

Treasurer's Report reflects bank account balances

Treasurer's Report

MARCH 2022

Account #	Description	Bank	Balance	Est. Monthly Int	PAID INTEREST
#101 General Fund		General Fund Huntington	\$ 1,171,836.48		
#203 Metro Authority		Huntington Bank	\$ 52,369.44		
#206 Fire Fund		Huntington Bank	\$ 1,190,804.00		
#207 Police		Huntington Bank	\$ 468.64		
#590 Sewer CD Mat May 2018		Sewer Huntington	\$ 439,047.82		
#591 Timberlee H20		Huntington Bank	\$ 413,009.59		
#592 Greilickville H20		Huntington Bank	\$ 133,983.51		
#594 Marina		Marina Huntington	\$ 1,191,191.31		
#701 Trust & Agency		Huntington Bank	\$ 2,250.49		
#703 Current Tax		Huntington Bank	\$ 14,472.83		
#815 E. Timberwoods		Huntington Bank	\$ 5,875.76		
#816 GSAD Receivable		Savings Huntington	\$ 6,822.09		
#817 SBlue & Old Orch		Huntington Bank	\$ 4,380.28		
#818 Old Orchard		Huntington Bank	\$ 7,297.05		
#820 Maintenance E.R. Rds		Huntington Bank	\$ 4,411.61		
#821 Maintenance S.B. Rds		Huntington Bank	\$ 7,335.12		
#861 Boyview Estates Lights		Huntington Bank	\$ 2,485.47		
TOTAL			\$ 4,648,041.49		

TOTAL \$ 4,648,041.49

INVESTMENT ACCOUNTS CD'S

PURCHASED AMOUNT

PRIOR MONTH VALUE

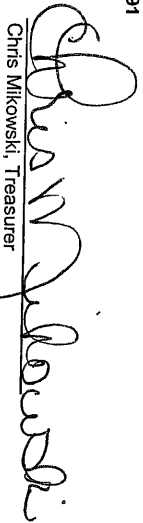
CURRENT VALUE

EST MONTHLY INT

PAID INTEREST

#101 Goldman Sachs	\$ 200,000.00		\$ 199,032.62	-\$ 2,967.38	
#101 SYNCHRONY BK	\$ 202,000.00		\$ 202,375.49	\$ 4.66	\$ 4.66
#101 FIDELITY GOV MMKT DAILY		\$ 202,370.83	\$ 202,375.49		
#590 Ally Bank	\$ 250,000.00		\$ 251,447.50	\$ 1,447.50	
#590 Morgan Stanley	\$ 150,000.00		\$ 151,329.00	\$ 1,329.00	
#590 Flagstar Bank	\$ 250,000.00		\$ 246,870.00	-\$ 3,130.00	
#590 BMW BK	\$ 131,000.00		\$ 129,075.61	-\$ 1,924.39	
BOND INTEREST			\$ 5,789.59	\$ 5,789.72	\$ 0.13
#594 Dreyfus MMKT	\$ 150,000.00		\$ 246,827.50	-\$ 3,172.50	
#594 UBS Bank	\$ 250,000.00		\$ 157,607.98	\$ 56.71	\$ 56.71
BOND INTEREST			\$ 157,551.27		
TOTAL			\$ 1,590,355.42	-\$ 8,356.27	\$ 61.50
GRAND TOTAL			\$ 6,238,396.91		

Connie M. Preston, Clerk


Chris Milkowski, Treasurer

To: Elmwood Township Board

From: Sarah Clarren, Planner/Zoning Administrator

RE: March 2022 Planning and Zoning Report

PERMITS:	3/2022	3/2021	YTD 2022	YTD 2021
Single Family Dwelling	3	2	5	4
Attached SFD	0		0	
Accessory Building	1	3	1	6
AG Building	0		0	
Residential Addition	1		2	
Deck	0	1	1	2
Sign	0		0	
Commercial	2		2	
Misc.	1	1	1	1
Total Permit	8	7	12	13
Fees Collected	\$369.68	\$414.64	\$711.32	\$697.04

Zoning Board of Appeals:

Past Meeting – March 2, 2022 – Extension Request – ZBA 2021-01 Request by TCWC Holding Company LLC at 9440 S Center Hwy, Parcel #45-004-008-010-40 for a 10-foot height variance to construct a 45-foot-high portion of the building for equipment used in distillation in the Agricultural-Rural Zoning District. Granted.

Future Meeting – April 6, 2022 – Interpretation request - Request by Megan Mertaugh-Graber and Kermit Graber for an interpretation of Section 5.4 of the Zoning Ordinance, specifically regarding whether “Livestock and poultry on 4 or more acres in a fenced enclosure” as allowed by the Township’s Ordinance may be split amongst separate adjoining parcels in regards to the minimum acreage requirement.

