

**TOWNSHIP BOARD
BUSHNELL TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinance No. 091223)

At a regular meeting of the Township Board for Bushnell Township held at the Township Hall on September 12, 2023, and commencing at 6:00 p.m., the following Ordinance was offered for adoption by Township Board Member Mike Fitzgerald and was seconded by Township Board Member Patrick Draper:

AN ORDINANCE TO AMEND PARAGRAPH C(8) OF SECTION 5; PARAGRAPH C(9) OF SECTION 5; PARAGRAPH C(10) OF SECTION 5; PARAGRAPH C(11) OF SECTION 5; PARAGRAPH C(14) OF SECTION 5; PARAGRAPH C(15) OF SECTION 5; PARAGRAPH C(16) OF SECTION 5; SUBSECTION B OF SECTION 7; SUBSECTION B OF SECTION 8 SUBSECTION K OF SECTION 8; SUBSECTION L OF SECTION 8; SUBSECTION M OF SECTION 8; SUBSECTION N OF SECTION 8; SUBSECTION R OF SECTION 8; TO ENACT SUBSECTION U OF SECTION 8; AND TO AMEND SUBSECTION A OF SECTION 14 OF ORDINANCE NO. 071123-1 ENTITLED “BUSHNELL TOWNSHIP COMMERCIAL SOLAR ENERGY CONVERSION SYSTEMS ORDINANCE.”

THE TOWNSHIP OF BUSHNELL (THE “TOWNSHIP”) ORDAINS:

Section 1. Amendment of Paragraph C(8). Paragraph C(8) of Section 5 “Permit Application” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

8. Noise impact study and noise level map depicting and describing the predicted noise levels at the perimeter of the commercial solar energy conversion system site during the operation of the commercial solar energy conversion system as measured at the parcel line of adjacent non-participating parcels, within five feet of residential dwellings occupied or legally permitted to be occupied on participating parcels, and the perimeter of adjacent public rights-of-way.

Section 2. Amendment of Paragraph C(9). Paragraph C(9) of Section 5 “Permit Application” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

9. Noise mitigation and compliance plan describing how the Township permit holder will ensure that the operation of the commercial solar energy conversion system complies with the noise requirements of this Ordinance.

Section 3. Amendment of Paragraph C(10). Paragraph C(10) of Section 5 “Permit Application” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

10. Glare study and map depicting and describing the potential glare impacts of the commercial solar energy conversion system upon non-participating parcels and public rights-of-way during operation.

Section 4. Amendment of Paragraph C(11). Paragraph C(11) of Section 5 “Permit Application” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

11. Glare mitigation and compliance plan describing how the Township permit holder will ensure that the operation of the commercial solar energy conversion system complies with the glare requirements of this Ordinance.

Section 5. Amendment of Paragraph C(14). Paragraph C(14) of Section 5 “Permit Application” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

14. Environmental and ecological impact study detailing the environmental and ecological impact of the operation of the commercial solar energy conversion system on the surrounding environment. The environmental and ecological impact study must address water resources, air quality, wildlife, floodplains, wetlands, unique farmlands or soils, erosion and sediment control, drainage, areas of aesthetic or historic importance, archeological or cultural concerns, utilities and infrastructure, noise, glare, light pollution, waste disposal, compliance with the requirements of Part 31 - Water Resources Protection, of the Natural Resources and Environmental Protection Act, Part 91 - Soil Erosion and Sedimentation Control, Part 301 - Inland Lakes and Streams, Part 303 - Wetlands, Part 365 - Endangered Species Protection, and any other relevant factors and regulations.

Section 6. Amendment of Paragraph C(15). Paragraph C(15) of Section 5 “Permit Application” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

15. Mitigation plan and compliance plan describing how the Township permit holder will ensure compliance with the environmental and ecological requirements of this Ordinance and mitigate the environmental and ecological impact of the operation of the commercial solar energy conversion system. The environmental and ecological mitigation and compliance plan must address water resources, air quality, wildlife, floodplains, wetlands, unique farmlands or soils, erosion and sediment control, drainage, areas of aesthetic or historic importance, archeological or cultural concerns, utilities and infrastructure, noise, glare, light pollution, waste disposal, compliance with the requirements of Part 31 - Water Resources Protection, of the Natural Resources and Environmental Protection Act, Part 91 - Soil Erosion and

Sedimentation Control, Part 301 - Inland Lakes and Streams, Part 303 - Wetlands, Part 365 - Endangered Species Protection, and any other relevant factors and regulations.

Section 7. Amendment of Paragraph C(16). Paragraph C(16) of Section 5 “Permit Application” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

16. Copies of any agreements or permits required by the Montcalm County Road Commission and the Michigan Department of Transportation regarding the transportation of materials to and from the commercial solar energy conversion site.

