

Memorandum: Casco Township Planning Commission

Date: April 1, 2022

From: Tasha Smalley, Zoning Administrator

RE: Special Use Permit & Site Plan Review – Special Events Venue

Owner: Kevin and Mary Whiteford

Owner mailing address: 404 Broadway, South Haven MI

Subject Property: 46 68th Street

Parcel #: 0302-032-028-00

AG - Agricultural District

5.03 District Regulations

Minimum lot area – 2.5 acres

Minimum lot width - 250 ft

Front setback - 50 feet

Rear setback – 50 feet

Side setback – 50 feet

Lot coverage - 20%

Maximum building height - 35 feet

Chapter 15 Specific Use Regulations

15.03 UU Special Events Venue

Chapter 17 Site Plan Review

Chapter 18 Parking

Analysis

Property 0302-032-028-00 is a legal pre-existing conforming lot of record

Lot area – approx 18acres 657x1139

Proposed project:

Establish a Special Events Venue for an already constructed accessory building.

Existing building 60x100 – 6000sq ft (BP issued 7/15/19)

Setback 200+ ft off 68th Street

19 parking spaces, with an overflow parking area provided

15.03 Special Use Requirements – Special Events Venue UU 1- 12

1. there is a single-family dwelling on the property, the son lives in the home
2. yes, lot is 20 acres
3. will comply, required license(s) shall be submitted for the file after issued
4. yes, hours 7a-10p
5. SHEAS regulations will be complied with
6. noise/music will be in compliance of the noise ordinance
7. venue is well beyond the required 50ft from ROW
8. venue is well beyond the required 50ft from another dwelling
9. provided
10. the existing building already has bathroom facilities and approved by ACHD.

11. parking is on same property (see parking below)
12. permit already obtained for driveway

Special Land Use - Review Standards 15.02C

1. a. yes **b. this is subjective**
 c. public services will be met **d. this is subjective**
 e. yes. Plan is to keep natural.
2. standards for special events venue stated above
3. PC may impose conditions for approval

Site plan review 17.03C 1-29

- #1 - #7 provided
- #8 size of property provided, but not specific acres of use, building,
 Parking area sq ft provided
- #9 provided
- #10 storm water, see narrative (*construction already done*)
- #11 utilities already established, shown on plan
- #12 - #14 provided
- #15 n/a
- #16 provided
- #17 - #19 n/a
- #20 provided
- #21 no sign(s) shown on plan
- #22 site already constructed, no grade plan
- #23 provided
- #24 n/a
- #25 provided (permit obtained for pond)
- #26- #29 n/a

Review Standards 17.07

- A. subjective B. yes, public services will be met
- C. construction already done D. drives designed to promote safety
- E. proper permits obtained for driveway F. fire dept review not received yet
- G. Vehicle noise and glare subjective. H. yes
- I. keeping property natural. PC may require buffer.
- J. N/A property, building already established. K. no drain comm approval when
 building constructed
- L. N/A property, building already established. M. n/a N. n/a
- O. no buffering, screening, fencing proposed.
- P. all lighting will shine down, and minimize light pollution.
- Q. No sign shown on plan R. Property is AG not residential
- S. Standard condition: see below T. yes.

Parking 18.03

17 spaces provided and 2 handicap

Parking area is paved with overflow parking of natural grass

Parking space 9x20

18.05 Parking chart – “assembly use” 1 space for 3 persons allowed by max occupancy (determined by building official)

Possible Approval Condition, this is just a standard condition, you may require more:

- Must comply with Township Noise Ordinance during any and all events.
- Building permit for a change of use required on existing building. The building was issued under residential purposes, special events is a commercial use.
-

pd ch # 2035
@ 700 -
D.S.

Casco Township
7104 107th Avenue
South Haven, Michigan 49090
(269) 637-4441 / Fax (269) 639-1991

SITE PLAN REVIEW/SPECIAL USE/PUD APPLICATION & REQUIREMENTS

1. Applicant Information:

Name WHITEFORD PROPERTIES INC. KEVIN & MARY WHITEFORD
Address 404 BROADWAY ST City SOUTH HAVEN State MI Zip 49090
Telephone 269-637-4400 Fax 269-637-4407
Person in charge of project KEVIN S WHITEFORD

2. Property Information:

Address: 46 68TH STREET SOUTH HAVEN, MI 49090
Parcel #: 0302-032-028-00 ; Do you own the parcel? Yes X ; No _____
Current Zoning AGRICULTURE Conforming use in zone? Yes X ; No _____
Other action required?: Variance _____ ; Re-zone _____ ; Special Use X

3. Type of improvement (Check as many as applicable)

New Building Addition Condominium Site Condominium
 Open Space Dev. Subdivision PUD
 Other (Describe) No New Additions - Just asking for special use under Section 5.02 - Ag District

4. Engineer or Surveyor Information:

Name Mitchell & Morse Land Survey Address 234 Veterans Blvd
City South Haven State MI Zip 49090 Phone 269-637-1107 License # _____

5. State proposed use of property:

See attached description of proposed use along with how the site will meet zoning ordinances.

