

To Whom **it** May Concern:

Kenockee Township has passed a Resolution 2021-8 a Moratorium for establishing the installation of over 25 kVA total electrical transforming capacity per site and a moratorium on issuance of any permits or approvals as they relate to any existing site containing over 25kVA of total electrical transforming capacity within the Township.

Attached is a copy of Resolution 2021-8.

Tod L. Molesworth, Supervisor
Kenockee Township
St. Clair County, MI.

TOWNSHIP OF KENOCKEE
COUNTY OF ST. CLAIR
STATE OF MICHIGAN

RESOLUTION 2021-8

A RESOLUTION ESTABLISHING A MORATORIUM ON THE INSTALLATION OF OVER 25 kVA TOTAL ELECTRICAL TRANSFORMING CAPACITY PER SITE AND A MORATORIUM ON ISSUANCE OF ANY PERMITS OR APPROVALS AS THEY RELATE TO ANY EXISTING SITE CONTAINING OVER 25 kVA OF TOTAL ELECTRICAL TRANSFORMING CAPACITY WITHIN THE TOWNSHIP.

At the March meeting of the Township Board of Kenockee Township, St. Clair County, Michigan, held at 7:00 p.m. on the 9th day of March, 2021, the following resolution was offered by Trustee Joshua Schieweck and supported Clerk Brenda Hill

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

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

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

WHEREAS, Kenockee Township wishes to continue to explore how to best zone for such higher amperage installations, which will require additional study in terms of amending the Township Zoning Ordinances pertaining to land uses, zoning classifications and/or other requirement, and the Township is considering allowing higher amperage installations in certain areas only, with proper installation, usage, and inspections;

WHEREAS, the Township Board has concluded that during the pendency of its consideration of possible amendments to the Township Zoning Ordinances, it would be counterproductive if building and zoning permits and/or other approvals were allowed or permitted to move forward in any zoning districts and, therefore, the Township Board has concluded that during the course of review and consideration of the possible Zoning Ordinance amendments, there should be a deferral of review of all applications for building and zoning permits and approvals related to the installation of over 25 kVA total electrical transforming capacity per site and to permits or approvals as they relate to any existing site containing over 25 kVA of total electrical transforming capacity; and

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

NOW, THEREFORE, be it resolved that Kenockee Township hereby adopts, effective immediately, a Moratorium upon the issuance of any and all permits and/or approvals as they relate to any modifications to sites, structures or units in any zoning district related to the installation of over 25 kVA total electrical transforming capacity per site and to permits or approvals as they relate to any existing site containing over 25 kVA of total electrical transforming capacity;

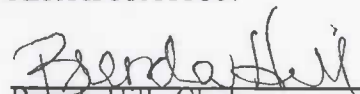
YEAS: Schieweck, Hill, Shappee, Hawks, (Molesworth Absent)

NAYS: None

RESOLUTION DECLARED ADOPTED by the Township Board this 9th day of March, 2021.

The foregoing resolution was certified at the March meeting of the Board of Trustees of Kenockee Township held on this 9th day of March, 2021.

CERTIFICATION


Brenda Hill, Clerk