

**HOWELL TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN  
ZONING ORDINANCE AMENDMENT**

**ORDINANCE NO. 290**

At a regular meeting of the Township Board of Howell Township, Livingston County, Michigan, held at 3525 Byron Rd., Howell, Michigan 48855 on the 12th day of May, 2025, at 6:30 P.M., Township Board Member Hohenstein moved to adopt the following Ordinance, which motion was seconded by Township Board Member Boal:

*An ordinance to amend the Zoning Ordinance of Howell Township; to amend and add a new wellhead protection overlay zoning district that provides for permitted uses and additional regulation of uses when located within the wellhead protection overlay zoning district as Section 15.11, and to provide for severability and repealer of any ordinances inconsistent herewith.*

**HOWELL TOWNSHIP ORDAINS AS FOLLOWS:**

**SECTION 1. AMENDMENT TO THE HOWELL TOWNSHIP ZONING ORDINANCE TO ADD SECTION 15.11, WELLHEAD PROTECTION ORDINANCE AND OVERLAY DISTRICT:** The Howell Township Zoning Ordinance shall be amended to add new Section 15.11, WELLHEAD PROTECTION ORDINANCE AND OVERLAY DISTRICT, and read as follows:

**SECTION 15.11**

**WELLHEAD PROTECTION ORDINANCE AND OVERLAY DISTRICT**

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**Section A – STATEMENT OF PURPOSE**

The purpose of the Wellhead Protection Overlay District is to provide supplemental developmental regulations in the designated wellhead protection zone so as to protect and preserve the surface and groundwater resources of Howell Township and the region from any land use structures and/or construction that may reduce the quality and/or quantity of water resources or pose a risk to drinking water. This Wellhead Protection Overlay District has been created in accordance with both the City of Howell's and Marion, Howell, Oceola & Genoa Sewer and Water Authority's (MHOG) Wellhead Protection Plans drafted by WSP USA Environment & Infrastructure Solutions, Inc. (WSP). This Wellhead Protection Overlay District was also created in conjunction with the City of Howell and Marion Township.

**Section B – DEFINITIONS**

As used in this Section, the following words and terms shall have the meaning specified, unless the context clearly indicates otherwise.

**Aquifer.** A geologic formation composed of rock or sand and gravel that contain amounts of potentially recoverable potable water.

**Best Management Practices.** Measures, either managerial or structural, that is determined to be the most effective, practical means of preventing or reducing pollution inputs to soils, surface water and ground water.

**Contamination.** The process of making impure, unclean, inferior, or unfit for use by the introduction of undesirable elements through the release of a hazardous substance, or the potential release of a discarded hazardous or other substance, in a quantity which is or may become injurious to the environment, or to the public health, safety, or welfare.

**Contingency Plans.** Detailed plans for control, containment, recovery, and clean up of hazardous materials released during fires, equipment failures, leaks and spills.

**Development.** The carrying out of any construction, reconstruction, alteration of the ground surface or structure or change of land use or intensity of use.

**Discharge.** Discharge includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by law or regulation, which affects surface water and/or groundwater.

**Facility.** Any building, structure, or installation from which there may be a discharge of hazardous substances.

**Hazardous Materials.** A material which is defined in one or more of the following categories:

- A. Ignitable:** A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.
- B. Carcinogenic:** A gas, liquid or solid, which is normally considered to be cancer causing. Examples: PCBs in some waste oils.
- C. Explosive:** A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.
- D. Highly Toxic:** A gas, liquid or solid so dangerous to humans as to afford an unusual hazard to life. Examples: parathion and chlorine gas.
- E. Moderately Toxic:** A gas, liquid or solid, which through repeated exposure or in a single large dose can be hazardous to humans. Example: atrazine.

**F. Corrosive:** Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

**Impervious Surface.** Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

**Overlay District.** That area of the Township in which special requirements and restrictions are applied to land uses and activities to eliminate or minimize contamination of the aquifer(s) supplying the City of Howell's municipal water wells, MHOG's municipal water wells, or other future wells, municipal or otherwise.

**Primary Containment Facility.** A tank, pit, container, pipe, or vessel of first containment of a hazardous substance or material.