Planning Commission:

Past Meeting – March 8th

- SPR 2022-01, Kaiser Building, Motel, 13356 S West-Bay Shore Drive – Granted
- Workshop Discussion – Date and Agenda Items – tentative date of 5/5
- Extension Request – SUP/SPR 2021-06 TC Whiskey Distillery Tasting Room 9440 S. Center Hwy. Granted.

Future Meeting

- April 19th – agenda TBD

Office Updates:

- Submitted Waterways Grant application for Marina Phase 3b (Boater’s Bath Construction)
- Continues with Parks & Rec on 5-year update to the Parks & Rec Plan – next meeting 4/13/2022
- ZA obtained MSU Zoning Administrator Certificate
- STRs. As of 3/31, please note the following:
 - A total of 79 licenses have been issued to complete applications;
 - 3 applications are missing item(s);
 - (1) application has been withdrawn;
 - (1) application did not meet the definition of an STR.

CHARTER TOWNSHIP OF ELMWOOD
Park and Recreation Committee
Regular Meeting Minutes for March 9, 2022

- A. **Call to Order:** Chairman Kyle Trevas called the meeting to order @ 6:04 PM @ TWP Hall.
- B. **Roll Call:** Committee members present were Kyle Trevas, Noel Flohe, & Board member Deborah Allen (quorum met). Not present were Ed Basile and Fernando Meza. Others present were TWP Planner, Sarah Clarren and Supervisor Jeff Shaw.
- C. **Public Comment:** None.
- D. **Agenda Modifications/Approval:** Moved by Noel, second by Deborah to approve the agenda as presented—U.
- E. **Minutes:** Moved by Noel, second by Deborah to approve the minutes for February 9, 2022 regular meeting as printed—U.
- F. **New Business:** None.
- G. **Old Business:** 1. **Discussion on Parks and Recreation Plan:**
- i. **Continued discussion on outreach:** It was learned that Marcia Smith and John Noonan are no longer on the “Discovery Pier Project”, but the *DISCOVERY Center & Pier* flyer well outlines their project’s background, description, outreach, and \$3 million plan for an October 2022 ground breaking for summer readiness in 2023.

On the waterfront, much has been accomplished since the TWP Plan was Filed in 2018, eg. fish cleaning station, new harbor master quarters, walkways, curb and parking designs. Funds have been approved for another construction phase in summer of 2022.

TART trail parking remains a challenge as both the Leelanau County Commission and Sherriff Departments have safety concerns about Road side parking.
 - ii. **Continued discussion on survey:** The Committee discussed at length the development of a survey for public input—which questions to keep, which to delete, and new ones to add.
 - iii. **Goals for next meeting:** The Committee should be prepared to finalize the survey format.

H. Comments from Committee Members and/or Staff: Planner, Sarah is satisfied with the Committee's progress so far...all is going great. Jeff said that \$68K of Covid funds have been approved for the Cherry Bend Park's old pavillion building—this is the 1st use of these funds by the TWP for summer 2022 completion. More is likely to be used for the TWP Hall expansion project also in 2022.

I. Public Comment: None.

J. Adjourn: Kyle moved, seconded by Deborah to adjourn @ 7:27 PM.

Submitted by Noel Flohe, Parks & Rec. Committee acting secretary.

**CHARTER TOWNSHIP OF ELMWOOD
REGULAR BOARD MEETING
MARCH 14, 2022
IN THE TOWNSHIP HALL**

Call to Order:

Supervisor Shaw called the meeting to order at 6:00 p.m.

Pledge of Allegiance:

Supervisor Shaw led the Pledge of Allegiance.

Roll Call:

Present: Jeff Shaw, Connie Preston, Jim O'Rourke, Chris Mikowski, Deborah Allen, Dave Darga and Terry Lautner

Excused: None

Declaration of Conflict of Interest:

None

Public Comment

Rod Jones
Sue Jones

Consent Calendar:

Department Reports:

Treasurer
Planning/Zoning

Committee Reports:

Parks & Rec
1-22-22
2-9-22

Minutes:

1-10-2021

Post Audit Invoices 2-15-21 through 3-10-21

MOTION BY TRUSTEE O'ROURKE, SECONDED BY TRUSTEE ALLEN TO APPROVE THE CONSENT CALENDAR AS PRESENTED. The motion passed unanimously by a voice vote.

Agenda Approval

MOTION BY TRUSTEE ALLEN, SECONDED BY TRUSTEE LAUTNER TO APPROVE THE AGENDA AS PRESENTED. The motion passed unanimously by a voice vote.

Supervisor Remarks

Supervisor Shaw submitted a written report.

Trustee Remarks

Trustee Lautner mentioned that he stopped on his way here to watch a bald eagle. Trustee O'Rourke commented on the professionalism of assessor Barbara Jones.

Engineer's Report

Engineer Ken Schwerdt stated that they have been working on the Brewery Creek parking and should have layouts in front of us next month.

Other Officer Remarks

Chief Tampa updated the Board on department stats and employee statuses. Harbormaster Peter Moon stated that this was the lowest turnover in slip holders that he remembers. He added that Dock A is past its expiration date.

Communications from the Clerk

Clerk Preston explained that Attorney Bryan Graham will have the STR Licensing Ordinance amendment to provide a process for license holders to appeal a license revocation and to reduce the number of permits allowed, ready for the next Board meeting.

OLD BUSINESS

None

NEW BUSINESS

Credit Card/Capital Purchase Policy Updates

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE O'ROURKE TO ADOPT RESOLUTION #1 OF 2022, CAPITAL PURCHASE POLICY. The motion passed by a roll call vote with Mikowksi, Lautner, Allen, O'Rourke, Preston and Shaw voting yes and Darga voting no.

MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE ALLEN TO INCREASE THE CREDIT CARD PER PURCHASE LIMIT TO \$3000.00. The motion passed by a roll call vote with Mikowksi, Lautner, Allen, O'Rourke, Preston and Shaw voting yes and Darga voting no.

Introduction of Fee Ordinance

MOTION BY TRUSTEE ALLEN, SECONDED BY TRUSTEE DARGA TO INTRODUCE THE FEE ORDINANCE FOR CONSIDERATION AT THE NEXT BOARD MEETING. The motion passed unanimously by a roll call vote.

Planning Commission Request for Clarification/STR Overlay

The Board discussed the effect of reducing the number of STR licenses available and felt that would help keep the number of rentals in the neighborhoods at a low number.

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE ALLEN TO TABLE THE ISSUE UNTIL WE HAVE THE ATTORNEY UPDATES AND LOOK AT IT AS A WHOLE. The motion passed unanimously by a voice vote.

Introduction of ZO Amendment/Setbacks and Special Use Standards

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE DARGA TO ACCEPT THE INTRODUCTION OF THE SETBACK AND SPECIAL USE STANDARDS AMENDMENT AND PUBLISH FOR CONSIDERATION AT THE APRIL 11, 2022 BOARD MEETING. The motion passed by a roll call vote with Preston, Darga, O'Rourke, Allen, Mikowski, and Shaw voting yes and Lautner voting no.

Sea Wall Repair at GHP

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE O'ROURKE TO ACCEPT THE MOLON PROPOSAL WITH A NOT TO EXCEED OF \$15,000.00. The motion passed unanimously by a voice vote.

TTCI Membership Fee

MOTION BY TRUSTEE ALLEN, SECONDED BY CLERK PRESTON TO APPROVE THE \$1000.00 EXPENDITURE FOR THE 2022 TTCI DUES. The motion passed by a roll call vote with Preston, Darga, Shaw, Allen, and Mikowski, voting yes and O'Rourke and Lautner voting no.

Drinking Fountains/Replacement Options

MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE ALLEN TO BUY AT LEAST 5 SINGLE, REFRIGERATED DRINKING FOUNTAINS. Motion passed unanimously by a voice vote.

PAYMENT OF INVOICES

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE O'ROURKE TO PAY THE INVOICES IN THE AMOUNT OF \$98,268.60. The motion passed unanimously by a voice vote.

PUBLIC COMMENT

None

Adjournment

Supervisor Shaw adjourned the meeting at 7:17 p.m.

DRAFT

Check Register Report

Date: 04/05/2022

Time: 3:56 pm

Page: 1

ELMWOOD TOWNSHIP

BANK:

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
Checks								
36341	03/24/2022	Reconciled		04/04/2022	A050	ACCIDENT FUND OF MICHIGAN	POLICY WCV 0159551 34 03 90093	10,576.00
36342	03/24/2022	Reconciled		04/04/2022	A127	AT&T MOBILITY	ACCT#287303700094	152.92
36343	03/24/2022	Reconciled		04/04/2022	B111	BLUECROSS BLUESHIELD OF GROUP	007015150710 MI	458.22
36344	03/24/2022	Reconciled		04/04/2022	C029	CHARTER COMMUNICATIONS	ACCT#8245 12 895 0008281	519.77
36345	03/24/2022	Reconciled		04/04/2022	C010	CHERRYLAND ELECTRIC COOR	ACCT#9823810	79.83
36346	03/24/2022	Reconciled		04/04/2022	C040	CONSUMERS ENERGY	ACCT#1000 2914 1304	5,672.68
36347	03/24/2022	Reconciled		04/04/2022	M020	DTE ENERGY	ACCT#9100 218 4472 5	1,469.81
36348	03/24/2022	Reconciled		04/04/2022	E013	ELEVATE NET	MARINA PHONE	149.97
36349	03/24/2022	Printed			G425	GUARDIAN	GROUP ID 00 357534	479.82
36350	03/24/2022	Printed			L016	LEELANAU CONSERVATION DISTRICT	PERMIT/GHP SEAWALL REPAIR	100.00
36351	03/24/2022	Reconciled		04/04/2022	P043	PRIORITY HEALTH	GROUP ID 790105 S001	5,230.85
36352	03/24/2022	Printed			V023	VSP	CLIENT ID 30031936	297.59