6. Provide site plan as per Chapter 17 of the Casco Township Zoning Ordinance.

Did you receive a copy of Chapter 17 and the Checklist? Yes X ; No _____) See Statement C
Provide information requested in Chapter 15 if Special Use. - See Statement B
~~Provide information requested in Chapter 16 if PUD.~~
~~Provide information requested in Section 15.04(7) if Open Space Preservation project.~~

7. Provide a brief narrative describing the items listed in Section 17.03(a) and the following:

- a. Types and size of structures to be erected. NO ADDITIONAL BUILDINGS ARE PROPOSED
- b. Timetable regarding stages of project and completion date.
- c. Any objective or subjective information you wish to convey to the Planning Commission.

) Statement A

Applications with completed site plan and other required information must be filed with the Zoning Department at the Township Office 35 days before the scheduled Planning Commission meeting. All amended site plans must be submitted at least 21 days before the meeting or the hearing/ review will not be held. All applicable fees must be paid at that time. By signing this application, I agree to pay all applicable fees and costs associated with the site plan review process as detailed on the reverse of this application.

\$700.00
I hereby authorize Casco Township Planning Commission members and Township staff to inspect the proposed site at their discretion.

Applicant Signature [Signature] Date 7-7-2022

For Office Use: Date Rec'd: _____ ; Fee Rec'd _____ ; Fee Amt. _____ Hearing Date _____

Remark : _____

Whiteford Properties, Inc.

Special Use Application

Attachment B

Statement with Regard to Compliance with the criteria

Required for approval in Sect 15.03 and 15.04

1. The special events venue will be owned and maintained by the applicant
The owner's son lives in a separate single-family home located on the same lot as his principal residence
2. The special events venue is located on a 20-acre lot
3. If food is prepared on the premises, then all Allegan County Health Department inspections and applicable laws and regulations will be adhered to
4. The events venue will adhere to hours of operation as stated in Section 15.03 unless rules allow otherwise
5. The events venue will adhere to capacity rules established with SHAES and has already been inspected by a member of SHAES
6. Noise levels will adhere to the Casco Township ordinance sound levels
7. The events venue is well beyond the required 50 feet from a public road right-of-way
8. The events venue is well beyond the required 50 feet from a dwelling unit or another lot
9. Suitable containers for rubbish have already been established and are disposed of on a regular basis
10. Suitable restroom facilities have been created and the Allegan County Health Department has already approved all septic and waste facilities
11. The events venue has created suitable parking and is available on the same parcel
12. Access to the lot and venue have been constructed and already approved by the Allegan County Road Commission.

Whiteford Properties, Inc.
Special Use Application
Attachment A
Statement with Regard to Compliance with the criteria
Required for approval in Sect 17.03

1. The pole barn along with the land (20 acre parcel) as well as the single family home is requesting a special events venue as allowed under section 5.02 under the Agricultural District code (see attached). We would like to host personal and/or business events authorized by Whiteford family members or its businesses that are legally allowable under Michigan State Law. This would include, but not be limited to, Whiteford Wealth Management Inc. client events, charity events and political events again hosted by a family member. These special use events will occur inside the existing pole barn and the surrounding grounds that exist in its perimeter of said facility. Therefore, there will be indoor and outdoor seating for guests to gather. These events may or may not accompany live music. These events may or may not accompany catered food by organizations that will be by licensed and approved organizations.
2. The property is currently owned by Kevin and Mary Whiteford through the ownership of Whiteford Properties, Inc.
3. The entire parcel currently represents one parcel with an identification number of 03-02-032-028-00.

The Legal Description is as follows:

The East Half of the Southeast Quarter of the Southeast Quarter of Section 32, Town 1 North, Range 16 West; Except a parcel beginning at the Southeast corner post of said Section; thence West along the South section line 380.00 feet; thence North parallel with the East section line 178.00 feet; thence East parallel with the South section line, 380.00 feet to the East section line; thence South to point of beginning.

4. Like indicated previously, the facilities have been built. The pole barn (60ft x 100ft with a second story 1,100 sq ft space), principal residence (3bdr/3bath above grade) along with driveway and parking lots have been built and approved. There will be occasional cosmetic changes to the grounds as needed for example:
 - a. A hedge was created along 68th street approximately 2 years ago, but it has been struggling and most likely will be replaced by a more mature set of trees
 - b. There are plans to have permanent lighting along the driveway and parking lot and will comply with Section 3.41
5. The facility and grounds will be maintained by an outside service company as needed Landscape company will maintain the grounds and professional cleaning companies will maintain the inside and surrounding areas. There has already been an established spot on the property for all rubbish and is disposed of on a regular basis.
6. Utilities –

Storm water for the property naturally drains towards an existing spring fed pond which is located at the north/west section of the parcel. This pond was a well maintained boardwalk that circles the pond. There is a county drain along the west edge of the property that takes any overflow from the pond. There is also a creek bed that exists along the entire north edge of the property.

The current property contains a brand-new water supply well that exceeds 135 feet in depth. This well was approved by the Allegan County Health Department. The existing septic

and sewer facilities on the property have been approved and tested by the Allegan County Health Department.

The electric for the entire property is all supplied by Consumers Energy

7. The said property has the following adjacent properties:
 - a. To the East

Bumbleberry Acres Farm encompasses the entire otherside of the road on 68th street to the east of the property. Zoned Commercial
 - b. To the North

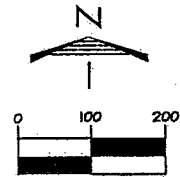
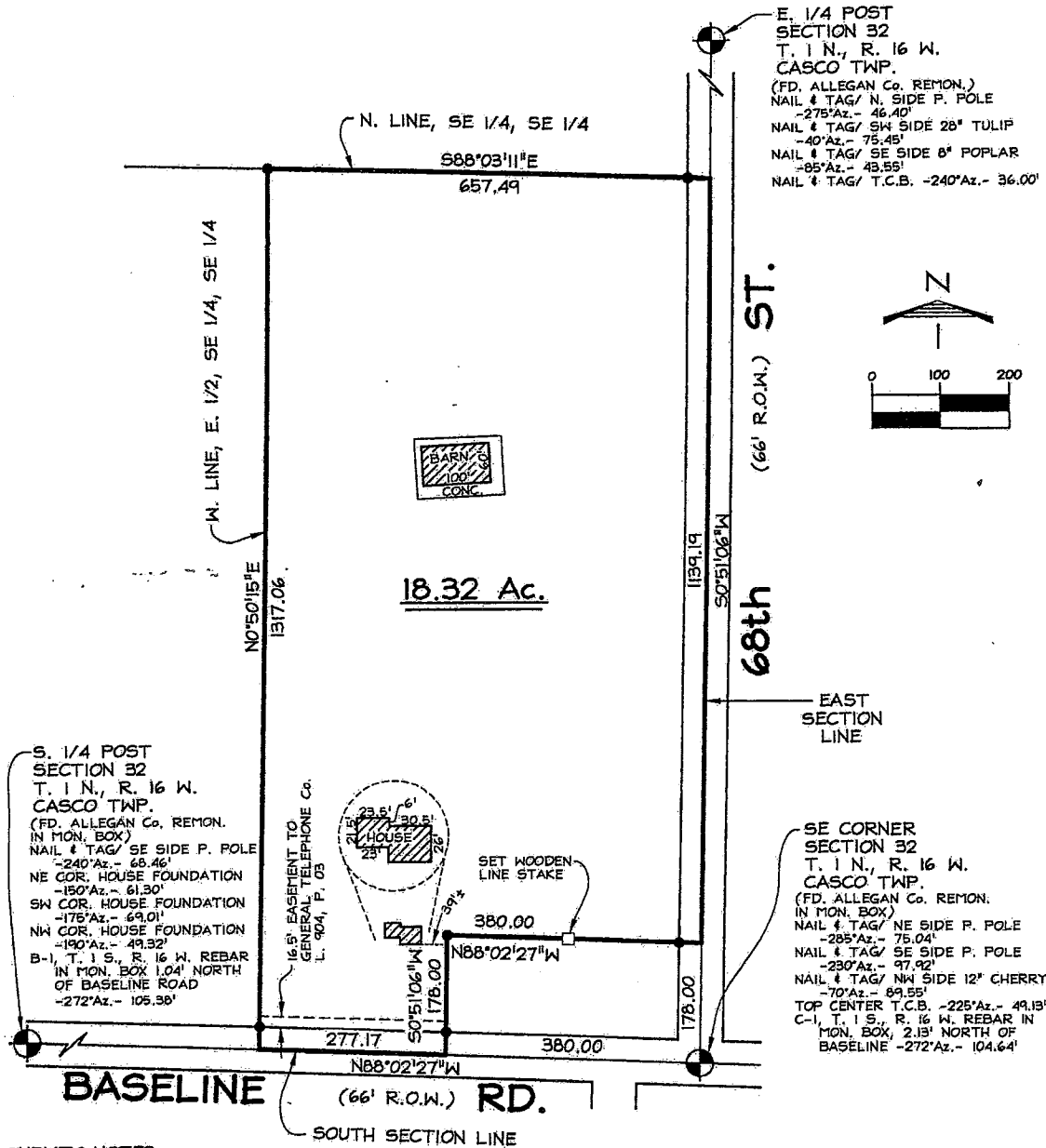
1 single family residence – approximately 750 ft from the pole barn
 - c. To the South

4 separate single family residences – approximately 1500 ft from the pole barn
 - d. To the West

1 single family residence – that property is also 20 acres and runs the entire length of our said property. Their residence is located on the far south west side of their lot. More than 1500ft from the pole barn.

MICHIGAN PLAT OF SURVEY

SEE SHEET 2 FOR DESCRIPTION



SURVEY NOTES:

- 1.) THE RATIO OF CLOSURE OF UNADJUSTED FIELD OBSERVATIONS IS NOT GREATER THAN 1 PART IN 5,000.
- 2.) BEARINGS ARE REFERENCED TO PREVIOUS SURVEYS IN THE AREA.
- 3.) THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