**Regulated Substances.** A chemical or other material, which is or may become injurious to the public health, safety, or welfare, or the environment and shall include: 1. Substances for which there are safety data sheets (SDSs), as established by the United States Occupational Safety and Health Administration, and the SDS cites possible health hazards for said substance; 2. Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, and as defined in Part III (Section 324.11103) of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, as amended; 3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations; 4. Radiological materials; 5. Biohazards; 6. "Hazardous Materials" as defined in the NFPA 1, the International Fire Code Council, and categorized as a hazardous material under 49 CFR 172.101; and 7. "petroleum" as defined in Part 213 (Section 324.21303) of the Natural Resources and Environmental Protection Act, 1994 P.A.451, as amended.

**Secondary Containment Facility.** A second tank, catchment, pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area.

**Storage of Petroleum Products.** Bulk petroleum products such as gasoline and fuel oils, natural gas; mixed, manufactured, or liquified petroleum; waste oil and other petroleum fuels in above ground or below ground storage containers and tanks.

**Wellhead Protection Area.** The surface and subsurface area surrounding a public water supply well or well field through which contaminants, if discharged, are reasonably likely to move toward and reach the well or the well field. This area is also known as the zone of contribution (ZOC) which contributes groundwater to the well or well field. The Wellhead Protection Areas for the City of Howell and MHOG are present in areas of the Township, and the boundaries of such are specifically set forth in Figure 1 attached to this Ordinance.

### **Section C – SCOPE OF AUTHORITY**

The Wellhead Protection Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay district is established, the property is placed simultaneously in the two districts, and the property may be developed only under the applicable conditions and requirements of both districts. In the event there is a conflict between the requirements of the two districts, the requirements of the Wellhead Protection Overlay District shall prevail.

### **Section D – CREATION OF OVERLAY DISTRICT BOUNDARIES**

The Wellhead Protection Overlay District boundaries shall be established on the official Township Zoning Map. The Overlay District boundaries may be amended according to the Zoning Ordinance procedures in Article XXIII.

### **Section E – DISTRICT DELINEATION**

- A. The Wellhead Protection Overlay District is hereby established to include all lands within Howell Township, lying within the City of Howell's or MHOG's Wellhead Protection Areas, including recharge areas of groundwater aquifers and watershed areas that lie within the wellhead protection area which now or may in the future provide public water supply. If the wellhead protection area includes a portion of the parcel, the entire parcel shall be considered to be within the wellhead protection area. This area is set forth in Figure 1, and may thereafter be amended.
- B. Where the boundaries delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show whether the property should be located in the District. At the request of the owner(s), the Township may engage the services of a qualified professional to determine more accurately the location and extent of an aquifer within the wellhead protection area. The Township shall charge the owner(s) for all or a part of the investigation. The Owner shall place the funds necessary into an escrow account at the Township to cover the necessary fees of the qualified professional. Such dispute shall be presented as an interpretation/appeal to the Zoning Board of Appeals.

### **Section F – SITE PLAN REVIEW REQUIREMENTS**

- A. **New or Expanded Uses and Structures.** All proposed new or expanded structures or uses within the Wellhead Protection Overlay District, except single family uses, shall be subject to site plan review, pursuant to Article XX, Section 20.06.
- B. **Existing Uses and Structures.** All land uses and activities existing prior to approval of the Wellhead Protection Overlay District must conform to the site plan review standards in this Article with respect to any new, expanded, or amendments to any approvals existing prior to adoption of the Wellhead Protection Overlay Ordinance.
- C. **Township Determination of No Hazard.** All new or expanded structures or uses subject to site plan review and special land use review shall be subject to a separate determination by the zoning body with authority to approve or deny the zoning request sought that the

use of hazardous materials with any permitted use is not detrimental and does not have the potential to be detrimental to the Township's Wellhead Protection Area. Such determination will include consultation with the Township's engineer, MHOG, City of Howell, and any additional consultants with necessary subject matter expertise to assist the zoning body with authority to make such a determination.

## **Section G – DATA REQUIREMENTS**

The following data are required for site plan review in the Wellhead Protection Overlay District, in addition to the information required by Article XX, Section 20.06.

1. **List of Regulated Substances.** A complete list of chemicals, pesticides, fuels, and other Regulated Substances to be used or stored on the premises. Businesses that use or store such Regulated Substances shall file a management plan with the Fire Chief. The management plan shall include the following, at minimum:
  - a. Provisions to protect against the discharge of Regulated Substances or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures.
  - b. Provisions for indoor, secured storage of Regulated Substances and wastes with impervious floor surfaces.
  - c. Evidence of compliance with the rules and regulations of the Michigan Department of the Environment, Great Lakes, and Energy (EGLE).
  - d. Drainage recharge features and provisions to prevent loss of recharge.
  - e. Provisions to control soil erosion and sedimentation, soil compaction, and to prevent seepage from sewer pipes.
  - f. Safety Data Sheets.
2. **Service Facilities and Structures.** Location of existing and proposed service facilities and structures, above and below ground, including:
  - a. General location of the site within the Wellhead Protection Overlay District.
  - b. Areas to be used for the storage, loading/unloading, recycling, or disposal of Regulated Substances, including interior and exterior areas.
  - c. Underground storage tank locations.