Total Checks: 12 **Checks Total (excluding void checks): 25,187.46**

Total Payments: 12 **Bank Total (excluding void checks): 25,187.46**

Total Payments: 12 **Grand Total (excluding void checks): 25,187.46**

Supervisor's Report

April 11, 2022

1. The Township is hosting a meeting of Timberlee water users on April 20, 2022. Myself, the Township Engineers, Jamie Wade from EGLE and John Divozzo of the Grand Traverse County Department of Public Works will be in attendance. EGLE's requirements for upgrading the Timberlee water system will be the only thing on the agenda.
2. The Public Safety Committee will be meeting April 21, 2022 to discuss this year's upcoming fire millage.
3. The personnel committee met April 1, 2022 to discuss wages for Marina and Grounds Crew employees.
4. Remodeling of the Cherry Bend Park Pavillion has begun!
5. Most of our grounds crew will be back again this year. We are so fortunate to have such a great team. We do need a couple more strong backs to help keep our parks looking so great.
6. I'm working on getting contact information for all the stake holders involved in the Greilickville Corridor, so I can reconvene the Greilickville Corridor Task Force.

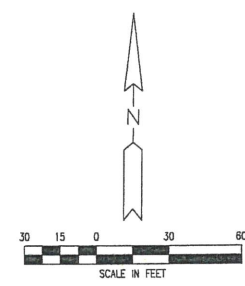
PROJECT MANAGER: CHRIS WILSON
 CIVIL WORKS/DESIGN/CONSTRUCTION/INSPECTION/SITE PLANS/SITE PLAN/CONTRACT ADMINISTRATION
 FIELD BOOK INFORMATION:
 PROJECT: 2/21/2022 11:15 PM BY: BOOCHE, GARY



BREWERY CREEK - CONCEPT LAYOUT #1

SITE DATA TABLE	
11' X 50' SPACES	45
11' X 60' SPACES	20
11' X 67' SPACES	4
TOTAL TRAILER SPACES	69
TOTAL CAR SPACES	13
EXISTING HMA	8,506 SYD
PROPOSED HMA	12,761 SYD
EXISTING PERVIOUS AREA*	2,050 SYD
PROPOSED PERVIOUS AREA	5,000 SYD

*EXISTING PERVIOUS AREA DOES NOT INCLUDE POTENTIAL BUILDING SITE AREAS WITHIN THE CURRENT SITE.



REV#	DATE	DESCRIPTION	BY

10000 East Trimmer Way, Traverse City, MI 49684
 231.947.7000
 waadetrimmer.com

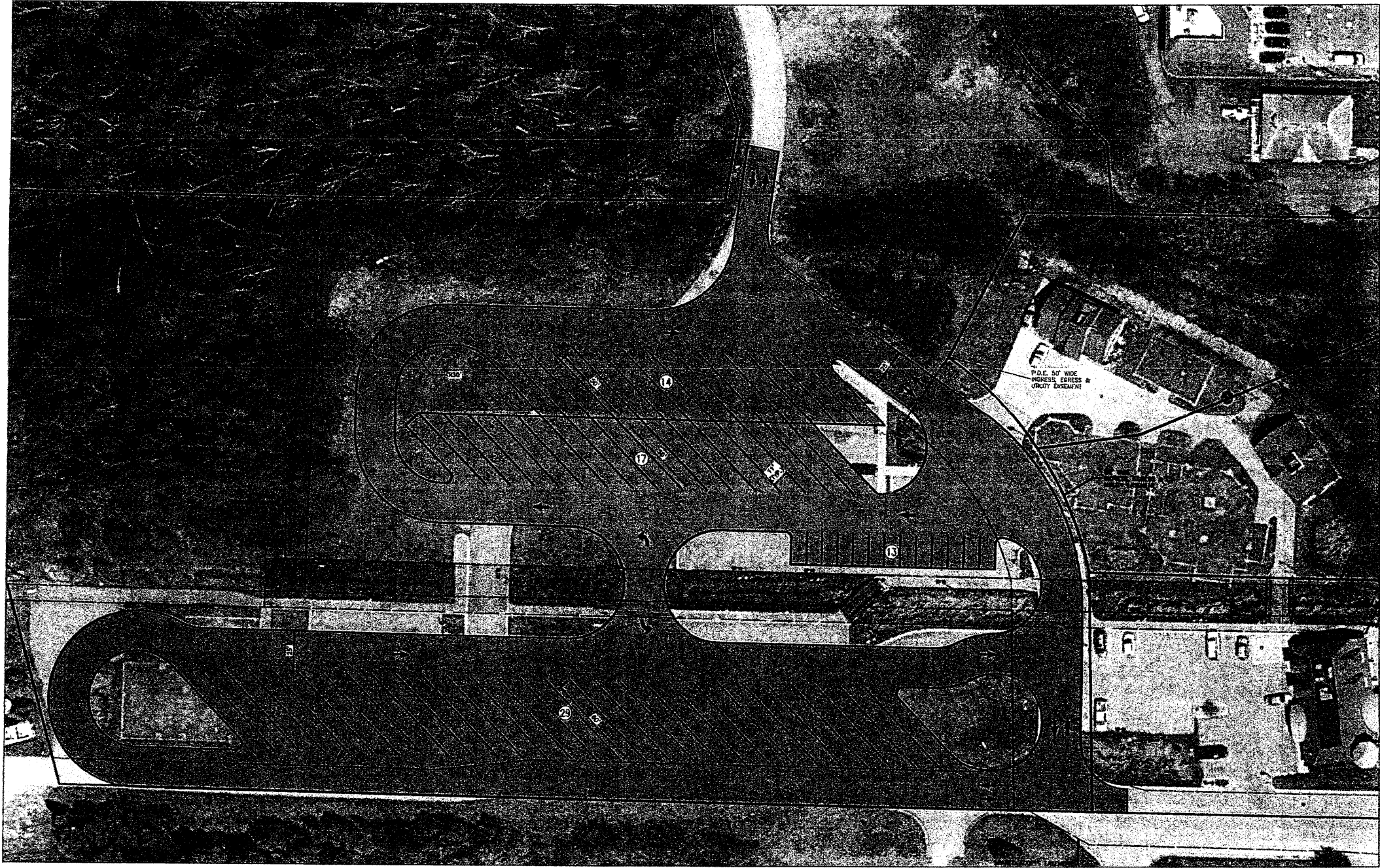
ELMWOOD CHARTER TOWNSHIP
 10090 EAST LINCOLN ROAD
 TRAVERSE CITY, MI 49684
 BREWERY CREEK
 PARKING AND DRAINAGE IMPROVEMENTS
 CONCEPT LAYOUT #1

ISSUED FOR: DATE: BY:

JOB NO.
ELM2018.01C
 SHEET
C1.0

© Wade Trimmer Group, Inc. ELMWOOD CHARTER TOWNSHIP - BREWERY CREEK PARKING AND DRAINAGE IMPROVEMENTS

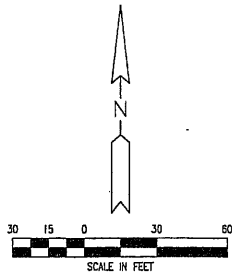
PROJECT MANAGER: KEN SCHWENK, PE
 CIVIL WORK: YORGHANA VITTIROSI, VLS - PLS - SITE
 PLOT DATE: 2/22/2022 1:15 PM BY: BOGART, GARTH



BREWERY CREEK - CONCEPT LAYOUT #2

SITE DATA TABLE	
11' X 50' SPACES	31
11' X 60' SPACES	29
TOTAL TRAILER SPACES	60
TOTAL CAR SPACES	13
EXISTING HMA	8,506 SYD
PROPOSED HMA	12,600 SYD
EXISTING PERVIOUS AREA	2,050 SYD
PROPOSED PERVIOUS AREA	3,890 SYD

*EXISTING PERVIOUS AREA DOES NOT INCLUDE POTENTIAL BUILDING SITE AREAS WITHIN THE CURRENT SITE.



Know what's below.
 Call before you dig.

REV#	DATE	DESCRIPTION	BY



1600 East Truman Highway, Suite 2200
 Traverse City, MI 49684
 231.947.7100
 www.wadetrims.com

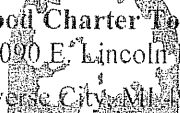
ELMWOOD CHARTER TOWNSHIP
 10090 EAST LINCOLN ROAD
 TRAVERSE CITY, MI 49684
 BREWERY CREEK
 PARKING AND DRAINAGE IMPROVEMENTS
 CONCEPT LAYOUT #2

ISSUED FOR: DATE: BY:

JOB NO. ELM2018.01C

SHEET C1.0

Planning/ Zoning Department
planner@elmwoodtownship.net

Elmwood Charter Township
10090 E. Lincoln Rd.
Traverse City, MI 49684

Contact Information
Ph: (231) 946-0921
Fax: (231) 946-9320

To: Elmwood Township Board

From: Sarah Clarren, Planner/Zoning Administrator

Date: April 5, 2022

RE: ZO 2017-04-12- Setback and Special Use Standards Amendment

Recommended Motion: Motion to adopt Ordinance No. _____ to amend Section 5.4 to include a wetland setback, amend the definition of water's edge, Section 6.1.2 to require parking to drain away from water, and Section 9.3 to re-organize order of items.

This amendment was re-introduced to the Township Board at the March 14, 2020 meeting. At that meeting it was scheduled for a public hearing and consideration for your April meeting. There have been no changes to the text since the last meeting.

CHARTER TOWNSHIP OF ELMWOOD
Leelanau County, Michigan

Ordinance No. 2022-1
ZO 2017-04-12

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE, IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED [MCL 125.3101 ET SEQ.], TO AMEND TABLE 5.6, ARTICLE 2, ARTICLE 6, AND ARTICLE 9.

The Charter Township of Elmwood Ordains:

Section 1: Amendment.

The following sections of the Elmwood Township Zoning Ordinance shall be amended to read as follows:

A. Table 5.6 shall be amended to add a Wetlands Column with a 30 ft setback in all districts.

District	Minimum Lot Requirements (See Note A)		Minimum Setback (ft.) (See Notes A, B, C, G)					Max. Height (ft.) (See Notes D, E)	
	Minimum Area	Width (ft.)	Wetlands	Water's Edge	Front	Sides	Rear		
A-R	1 acre	125	30	30	50	10	25	35	
R1	12,500 sq. ft.	100	30	30	30	10	25	35	
R-2	12,500 sq. ft.	100	30	30	30	10	25	35	
R-3	6,250 sq. ft.	100	30	30	30	10	25	35	
MHP	See Note F								
NC	W/public water or sewer***	20,000 sq. ft.	100	30	30	30	10	25	3 Stories
	W/out public water or sewer***	40,000 sq. ft. minimum	100	30	30	30	10	25	3 Stories
GC	12,500 sq. ft.	100	30	30*	30*	10	20	3 Stories	
LI	20,000 sq. ft.	100	30	30*	30*	10**	20	3 Stories	
SC	12,500 sq. ft.	100	30	30*	30*	10	30	35	
RR	Single Family Dwelling	5 acre	235	30	30	50	10	25	35
MC		12,500 sq ft	100	30	30	30	10	20	35

Note G: Wetlands. Section 324.30305 of NREPA lists exemptions not subject to wetlands protection regulations. Elmwood Township shall not impose wetland setbacks on said exemptions. The applicant has the burden of proof for providing evidence of any exemption(s).

B. Article 2 Water's Edge definition shall be amended to read:

Water's Edge, also Waterfront. The ordinary high water mark or where an ordinary high water mark has not been established, the line between the upland and bottomland which persists through successive changes in water levels, below which the presence of action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. For a stream, river or creek, the top of the bank of the channel. In the case of the presence of bluff, the shoreline setback shall be measured from the edge of the bluff.

C. Article 6 shall be amendment to add Section 6.1.2 B. 6:

Section 6.1.2

B. 6. Every parking lot or parking area shall be so constructed that no surface water shall shed into or towards such body of water unless such surface water is first treated or filtered to remove any silt, grease or oil, salt or other matter which would deteriorate the water quality of said body of water. Snow removal from parking lot or parking area shall not be stored within the water edge setback unless contained to the parking area.

D. Section 9.3 B shall be removed in its entirety and Section 9.3 #9 shall be amended to read as follows:

9. The following specific requirements shall be met to the extent applicable to the proposed special land use:

- a. Ingress and egress for the special land use shall be controlled to ensure maximum vehicular and pedestrian safety, convenience, and minimum traffic impact on adjacent roads and highways, drives, and nearby uses including, but not limited to:
 - i. Minimization of the number of ingress and egress points through elimination, minimization, and consolidation of drives and curb cuts;
 - ii. Proximity and relation of driveway to intersections;
 - iii. Minimization of pedestrian and vehicular traffic conflicts;
 - iv. Adequacy of sight distances between road and driveway intersections as specified in Section 6.2, Access Management.
 - v. Location and accessibility of off-street parking, loading, and unloading for automotive vehicles, including buses and trucks;
 - vi. Location and potential use of ingress and egress drives to access special land use parcels for the purpose of possibly reducing the number of access points necessary to serve the parcels.
 - vii. Adequate maneuverability and circulation for emergency vehicles.
- b. Screening shall be provided along all sides and rear property lines by a buffer area, and along the front property line by a greenbelt in accordance with Section 6.4, unless it can be demonstrated that the proposed special land use can be adequately

controlled through some other means, such as restrictions on the hours of operation, or reducing the impact by the type and level of activity to be conducted on the site.

Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days following publication.

TO: Elmwood Township Board
FROM: Clerk Connie Preston
SUBJECT: Fee Ordinance
DATE: April 5, 2022

Attached is the Ordinance to Establish Township Fees that was introduced at our March meeting. It was published in the Leelanau Enterprise on March 24 for consideration at this meeting. After approval of the ordinance, the Fee Resolution must also be adopted in order to be able to collect any fees for services. This must occur together. If changes need to be made to Exhibit A of the resolution, they need to be resolved at this meeting and the changes noted on the Exhibit.

The fees for the special meetings are to cover the direct cost of those meetings.

The fees for the hall rental have not been updated in 20 years.

The fee for land combinations was recommended by Assessor Barbara Jones because they are similar in the time needed to process land divisions.

ELMWOOD CHARTER TOWNSHIP FEE ORDINANCE
Ordinance No. 2022-2

AN ORDINANCE TO ESTABLISH TOWNSHIP FEES

THE CHARTER TOWNSHIP OF ELMWOOD ORDAINS:

Section 1. Legislative Findings.

The Elmwood Charter Township Board hereby finds that Section 15 of the Charter Township Act, MCL 42.15, provides that the township board of any charter township may by ordinance provide for reasonable fees that the board considers necessary and proper. The Elmwood Charter Township Board, however, finds there is often a need to add fees and change the amount of those fees as circumstances may dictate. The Board further finds that establishing reasonable fees by resolution is a more cost-effective method of updating the necessary fees. Therefore, the Board finds that this Ordinance is intended to comply with the ordinance requirement of Section 15 of the Charter Township Act, while at the same time providing the Board flexibility in establishing the necessary fees by resolution.

Section 2. Establishment of Necessary Fees.

The Elmwood Charter Township Board is hereby authorized to establish and update from time to time by resolution reasonable fees that the Board considers necessary and proper in connection with processing zoning and nonzoning applications, holding public hearings, and providing various township services.

Section 3. Repeal.

The Elmwood Charter Township Ordinance 96-121, entitled Fees for Processing Zoning and Land Use Requests is hereby repealed in its entirety.

Section 4. Effective Date.

This Ordinance shall become effective the day following its publication by the Township as required by Section 8 of the Charter Township Act, MCL 42.8.

Ordinance No. ____ was adopted on the ____ day of _____, 2022,
by the Elmwood Charter Township Board as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

Connie M. Preston, Clerk

Jeff Shaw, Supervisor

I certify that this is a true copy of Ordinance No. _____ that was adopted at a regular meeting of the Elmwood Charter Township Board on _____, 2022 and published in the *Traverse City Record Eagle* on _____, 2022.

Dated: _____

Connie M. Preston, Clerk

ELMWOOD CHARTER TOWNSHIP FEE RESOLUTION
Resolution No. 3 of 2022

At a regular meeting of the Elmwood Charter Township Board held in the Township Hall located at 10090 E. Lincoln Rd., Traverse City, Michigan on April 11, 2022.

PRESENT:

ABSENT:

The following resolution was made by _____ and seconded by _____, to-wit:

Recitals

- A. The Elmwood Charter Township Fee Ordinance, being Ordinance No. 2022-2, authorized the Township Board to establish and update from time to time by resolution reasonable fees that the Board considers necessary and proper in connection with processing zoning and non-zoning applications, holding public hearings, and providing various township services.
- B. The Elmwood Charter Township Board hereby desires to exercise its authority under the Elmwood Charter Township Fee Ordinance to establish reasonable fees that the Board considers necessary and proper in connection with processing zoning and non-zoning applications, holding public hearings, and providing various township services by the adoption of this Resolution.

Resolution

NOW, THEREFORE, BE IT RESOLVED that the Elmwood Charter Township Board hereby establishes the following reasonable fees in connection with processing zoning and non-zoning applications, holding public hearings, and providing various township services, as fully stated in Exhibit A, attached hereto and incorporated herein by reference.

YES:

NO:

RESOLUTION DECLARED ADOPTED.

ELMWOOD CHARTER TOWNSHIP

By: _____
Jeff Shaw, Supervisor

I, the undersigned, the Clerk of the Charter Township of Elmwood, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Elmwood Charter Township Board at its regular meeting held on _____, 2022 relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act.