REVISION: 2-27-2020 ADDED BUILDINGS TO DRAWING

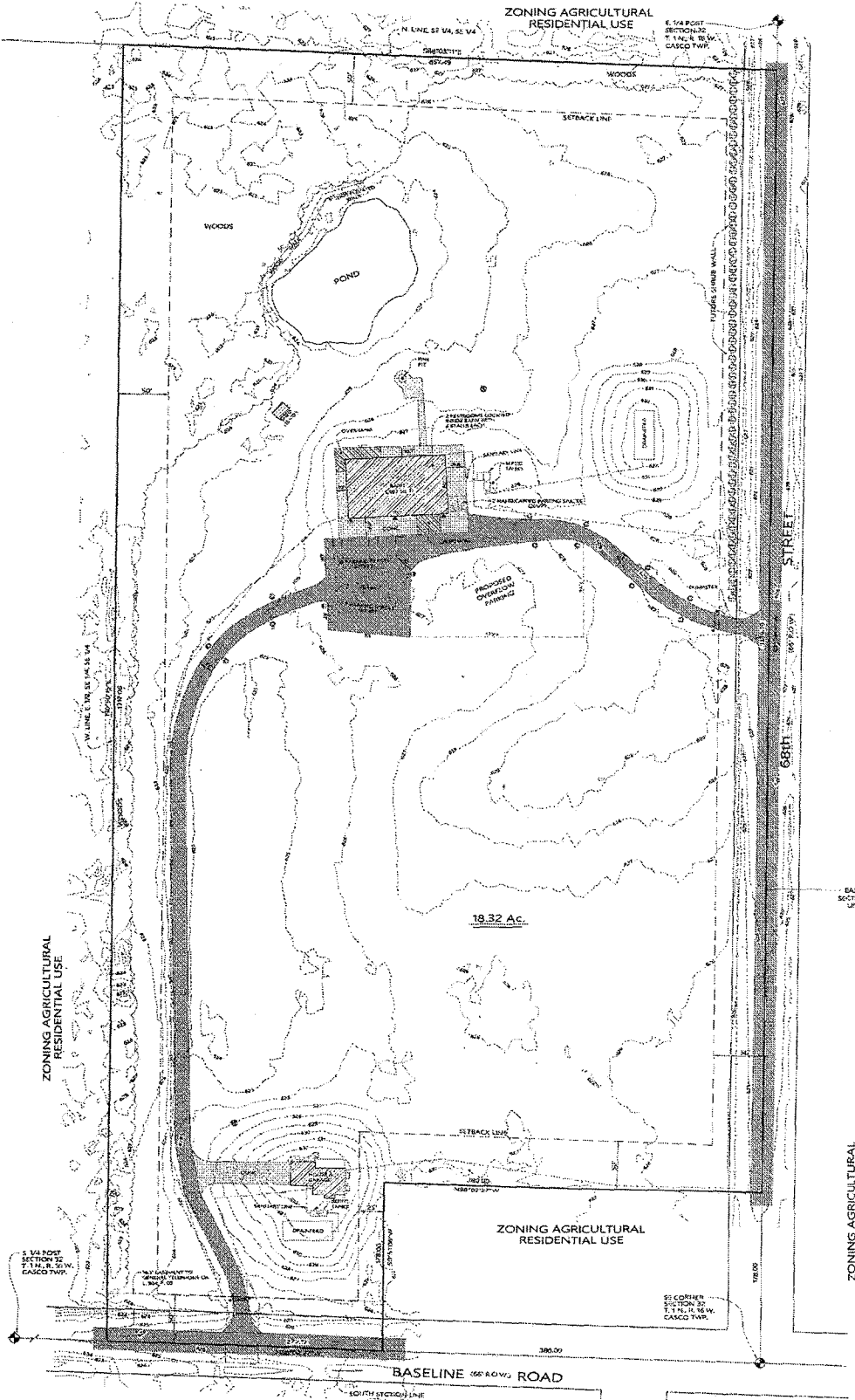
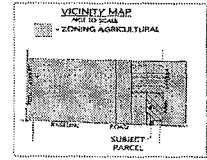
MITCHELL & MORSE LAND SURVEYING 234 VETERANS BLVD. SOUTH HAVEN, MICHIGAN 48090 OFFICE: (269) 837-1107 FAX: (269) 837-1907 A DIVISION OF MITCHELL SURVEYS, INC.		THE ABOVE SURVEY COMPLIES WITH PUBLIC ACT 132 OF 1970, ACT 288 OF MICHIGAN PUBLIC ACTS OF 1987 AS AMENDED BY PUBLIC ACT 591 OF 1997 SHOULD BE CHECKED TO SEE THAT ANY PROPERTY CONVEYANCE DOES NOT VIOLATE THAT ACT.	
CLIENT KEVIN WHITEFORD			
DATE	9-6-18	JOB NO.	18-829
SHEET	1	OF	2
DWG. BY	J. MITCHELL	DWG. CK	DESC. BY
DESC. CK			
BEING IN THE	SE 1/4	SECTION	32
		T.	1 N.
		R.	16 W.
	CASCO	TWP.	ALLEGAN
		CO., MICHIGAN	
SCALE	1"=200'	BOOK	440
PAGE	57	REVISION	2-27-2020

LEGEND

- FOUND IRON - ○
- SET IRON - ●
- MONUMENT - ⊙
- RECORDED - R
- MEASURED - M
- PLATTED - P
- DEEDED - D
- COMPUTED - C

Statement C-1

SITE PLAN



- LEGEND**
- UNDERGROUND GAS LINE
 - UNDERGROUND ELECTRIC LINE
 - WATER WELL
 - PROPOSED LOW VOLTAGE ACCIDENT LIGHT
 - PROPOSED LIGHT POLE
 - ▲ EXISTING FLOOD LIGHTS
- APPROX. 7 DRIVE & PARKING AREA - 28,154 SQ. FT.

SETBACKS

FRONT YARD - 30'
 REAR YARD - 50'
 SIDE YARD NON-RESIDENTIAL - 30'
 SIDE YARD RESIDENTIAL - 25'

FURNISHED DESCRIPTION:
 SITUATED IN CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN.

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWN 1 NORTH, RANGE 16 WEST, SECTION 14 PARCELS BEGINNING AT THE SOUTHEAST CORNER POST OF SAID SECTION, THENCE WEST ALONG THE SOUTH SECTION LINE 380.00 FEET, THENCE NORTH PARALLEL WITH THE EAST SECTION LINE 170.00 FEET, THENCE EAST PARALLEL WITH THE SOUTH SECTION LINE 380.00 FEET TO THE EAST SECTION LINE, THENCE SOUTH TO POINT OF BEGINNING.

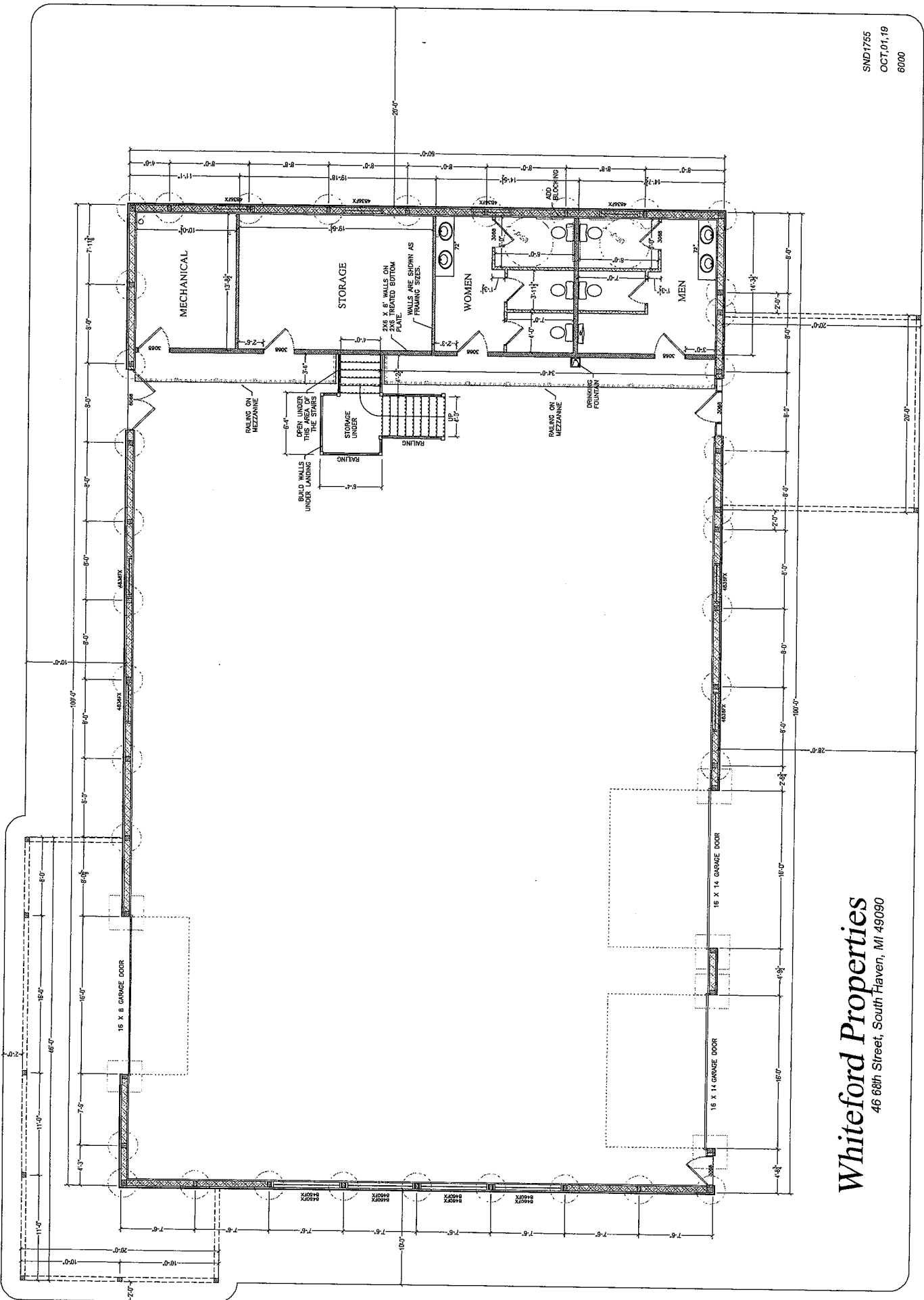


UTILITY NOTE:
 UTILITIES SHOWN ON THIS DRAWING ARE TAKEN FROM FIELD OBSERVATIONS ONLY. IT SHOULD NOT BE ASSUMED THAT THE UTILITIES SHOWN ON THIS DRAWING ARE THE ONLY UTILITIES IN THIS AREA.

MITCHELL & MORSE LAND SURVEYING
 234 VETERANS BLVD. SOUTH HAVEN, MICHIGAN 49080
 OFFICE: (269) 637-1107 FAX: (269) 637-1897

46 68th ST.
SOUTH HAVEN, MI 49090

PREPARED FOR:
KEVIN WHITEFORD
 PROJECT NO. 18-829-SP DATE 3-8-22
 DRAWN BY J. MITCHELL SHEET 1 OF 1



Whiteford Properties
46 68th Street, South Haven, MI 49090

STEVE NYHOF
DESIGNS LLC

280 W. 17TH ST.
Holland, MI 49423

Ph: 616-886-1405

www.SteveNyhofDesigns.com
SteveNyhofDesigns.com

Residential Architectural Design

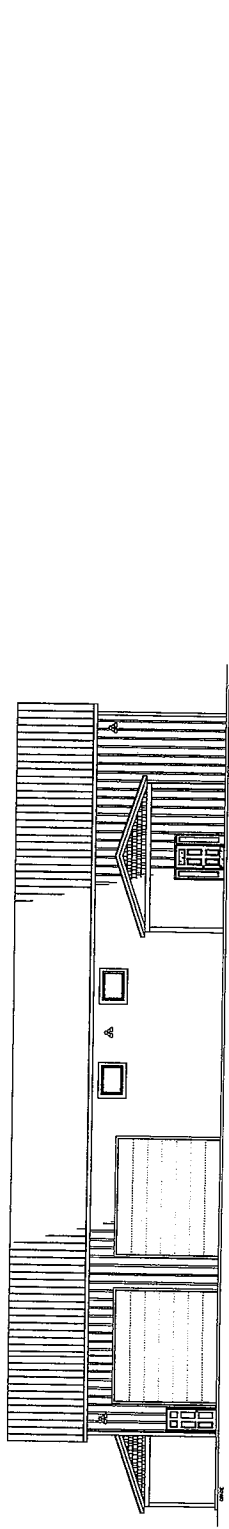
www.SteveNyhofDesigns.com

STEVE NYHOF
DESIGNS LLC

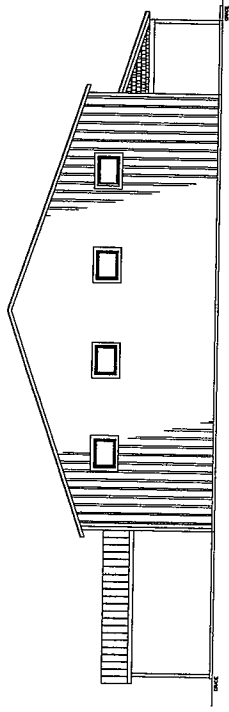
Custom Home Plans - Production Plans - Condominiums

FILE NUMBER	SND17755
PLOT DATE	10/17/19
TOTAL SQUARE FOOT	60000
SCALE	

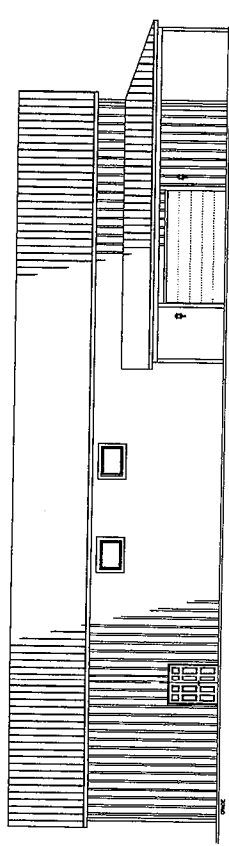
Whiteford Properties - 46 68th Street, South Haven, MI 49090



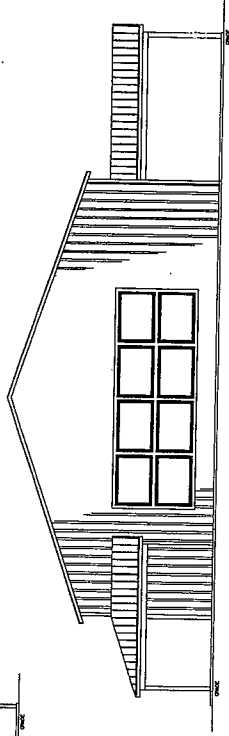
SOUTH ELEVATION



EAST ELEVATION



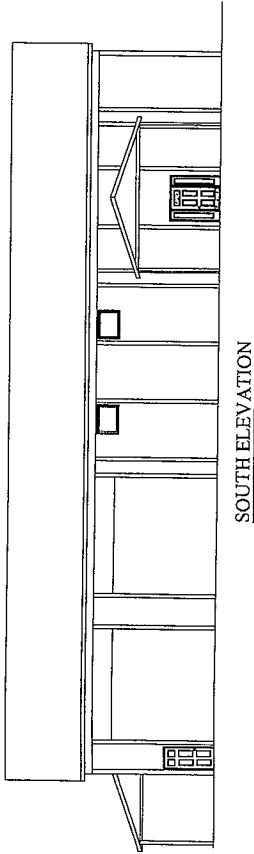
NORTH ELEVATION



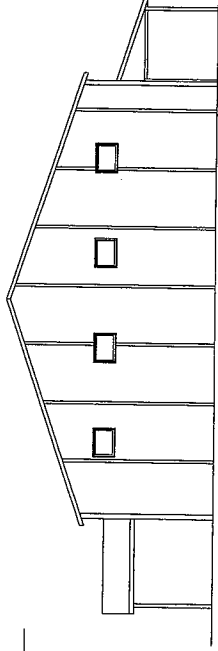
WEST ELEVATION

Drawings produced by Steve Nyhof Designs are copyrighted material and has been approved only for the specific project and location. If the purchaser wishes to construct a second structure, a license must be purchased before construction.

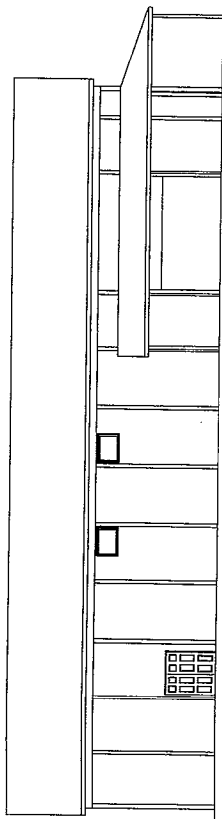
Whiteford Properties
46 68th Street, South Haven, MI 49090



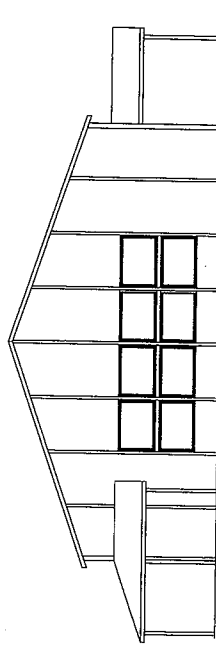
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

Drawings prepared by Steve Nyhof Designs, Inc. are copyrighted material and have been approved only for the Purchaser to obtain a license to construct one, and if purchaser wishes to construct a second structure, a license must be purchased before construction.

Whiteford Properties
46 68th Street, South Haven, MI 49090

Whiteford Properties - 46 68th Street, South Haven, MI 49090

**STEVE NYHOF
DESIGNS LLC**
280 W. 17TH ST.
HOLLAND, MI 49423
Ph: 616-886-1405
www.stevenyhofdesigns.com
Snyhof@stevenyhofdesigns.com

Residential Architectural Design

Visit us on the Web at
www.SteveNyhofDesigns.com

**STEVE NYHOF
DESIGNS LLC**

Custom Home Plans - Production Plans - Condominiums

FILE NUMBER	SND1755
PLOT DATE	05/10/19
CUSTOMER	SOBANE P001
SCALE	6000

CASCO TOWNSHIP

ORDINANCE NO. 041717

NOISE CONTROL ORDINANCE

An Ordinance to establish noise control regulations in Casco Township, Allegan County, Michigan.

THE TOWNSHIP OF CASCO, COUNTY OF ALLEGAN, STATE OF MICHIGAN, ORDAINS:

Section 1. Scope

The provisions of this Ordinance shall apply to the control of noise originating within the Township.

Section 2. Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. "Agricultural Area" means any property used for agricultural purposes, which are considered to be any purposes allowed in the Township's Agricultural District. The Township's Agricultural District is defined in, designated by, and regulated by the Township Zoning Ordinance, as amended from time to time.
2. "A-Weighted Sound Level" means the Sound Pressure Level in Decibels as measured on a Sound Level Meter using the A-Weighted Network. The Sound Pressure Level so read is designated dB(A) or dBA.
3. "Commercial Area" means property used for commercial or business purposes, which are considered to be any purposes allowed in the Township's Commercial or Business Districts. The Township's Commercial or Business Districts are defined in, designated by, and regulated by the Township Zoning Ordinance, as amended from time to time.
4. "Decibel" means a unit of Sound Pressure Level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with the American National Standards Institute, or the successor thereto.
5. "Decibels on the A-Weighted Network" or "dBA" means Decibels measured on the A-Weighted Network of a Sound Level Meter as specified by the American National Standards Institute, or the successor thereto.

6. "Industrial Area" means property used for industrial purposes, which are considered to be any purposes allowed in the Township's Industrial District. The Township's Industrial District is defined in, designated by, and regulated by the Township Zoning Ordinance, as amended from time to time.
7. "Person" means any owner, lessee, or occupant of property, including any individual, corporation, business, or other entity; Person also means any individual in any public place or any private place open to the general public.
8. "Property Line" means the imaginary line which represents the legal limits of property, including an apartment, condominium, room, or other dwelling unit, that is owned, leased, or otherwise occupied by a Person. In cases involving sound from an activity on a Public Right-of-Way, the Property Line shall be the nearest boundary of the Public Right-of-Way.
9. "Public Right-of-Way" means the entire easement width of any publicly dedicated street, avenue, boulevard, highway, sidewalk, alley, or similar place.
10. "Residential Area" means property used for temporary or permanent dwelling purposes in compliance with the Township Zoning Ordinance, as amended from time to time.
11. "Sound Level Meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighted networks used to measure Sound Pressure Levels. This instrument shall comply with the standards for Type 1 and Type 2 Sound Level Meters as specified by the American National Standards Institute, or the successor thereto.
12. "Sound Pressure Level" means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. This Sound Pressure Level is expressed in Decibels.

Section 3. Interference with sound monitoring equipment

It shall be unlawful for any Person to remove or render inaccurate or inoperative any Sound Level Meter or any similar monitoring instrument or device positioned for the purpose of enforcing the provisions of this Ordinance.

Section 4. General prohibition

It shall be unlawful for any Person to create, assist in creating, permit, or permit the continuation of any loud noise which disturbs the peace of others within the limits of the Township.

Section 5. Specific prohibitions

1. Unlawful noise nuisances. The following activities are prohibited if they produce audible noise beyond the Property Line of the property on which they are conducted:

- a. *Insect traps.* Between 10:00 p.m. and 7:00 a.m., the operation of any device for killing, trapping, attracting, or repelling insects or other pests;
 - b. *Bells, etc.* Between 10:00 p.m. and 7:00 a.m., the sounding of any bell, chime, siren, whistle, or similar device, except to alert Persons to the existence of an emergency, an imminent danger, or an attempted crime;
 - c. *Stereos, etc.* Between 10:00 p.m. and 7:00 a.m., the operation or playing of any radio, stereo, television, phonograph, cassette player, compact disc player, drum or musical instrument, or any other device or appliance producing a similar sound;
 - d. *Excavation, construction, etc.* Between 8:00 p.m. and 7:00 a.m., construction, repair, remodeling, demolition, drilling, or excavation work, except in case of an emergency;
 - e. *Loudspeakers, etc.* Between 10:00 p.m. and 7:00 a.m., the operation or use of any loudspeaker, sound amplifier, public address system, or similar device used to amplify noise; and
 - f. *Musical devices.* The use of any drums, loudspeakers, musical devices, or other instruments or devices for the purpose of attracting attention by the creation of noise to any performance, show, sale, or display of merchandise.
2. **Applicability.** The prohibitions of this Section apply even if the Sound Pressure Level produced by a prohibited activity does not exceed the applicable Sound Pressure Level specified in Section 6.

Section 6. Maximum permissible sound levels

No Person shall conduct or permit any activity that produces a dBA beyond the Person's Property Line exceeding the Sound Pressure Levels specified in the Table in this Section. Where property is included within more than one area, the lower Sound Pressure Levels shall be used only for measurements made on the portion of the property used solely for the area with lower Sound Pressure Levels. Limits in the following Table are expressed in dBA.

Area of Property Receiving the Sound	dBA From 7:00 a.m. to 10:00 p.m.	dBA From 10:00 p.m. to 7:00 a.m.
Residential Area	60	53
Commercial Area	65	58
Industrial Area	70	70

Section 7. General exemptions

The following activities are exempted from the Sound Pressure Level limitations of Section 6:

1. Emergency work necessary to restore property to a safe condition following a fire, accident, or natural disaster; to restore public utilities; or to protect Persons or property from imminent danger;
2. Sounds made to alert Persons to the existence of an emergency, an imminent danger, or an attempted crime;
3. Parades, concerts, festivals, fairs, or similar activities, if approved by the Township Board, subject to any Sound Pressure Limits specified in the Township Board's approval;
4. Athletic, musical, or cultural activities or events, including practices and rehearsals, conducted by or under the auspices of public or private schools;
5. Construction, repair, remodeling, demolition, drilling, or excavation work; and
6. Sounds made in the Agricultural Area, which Agricultural Area directly abuts the Residential Area, Commercial Area, or Industrial Area, to the extent the sounds pertain to land uses permitted in the Agricultural Area including sound emanating from the discharge of firearms.

Section 8. Temporary exemptions

1. The Township Supervisor is authorized to grant a temporary exemption from the maximum permissible Sound Pressure Levels established by this Ordinance, if such temporary exemption would be in the public interest, and if there is no feasible and prudent alternative to the activity or the method of conducting the activity for which the temporary exemption is sought.
2. The following factors shall be considered by the Township Supervisor in determining whether to grant a temporary exemption:
 - a. The hardship to the applicant, the community, and other Persons if the exemption is not granted, balanced against the adverse impact on the comfort, repose, health, peace, or safety of Persons if the exemption is granted;
 - b. The nearness of any residence or any other land use which would be adversely affected by sound in excess of the Sound Pressure Levels prescribed by this Ordinance;
 - c. The Sound Pressure Level to be generated by the activity for which the temporary exemption is sought;

- d. Whether the type of sound to be produced by the activity is usual or unusual for the location or area for which the exemption is requested;
 - e. The density of population in the area where the activity is to take place; and
 - f. The time of day or night during which the activity will take place.
3. A temporary exemption must be in writing and signed by the Township Supervisor or the Township Supervisor's designee. The writing must set forth the name of the Person granted the exemption, the location of the property for which it is authorized, the dates and times for which it is effective, and the Sound Pressure Levels authorized.
 4. A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed 30 days.

Section 9. Variances

Persons wishing to continue activities which commenced prior to the effective date of this Ordinance and which create noise in excess of what is allowed by this Ordinance may seek a variance from the Township Board. Such a variance may be granted if the Township Board finds that strict application of this Ordinance would cause an unreasonable hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

Section 10. Liability of owner, lessee, or occupant

If the Person responsible for an activity which violates this Ordinance cannot be determined, the owner, lessee, or occupant of the property on which the activity is located shall be deemed responsible for the violation.

Section 11. Penalty

A violation of this Ordinance is a misdemeanor. Further, each violation is a separate offense, a nuisance per se immediately enjoined in the circuit court, and punishable by imprisonment for not more than 90 days or by a fine of not more than \$500.00, or by both such fine and imprisonment.

Section 12. Severability

This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

Section 13. Administrative liability

No officer, agent, or employee of the Township, or member of the Township Board, shall be personally liable for any damage that may accrue to any Person as a result of any act,

decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 14. Repeal

All ordinances or their parts which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are repealed to the extent of such conflict, except that terms defined in this Ordinance for purposes of interpretation, administration, and enforcement of this Ordinance only, will in no manner repeal, modify, or otherwise change the definition of any such terms as used in other Township ordinances. Specifically, this Ordinance repeals and replaces in its entirety the Anti-Noise and Public Nuisance Ordinance adopted by the Township in 1993.

Section 15. Effective date

This Ordinance was approved and adopted by the Township Board of Casco Township, Allegan County, Michigan, at a regular meeting held on April 17, 2017, and it is ordered to take effect 30 days after publication in the South Haven Tribune newspaper with general circulation in the Township.

x 
Allan W. Overhiser, Supervisor


Cheryl Brenner, Clerk