- d. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
3. **Water Resources.** Location of existing wetlands and watercourses, including ponds and streams on or within a quarter mile of the site.
4. **Soils.** Soil characteristics of the site, at least to the detail provided by the Natural Resources Conservation Service.
5. **Topography.** Existing topography of the site, with a maximum contour interval of two (2) feet.
6. **Existing Contamination.** Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site clean-up.
7. **Environmental Checklist.** Completion of the EGLE checklist or similar list, indicating the types of environmental permits and approvals that may be needed for the project.

## **Section H – PERMITTED PRINCIPAL USES**

The following uses shall be permitted in the Wellhead Protection Overlay District if permitted in the underlying zoning district, provided they comply with all applicable restrictions and standards specified in this Article:

1. Single family residential uses.
2. Residential accessory uses, including garages, driveways, private roads, utility rights-of-way, and on-site wastewater disposal systems (i.e., septic systems).
3. Agricultural uses such as farming, grazing, and horticulture.
4. Forestry and nursery uses.
5. Outdoor recreation uses, including fishing, boating, and play areas.
6. Conservation of water, plants, and wildlife, including wildlife management areas.
7. Any of the above uses may include the subordinate use of Regulated Substances upon a final determination by a qualified professional that such Regulated Substances are not detrimental and does not have the potential to be detrimental to the Township's Wellhead Protection Area after consideration of the following standards with adequate data, information and evidence provided by the applicant:

- a. Classification of the Regulated Substance under 49 CFR 172.101. The list shall include common name (trade name) of materials, chemical name (components), form (liquid, pressurized liquid, solid, gas, pressurized gas, etc.), maximum quantity on hand at any one time, and type of storage containers (above ground tank, underground tank, drums, cylinders, metal container, wooded or composition container, portable tank, etc.).
- b. Amount of the Regulated Substance proposed to be contained on the property.
- c. Whether Regulated Substances for use in a motor vehicle will be used solely for the operation of a vehicle.
- d. Whether the Regulated Substance's storage and use is proposed for on-site air cooling or household appliances.
- e. Whether the Regulated Substance will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance in terms of their uses, activities, processes, materials, equipment and conditions of operation, that will not be detrimental to the Wellhead Protection Area.

#### **Section I – SPECIAL USES**

The following uses may be permitted if allowed in the underlying zoning district subject to conditions specified for each use, review and recommendation by the Planning Commission and approval by the Township Board, and subject further to any special conditions that are necessary to fulfill the purposes of this Ordinance, and the provisions set forth in Article XVI:

1. Commercial, industrial, governmental or education uses which are allowed in the underlying district, and which are not prohibited in Section K.
2. Any enlargement, intensification, alteration, or change of use of an existing commercial, industrial, governmental or education use that complies with this Article.
3. The rendering impervious of more than fifteen percent (15%) or 2,500 sq. ft. of any parcel, whichever is less, if allowed in the underlying zoning district, provided that a system for artificial recharge of precipitation to groundwater is developed, which shall not result in degradation of the groundwater.
4. The mining or excavation for removal of earth, loam, sand, gravel and other soils or mineral resources, provided that such excavation shall not extend closer than five (5) feet above the historical high groundwater table (as determined from on-site monitoring wells and historical water fluctuation data compiled by the United States Geological Survey). One (1) or more monitoring wells shall be installed by the property owner to verify groundwater elevations. This sub-section shall not apply to excavations

incidental to permitted uses, including but not limited to installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.

- a. Upon completion of earth removal operations, all altered areas shall be restored with topsoil and vegetative plantings suitable to control erosion on the site consistent with the approved final reclamation plan.
  - b. All fine materials, such as clays and silts, removed as part of the earth removal operation and leftover as by-products, shall be disposed of off-site to prevent damage to aquifer recharge characteristics.
5. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials provide that such materials are stored in accordance with the manufacturer's label instructions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and that they are used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices" and all other necessary precautions are taken to minimize adverse impact on surface and groundwater.
6. The storage of commercial fertilizers and soil conditioners provided such storage shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.
7. The use or storage of Regulated Substances upon a final determination that such Regulated Substances are not detrimental and do not have the potential to be detrimental to the Township's Wellhead Protection Area after consideration of the following standards with adequate data, information and evidence provided by the applicant:
  - a. Classification of the Regulated Substance under 49 CFR 172.101. The list shall include common name (trade name) of materials, chemical name (components), form (liquid, pressurized liquid, solid, gas, pressurized gas, etc.), maximum quantity on hand at any one time, and type of storage containers (aboveground tank, underground tank, drums, cylinders, metal container, wooded or composition container, portable tank, etc.).
  - b. Amount of the Regulated Substance proposed to be contained on the property.
  - c. Whether Regulated Substances for use in a motor vehicle will be used solely for the operation of a vehicle.



- d. Whether the Regulated Substance's storage and use is proposed for on-site air cooling or household appliances.
- e. Whether the Regulated Substance will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance in terms of their uses, activities, processes, materials, equipment and conditions of operation, that will not be detrimental to the Wellhead Protection Area.

## **Section J –CONDITIONS**

In addition to Section I, Special Uses shall comply with the following:

1. The Township Board may grant Special Use approval only upon finding that the proposed use meets the following standards:
  - a. In no way, during construction or thereafter, shall a project adversely affect the quality or quantity of water that is available in the Wellhead Protection Overlay District.
  - b. The project shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and water-related natural characteristics of the site to be developed.
2. The Township Board shall not approve a Special Use under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards of this section.

## **Section K – PROHIBITED USES**

The following uses are prohibited in the Wellhead Protection Overlay District:

1. Business and industrial uses that generate, use, treat, process, store, or dispose of Regulated Substances, including, but not limited to metal plating, chemical manufacturing, wood preserving, and dry-cleaning factory, except for the following:
  - a. Generators of a very small quantity of Regulated Substances (less than 20 kilograms or six (6) gallons per month), subject to Special Land Use review.
  - b. Treatment facilities or operations designed for the treatment of contaminated ground or surface waters, provided the facilities have been approved by EGLE.
2. Business and industrial uses that dispose of processed wastewater on-site.

3. Solid waste landfills, dumps, landfilling, spreading or storage of sludge (excluding lime softening sludges generated from municipal drinking water plants) or septage, with the exception of disposal of brush or stumps.
4. Storage of petroleum products of any kind, except for the following:
  - a. Storage that is incidental to:
    - 1a. Normal household use and outdoor maintenance or the heating of a structure.
    - 2a. Use of emergency generators.
    - 3a. Treatment facilities or operations designed for the treatment of contaminated ground or surface waters, provided the facilities have been approved by EGLE.
  - b. Replacement of storage tanks and systems for the keeping, dispensing or storing of gasoline, which existed at the time of adoption of this Article, provided that:
    - 1.b All such replacement storage tanks or systems shall be located underground as required by EGLE.
    - 2.b All such storage systems shall be protected by a secondary containment system as specified by EGLE.
    - 3.b The Fire Chief may deny an application for tank replacement or approve it subject to conditions if he/she determines that it would constitute a danger to public or private water supplies.
5. Outdoor storage of salt, de-icing materials, pesticides, or herbicides and outside storage of Regulated Materials.
6. Dumping or disposal on the ground, in water bodies, or in residential septic systems of any toxic chemical, including, but not limited to septic systems cleaners which contain toxic chemicals such as methylene chloride and 1-1-1 trichlorethane, or other household Regulated Substances.
7. Stockpiling and disposal of snow or ice removed from highways and streets located outside of the Wellhead Protection Overlay District that contains sodium chloride, calcium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.

8. Sewage disposal systems that are designed to receive more than 110 gallons of sewage per quarter acre per day or 440 gallons of sewage per acre per day, whichever is greater, provided that:
  - a. The replacement or repair of an existing system shall be exempted if it does not result in an increase in design capacity above the original design.
  - b. In addition to meeting the above standards, all lots shall conform to any applicable minimum lot size requirements specified in Article III, Section 3.17 of the Zoning Ordinance.
  - c. Any public utility owned and operated by Howell Township or owned by such entity and operated by any lessee or agent thereof, shall be exempted.
9. Wastewater treatment facilities or operations, except the following:
  - a. The replacement or repair of an existing system will not result in a design capacity greater than the design capacity of the existing system.
  - b. The replacement of an existing subsurface sewage disposal system with wastewater treatment facilities or operations will not result in a design capacity greater than the design capacity of the existing system.
  - c. Treatment facilities or operations designed for the treatment of contaminated ground or surface waters.
  - d. Any public utility owned and operated by Howell Township or owned by such entity and operated by any lessee or agent thereof, shall be exempted.
  - e. Prohibited uses include all uses not expressly authorized in Section 8 and 9 of this article.

#### **Section L – MISCELLANEOUS REQUIREMENTS**

The following requirements shall apply to all uses in the Wellhead Protection Overlay District:

1. **Drainage.** For commercial and industrial uses, run-off from impervious surfaces shall not be discharged directly to drains, streams, ponds, or other surface water bodies. Oil, grease and sediment traps shall be used to facilitate removal of contamination. Forebays/sediment basins and other requirements shall be adhered to per the Township Engineering Design Standards.

2. **Discharge of Regulated Substances.** The property owner shall prevent the discharge of regulated substances.

a. Upon discovery of a discharge within the Wellhead Protection Area, the owner of the property on which a discharge occurred, as well as the person responsible for the discharge if they are not the same, shall take appropriate reasonable actions to mitigate the potential impact of the discharge on the groundwater and remediate the discharge. Remediation shall be conducted in a timely manner and in accordance with applicable law. Waste generated during remediation of a Regulated Substance discharge must be managed in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approval obtained from, the Township Supervisor or his/her designee.

b. All discharges shall be documented in writing and mailed to the Township Supervisor or his/her designee within ten (10) business days of said incident. Initial discharge notification shall include, at a minimum, the following:

1.b Location of the discharge (name, address, and phone).

2.b Reporting party's name, address and phone (if different from above).

3.b Emergency contact and phone.

4.b Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) discharged.

5.b Map showing exact discharge location, and relevant site features (i.e. paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow.

6b. All measures taken to clean up the discharge; and

7b. All measures proposed to be taken to reduce and prevent any future discharge.

c. The Township Supervisor or his/her consultant and/or designee shall determine if and where any additional investigative work needs to be completed to assess the potential impact of the discharge. The owner or operator shall retain a copy of the written notice for at least three years.

3. **Groundwater Well Abandonment.** All public and private wells, excluding wells used for licensed agricultural practices or fire suppression purposes, must be

properly abandoned at the time of replacement or hook-up to a municipal water supply system except as may be modified providing that the well will be used only for irrigation purposes and providing that it will be physically disconnected from the plumbing such that it does not pose a cross connection risk to municipal water systems. The proper abandonment of wells is to be in accordance with the Livingston County Health Department's Sanitary Code and the EGLE Well Construction Unit.

- a. Out of service water wells shall be sealed and abandoned in accordance with applicable requirements of the EGLE Well Construction Unit and the Livingston County Health Department.
- b. Existing and abandoned wells shall be noted on any applicable site plan for new construction, reconstruction or expansion of any use or structure to ensure compliance with the requirements of this section.

#### **Section M – ENFORCEMENT**

1. Whenever the Township Supervisor or his/her designee determines that a person has violated a provision of this Ordinance, the Township Supervisor or his/her designee may order compliance by issuing a written Notice of Violation to the responsible person/facility.
2. If the Township Supervisor or his/her designee requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work could be performed by the Township, with the resulting expense thereof charged to the violator and the expenses may be assessed onto the property if the property owner is also the violator.

#### **Section N – VARIANCE/APPEAL RIGHTS**

1. If an owner of property within a Wellhead Protection Area believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance from the Howell Township Zoning Board of Appeals ("ZBA") in any appeal to the ZBA, the Township Consulting Engineer shall assist the ZBA for purposes of a variance request or of appeal rights. Such a request must be in writing with enough detail to allow the Township Consulting Engineer to assist the ZBA for purposes of a variance request or of appeal rights, to understand the situation and proposed variance. If the Township Consultant determines that additional information is needed, the request for additional information shall be made within 15 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request, a hearing will be held in front of the ZBA. The ZBA shall grant, deny, or partially grant the request. A grant, partial or complete, may relieve the property owner from strict compliance with this Ordinance. Reasonable conditions may be imposed by the ZBA as part of such a grant. The ZBA shall be guided by the primary goal

of protecting the Township's Wellhead Protection Area without creating undue hardship upon the property owners affected.

2. Any person receiving a notice of violation may appeal the determination by submitting a written notice of appeal to the Howell Township Zoning Board of Appeals. The notice of appeal must be received by the Zoning Board of Appeals within 30 days from the date of the notice of violation, with enough detail to allow the Township's Consultant, as a staff representative to the ZBA, to understand the situation. Within 30 days of the receipt of such an appeal, the Township Consulting Engineer shall issue a written response to the appeal to the applicant and to the ZBA unless the Township Consulting Engineer has requested additional information, in which case the Township Consulting Engineer's response shall be issued within 30 days of receipt of the information. The Zoning Board of Appeals shall affirm, reverse, or modify the notice of violation being appealed.
3. If the person who has made a variance request or an appeal of a notice of violation does not agree with the decision of the ZBA, said person may appeal the matter by filing an action in the Livingston County Circuit Court, which may affirm, reverse, or modify the decision being appealed. Such an appeal must be filed within 30 days of the decision of the ZBA or within the time period required by Michigan General Court Rules, whichever has the shortest appeal period.

#### **Section O – ABATEMENT/REMEDIAL ACTIVITIES BY THE TOWNSHIP**

1. The Township is authorized to take or contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all expenses thus incurred by the Township.
2. If the Township desires the responsible party to reimburse it for the abatement activity expenses, the Township, shall within 90 days of the completion of such activities mail to that person a notice of claim outlining the expenses incurred, including reasonable administrative costs, and the amounts thereof. The person billed shall pay said sum in full within 30 days of receipt of the claim. If the person billed desires to object to all or some of the amount sought by the Township, said person may file, within the same 30-day period, a written objection so stating. The Township shall, within 30 days of its receipt of the objection, provide an opportunity for the objecting party to present facts or arguments supporting said objection. If the Township determines that some or the entire amount originally billed is appropriate, the person shall pay said sum within 30 days of receipt of that determination. If the amount due is not timely paid, the Township may cause the charges to become a special assessment against the property and shall constitute a lien on the property. In the alternative, the Township may attempt collection of the sum due by filing a civil lawsuit.

#### **Section P – INJUNCTIVE RELIEF**

1. If a person has violated or continues to violate the provisions of this Ordinance, the Township may petition the appropriate court for injunctive relief restraining the person from activities abatement or remediation.

#### **Section Q – VIOLATIONS DEEMED A PUBLIC NUISANCE**

1. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil infraction to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Township.

#### **Section R – CRIMINAL PROSECUTION**

1. Any violation of this Ordinance shall be considered a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days. Each day a violation exists shall be deemed a separate violation. A citation charging such a misdemeanor may be issued by the Township Supervisor, his or her designee, the Township's Ordinance Enforcement Officer or the Sheriff's Department.

#### **Section S – REMEDIES NOT EXCLUSIVE**

1. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the Department to seek cumulative remedies.

**SECTION 2. REPEAL:** This Ordinance hereby repeals any ordinances in conflict herewith.

**SECTION 3. SEVERABILITY:** The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**SECTION 4. SAVINGS CLAUSE:** That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**SECTION 5. PUBLICATION AND EFFECTIVE DATE:** This Ordinance is hereby declared to have been adopted by the Howell Township Board at a meeting thereof duly called and held on the 12 day of May, 2025, was ordered to be given publication in the manner required by law, and was ordered to be given effect as mandated by statute.

YEAS: Hohenstein, Coddington, Daus, Counts, Boal  
NAYS: Fagan, Wilson  
ABSENT/ABSTAIN: None

HOWELL TOWNSHIP:

BY:   
Sue Daus, Clerk

ADOPTED: May 12, 2025  
PUBLISHED: May 21, 2025  
EFFECTIVE: May 28, 2025

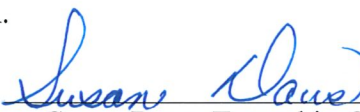
**CERTIFICATION**

I, Susan Daus, the Clerk of Howell Township, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 290, adopted by the Howell Township Board at a regular meeting held on May 12, 2025.

The following members of the Township Board were present at that meeting:

Coddington, Daus, Hohenstein, Counts, Boal, Fagan, Wilson

The Ordinance was adopted by the Township Board with five members of the Board voting in favor and 2 members voting in opposition. Notice of adoption and publication of the Ordinance was published in the Livingston Daily on May 21, 2025. The Ordinance shall be effective on May 28, 2025, seven (7) days after publication.

By:   
Susan Daus, Township Clerk