Section 8. Amendment of Subsection B. Subsection B of Section 7 “Modification and Revocation” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

- B. Following notice of the violation and a reasonable opportunity to cure not to exceed 90 calendar days, the Township Board may revoke a Township permit for any of the following reasons:
 1. Violation of this Ordinance or a term of the Township permit.
 2. Fraud or misrepresentation in the Township permit application.
 3. Failure to maintain decommissioning financial security as required by Section 10.
 4. Failure to maintain insurance as required by Section 11.

Section 9. Amendment of Subsection B. Subsection B of Section 8 “Commercial Solar Energy Conversion System Requirements” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

- B. The construction and operation of commercial solar energy conversion systems on property enrolled in the Farmland and Open Space Preservation Program under Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1994 (MCL 324. 36101 et seq.), is only permitted when no more than 40% of the lot enrolled in the Farmland and Open Space Preservation Program is utilized for the operation of a commercial solar energy conversion system. The utilization percentage will be calculated using the area of the lot within the required perimeter fencing.

Section 10. Amendment of Subsection K. Subsection K of Section 8 “Commercial Solar Energy Conversion System Requirements” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

- K. The noise pressure level generated by the operation of a commercial solar energy conversion system must not exceed 45 dBA L90 as measured at the parcel line of adjacent non-participating parcels.

Section 11. Amendment of Subsection L. Subsection L of Section 8 “Commercial Solar Energy Conversion System Requirements” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

- L. The noise pressure level generated by the operation of a commercial solar energy conversion system must not exceed 45 dBA L90 as measured within five feet of residential dwellings occupied or legally permitted to be occupied on participating parcels as of the date of the Township permit approval.

Section 12. Amendment of Subsection M. Subsection M of Section 8 “Commercial Solar Energy Conversion System Requirements” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

- M. The noise pressure level generated by the operation of a commercial solar energy conversion system must not exceed 45 dBA L90 as measured at the perimeter of adjacent public rights-of-way.

Section 13. Amendment of Subsection N. Subsection N of Section 8 “Commercial Solar Energy Conversion System Requirements” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

- N. To the extent feasible, unless otherwise required by the State of Michigan or federal agency having jurisdiction, all wires, conduits, and cables connecting the solar panels, transformers, inverters, and all collection lines must be located underground.

Section 14. Amendment of Subsection R. Subsection R of Section 8 “Commercial Solar Energy Conversion System Requirements” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

- R. Excluding areas being actively farmed for harvestable crops, the site comprising the commercial solar energy conversion system and required setbacks must be designed, planted, and maintained to achieve an overall score of at least 76 on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites, as amended. Any plantable portion of the commercial solar energy conversion system site that is not being actively farmed for harvestable crops or included in pollinator plantings must be maintained in accordance with United States Department of Agriculture - Natural Resource Conservation Service Conservation Cover Standard 327, as amended.

Section 15. Enactment of Subsection U. Subsection U of Section 8 “Commercial Solar Energy Conversion System Requirements” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby enacted and reads in its entirety as follows:

- U. The operation of construction equipment and construction vehicles during the construction or decommissioning of a commercial solar energy system is prohibited between the hours of 6 p.m. and 6 a.m.

Section 16. Amendment of Subsection A. Subsection A of Section 14 “Enforcement” of Ordinance No. 071123-1 entitled “Bushnell Township Commercial Solar Energy Conversion Systems Ordinance” is hereby amended and reads in its entirety as follows:

- A. The Montcalm County Sherriff’s Department, the Michigan State Police, the Township Ordinance Enforcement Officer, and any other individual or entity designated by resolution of the Township Board are designated as authorized officials and are authorized to issue municipal civil infraction citations and to take all other action necessary to enforce this Ordinance.

Section 17. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing Township ordinances except as otherwise stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with federal law or any law of the State of Michigan.

Section 18. Savings Clause.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void or render inoperable any other part or portion of this Ordinance.

Section 19. Effective Date.

This Ordinance is effective upon the expiration of the 30th day following its publication in the manner required by law.

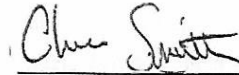
The vote regarding the adoption of this Ordinance was as follows:

AYES: M.Fitzgerald, P.Draper, K.Bliss, L.Belyou, C.Smith

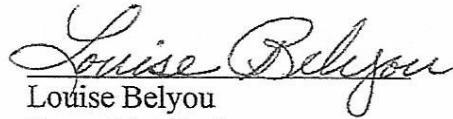
NAYS: none

ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED.



Chris Smith
Township Supervisor

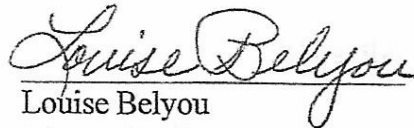


Louise Belyou
Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Bushnell Township Board at the date, time, and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,



Louise Belyou
Township Clerk

Adopted: September 12, 2023
Published:
Effective: