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had a chance to speak for the first time. In the interest of fairness to the public, ask that statements from the floor be as concise as possible. The chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. For large hearings, a time limit should be established, i.e., three minutes per person.

COURTESY IS EXPECTED AT ALL TIMES DURING THE HEARING FROM ALL PARTICIPANTS.

Keeping of Chickens

Please find below a draft for keeping of chickens, based on ordinance language from Howell and Pinckney. This would be a new police power ordinance, with some amendments noted in other ordinances.

This draft is intended to facilitate discussion and get guidance for future revisions.

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF MARION
KEEPING OF CHICKENS
GENERAL ORDINANCE NO. 26-XX

An ordinance regulating the keeping of chickens not associated with a commercial agriculture operation.

ARTICLE I: INTENT, PURPOSE, AND SHORT TITLE

1.1 Intent and Purpose

The intent and purpose of this ordinance is to:

1. Health, Safety, and Welfare: Protect and preserve the public health, safety, and welfare;
2. Nuisance: Mitigate potential nuisances that may arise from the keeping of chickens;
3. Character: Protect and preserve the existing and desired character of Marion's residential areas;
4. Standards: Establish standards for the keeping of chickens in residential areas;
5. Processes: Establish the processes for administration of this Ordinance; and
6. Enforcement: Establish authority for enforcement and penalties for violation of this Ordinance.

1.2 Short Title

This Ordinance shall be known as and may be cited and referred to as the "Marion Township Keeping of Chickens" General Ordinance No. 26-XX and shall hereinafter be referred to as Keeping of Chickens Ordinance.

ARTICLE II: SCOPE

The terms and provisions of this Ordinance shall apply to the keeping of chickens that are not associated with commercial agriculture operations.

ARTICLE III: DEFINITIONS

For construction and application of this Ordinance, the definitions below shall apply

- 3.1 **Chicken:** Common domesticated fowl (*Gallus gallus*) including all hens and egg-laying hens.
- 3.2 **Chicken Coop:** A small structure designed for the protection and occupation of chickens.
- 3.3 **Commercial Agriculture:** The use of land or structures for the growing or production of farm products for sale or offer of sale.
- 3.4 **Hen:** An adult female chicken.
- 3.5 **Rooster:** An adult male chicken.
- 3.6 **Township Board:** The Marion Township Board.
- 3.7 **Zoning Administrator:** The Marion Township Zoning Administrator

ARTICLE IV: STANDARDS

Keeping of chickens shall be subject to the standards outlined below.

- 4.1 **Permit:** A keeping of chicken permit, in good standing, is required for the keeping of animals.
- 4.2 **Principal Use:** The principal use of the property must be a single-family dwelling, as defined in the Marion Township Zoning Ordinance.
- 4.3 **Zoning Districts:** Keeping of chickens is allowed in the XXX zoning districts.
- 4.4 **Lot Area:** The minimum lot area is one quarter (1/4) acre
- 4.5 **Number:** There is a maximum of six (6) hens per property.
- 4.6 **Roosters:** Roosters older than three (3) months are prohibited.
- 4.7 **Location:** Chickens shall be kept in the backyard, as defined in the Marion Township Zoning Ordinance.
- 4.8 **Fenced Enclosure:** Chickens must be kept within a fenced enclosure at all times. Fenced enclosures must be at least forty (40) feet from dwellings on adjacent properties and are subject other fence standards of the Marion Township Zoning Ordinance.
- 4.9 **Chicken Coop:** Chickens must be provided with a secure, well-ventilated, roofed, and lockable coop, located within the fenced enclosure. Chicken coops shall be at least ten (10) feet from adjacent property lines and are subject to other accessory buildings of the Marion Township Zoning Ordinance.
- 4.10 **Sanitary:** Fenced enclosures and coops shall be maintained in a clean and sanitary condition at all times. Waste materials shall be disposed of in a sanitary manner, which may include bagging or composting, and not piled or otherwise stored on the property.
- 4.11 **Rodents:** All coops shall be constructed and maintained to prevent rats, mice, or other rodents from being harbored below, within, or within the walls of the coop.
- 4.12 **Feed:** Chicken feed must be stored within a tightly-lidded container in a shed, garage, or similar storage area

4.13 Slaughter: The slaughter of chickens is prohibited. This does not apply to the culling of chickens that may be necessary due to disease or poor health.

4.14 Sales: The eggs produced by chickens shall not be made available for sale on the property.

ARTICLE V: ADMINISTRATION

This Ordinance shall be administered as outlined below.

5.1 Authority: The Zoning Administrator shall have authority to administer this Ordinance, except as otherwise specified.

5.2 Application: An application shall include the following:

1. **Form:** A signed and completed application form;
2. **Plans:** Plans showing the location of the enclosure area and coop and details related to the enclosure fence and coop structure;
3. **Waste Management:** A description of how waste, including feed, manure, and deceased chickens will be managed and disposed;
4. **Fee:** A fee as adopted by Township Board resolution; and
5. **Additional Materials:** Any additional information necessary to determine compliance with this Ordinance and other applicable laws.

5.3 Complete and Accurate: Submission of an application constitutes a representation that all of the information is complete and accurate.

5.4 Right-to-enter: Submission of an application constitutes permission for the Township and its agents to enter the property for the purposes of administering this Ordinance.

5.5 Issuance: Permits shall be issued by the Zoning Administrator after adequate review upon determination that the proposed keeping of chickens is consistent with this Ordinance. A permit may be denied to an applicant who has a documented history of violating this Ordinance.

5.6 Withholding Permit: Issuance of any permit may be withheld pending verification, including field investigation, that the proposed keeping of chickens is consistent with this Ordinance.

5.7 Conditions: Reasonable conditions may be placed on approvals, as outlined below.

1. **Health, Safety, and Welfare:** Conditions shall be designed to protect the public health, safety, and welfare of the property residents, adjacent properties and residents, and the community in general.
2. **Police Power:** Conditions shall be related to the valid exercise of the police power and purposes of this Ordinance that are impacted by the keeping of chickens.
3. **Compliance:** Conditions shall be necessary to ensure compliance with the terms and provisions of this Ordinance.

5.8 Period: Keeping of chicken permits shall be valid for the calendar year in which they are issued. If the calendar year ends on a day when Marion Township offices are not open to the public, they shall remain valid through the end of the first day that the offices are open to the public.

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- 5.9 Suspension or Revocation:** A permit issued under this ordinance may be suspended temporarily and immediately or revoked permanently, as outlined below.
1. **Notice:** The applicant shall receive written notice of the possible suspension or revocation, including the time and place the suspension or revocation will be considered, the reason for the suspension or revocation, and the actions necessary to prevent the suspension or revocation. The notice shall be sent at least ten (10) business days before the suspension or revocation will be considered.
 2. **Decision Criteria:** In order to suspend or revoke an approval, at least one (1) of the following shall be found to be true:
 - a. **Threat:** A severe and imminent threat exists to the health, safety, or welfare of residents on adjacent properties or the community in general;
 - b. **Ordinance Terms and Provisions:** The approval or execution of an approved permit is not consistent with the terms or provisions of this Ordinance;
 - c. **Approval and Conditions:** The approval or execution of an approved permit is not consistent with the approval, any condition of approval, or any written commitment;
 - d. **Fraud:** The approval was the result of fraud or misrepresentation of facts.
 3. **Effect:** Upon temporary suspension, the property owner must make all necessary corrections in a timely manner. Upon permanent revocation, the property owner must remove the chickens and coop from the property in a timely manner.
- 5.10 Appeals:** Appeals from decisions made in the administration of this Ordinance shall be heard and decided by the Township Board. The original decision shall be upheld unless a written finding is made that the decision was arbitrary or capricious; based on an inaccurate application of this Ordinance; or was based on erroneous facts.
- 5.11 Vested Rights:** Issuance of a permit does not vest any rights beyond the term of that permit, subject to the terms and provisions of this Ordinance.

ARTICLE VI: ENFORCEMENT AND PENALTIES

This Ordinance and approvals granted under it shall be enforced as and subject to penalties outlined below.

- 6.1 Nuisance Per Se:** A violation of any term or provision of this Ordinance or any permit issued under this Ordinance, including conditions, shall be a nuisance per se and may be abated by a court of competent jurisdiction.
- 6.2 Presumption/Party to Violation:** The owner of record, resident, applicant, or any agent who commits, participates in, assists, aids, or maintains a violation may each be found responsible for each separate offence and be subject to the fines and penalties provided for in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record, as noted in the Township's current assessment roll, has authorized all structures and uses.
- 6.3 Inspection of Violation:** Each alleged violation of this Ordinance shall be inspected, and a record shall be kept of the findings. Records shall be made available for public inspection.

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- 6.4 Scope of Remedies:** The Township may pursue all remedies available. Enforcement by one remedy does not preclude or waive enforcement by another remedy. The imposition of any fine, penalty, or combination of those shall not exempt a violator from compliance with the terms and provisions of this Ordinance. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.
- 6.5 Cease and Desist Order:** If a violation of the terms or provisions of this Ordinance is found to exist after an inspection, a cease and desist letter shall be issued in the form of a written notice ordering an immediate cessation of the violation. A cease and desist order may be issued to any person that is subject to the terms or provisions of this Ordinance.
1. **Effective:** A cease and desist order shall be effective once it has been posted on the property where the violation exists and a copy has been sent to the last known address of the property owner. Additional copies of the cease and desist order may be sent to other responsible parties to the violation, if different and known.
 2. **Effect:** Once a cease and desist order has been issued, the violation of this Ordinance shall stop immediately. The Zoning Administrator may allow a reasonable time for corrections to be made.
 3. **Violation:** Any violation of a cease and desist order shall be a violation of this Ordinance.
 4. **Other Remedies:** A cease and desist order shall be in addition to other penalties and remedies provided by this Ordinance and state and federal law
- 6.6 Municipal Civil Infraction:** The violation of any term or provision of this Ordinance or permit issued under this Ordinance or of any condition placed on approval of a permit under this Ordinance shall be a municipal civil infraction. Payment of a fine shall not allow the violation to continue. Each day a violation continues shall be considered a separate offence. If found responsible for a violation, the responsible party shall pay all costs and expenses, direct and indirect, including, but not limited to staff time, contractor time, and attorney costs, that the Township has incurred and shall be subject to the civil fines outlined below.
1. **First Violation:** The fine for a first violation within a three (3) year period, determined by the date of violation is \$125.00.
 2. **Second Violation:** The fine for a second violation within a three (3) year period, determined by the date of violation is \$250.00;
 3. **Third Violation:** The fine for a third violation within a three (3) year period, determined by the date of violation is \$500.00;
 4. **Fourth and Subsequent Violation:** The fine for a fourth and subsequent violation(s) within a three (3) year period, determined by the date of the violation is \$1,000.00.

ARTICLE VII: SEVERABILITY

If any one (1) or more sections, provisions, phrases, or words of this Ordinance is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or words of this ordinance unless expressly stated by the court. If the application of this Ordinance on a specific property is found to be invalid by a court of competent

jurisdiction, such finding shall not affect the validity or enforceability on other properties unless expressly stated by the court.

ARTICLE VIII: REPEALER

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed on the effective date of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

ARTICLE IX: NONEXCLUSIVITY

The prohibitions provided for in this Ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule, or regulation.

ARTICLE X: ADOPTION

Provision of this Ordinance shall take effect thirty (30) days from the date of publication in accordance with the statutes of the State of Michigan.

Motion by **NAME**, supported by **NAME**. Motion carried **X-X**.

This Ordinance was adopted by the Township Board at a duly-called meeting on **DATE**, as verified by Tammy L. Beal, MMC, Marion Township Clerk.

Date Adopted by Township Board:	DATE
Date Published in Newspaper:	DATE
Name of Newspaper Published in:	NEWSPAPER
Effective Date:	DATE
Date Filed with County Clerk:	DATE
Date Recorded in Township Ordinance Book:	DATE

Wild Animal: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), livestock (as defined in this ordinance), rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.