Dated: _____

Connie M. Preston, Clerk

EXHIBIT A
ELMWOOD TOWNSHIP FEE SCHEDULE

LAND USE PERMITS

New Residential Structures	\$.04/sf or \$100 minimum
Accessory Residential/Agricultural Structures	\$.03/sf or \$50 minimum
Commercial/Industrial Structures	\$250 for 1 st 1000 sq. feet + \$25 per additional 1000 sq. feet
Change of Use	\$150 for 1 st 1000 sq. feet + \$25 per additional 1000 sq. feet
After-the-Fact Land Use Permit	DOUBLE FEE

SIGN PERMITS

All Signs	\$50
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TEMPORARY PERMITS

Carnival, Circus, Fair, or Similar Use	\$100
Other Township Approved Temporary Uses	\$100

LAND DIVISION/COMBINATIONS

1-2 splits (3 total parcels)	\$250
Each additional split	\$50
Combinations	\$250

MISC APPLICATIONS

Private Road	\$300
Bed & Breakfast/Bed & Breakfast Inn	\$500
Conceptual Review before PC	\$100
Site Plan Review	\$775
Amendment to Site Plan Review (minor) Or Special Use Permit (minor)	\$100
Major Amendment to Site Plan Review	\$775
Special Use/Amendment to Special Use	\$875
Master Plan Amendment	\$1200
Text Amendment	\$1000
Rezoning	\$875
Subdivision, Site Condo	\$1000
Planned Development	\$1000
ZBA Application	\$650
Completeness Review After 2 Reviews	\$100
Parking Lot	\$.02/sq ft or \$20 minimum

MISC FEES

Returned Check Fee	\$15
Hall Rental Weekdays	\$50
Hall Rental Evenings and Weekends	\$100
Zoning Ordinance Copy	\$25
Master Plan Copy	\$25
Copies per Page	\$.25

SPECIAL MEETING FEES

Special Board Meeting	\$500/\$575 if Publication is required
Planning Commission	\$800
ZBA Meeting	\$600

Hall Rental/business hours 35
Nights/Weekends 75

Current

ELMWOOD TOWNSHIP FEE SCHEDULE

FEE TYPE	MINIMUM FEE AMOUNT	BASE RATE	RESOLUTION #
<u>LAND USE PERMITS</u>			
New residential structures	\$40	.04/sq foot	96-121
Accessory Residential/Agricultural Structures	\$30	.03/sq foot	96-121
⇒ Commercial/Industrial Structures	\$40	.04/sq foot	96-121
Change of Use	\$30	.03/sq foot	96-121
Mobile Home Replacement	\$30	.03/sq foot	96-121
Parking Lots	\$20	.02/sq foot	96-121
After-the-Fact Land Use Permit	DOUBLE FEE	DOUBLE FEE	96-121
<u>SIGN PERMITS</u>			
On-Premise Signs	\$35 per sign/sign structure		96-121
Addition to Multiple Business Signs	\$30 per addition		96-121
Off-Premise Directional Signs	\$40 per sign/sign structure		96-121
<u>BED AND BREAKFAST PERMITS</u>			
	\$0	.03/sq foot	96-121
<u>TEMPORARY PERMITS</u>			
Carnival, Circus, Fair, or Similar Use	\$100		96-121
Other Township Approved Temporary Uses	\$100		96-121
<u>LAND DIVISION APPLICATIONS</u>			
	\$250 for 1-2 splits (3 total parcels)		2006-36
	\$50 per each additional split (more than 2)		2006-36

For Comparison

Application Costs as of 4/1/2022

Twp	Land Use Permits							Sign Permits			Other		Board / Committee Applications										
	Single-Family Dwelling	Accessory / Ag Structure	Commercial / Industrial Structure	Change of Use	Mobile Home Replacement	Parking Lots	After-the-Fact	on site	Addition to multiple business signs	off-premise dir. sign	Private Rd	B & B	Conceptual Review	Site Plan Review	Amendment to SPR	Special Use	Master Plan Amend	Text amendment	Rezoning	Subdivision / Site Condo	ZBA App	PD Review	Completeness Review (after first 2)
Leland Twp Last rev. 2007	\$ 50	\$40 / \$50	\$ 100	NS	NS	NS	x2	\$20; annual inspection \$10		\$ 200	NS	NS	\$ 300	NS	\$ 300	NS	NS	\$ 300	\$ 1,000	\$ 300	\$ 1,000	NS	
Leelanau Twp Last rev. 2010	\$0.10 x 1sq ft		NS	NS	NS	NS	NS	\$	25	\$ 350	NS	NS	\$ 350	\$350 major \$250 minor	\$350 / \$350 amendment	NS	\$ 350	\$ 350	\$ 1,000	\$ 750	\$ 1,000	NS	
Glen Arbor Twp Last rev. 2013	\$100 (+\$40 for garage)	\$ 50	250 (\$350 if over 3500 sqft)		NS	NS	x2	\$	50	\$ 750	NS	NS	\$ 750	NS	\$ 750	NS	\$ 500	\$ 500	\$ 750	\$ 500	\$ 750	NS	
Twp, Centerville Last rev. 5/14/14	>1500sqft = \$75; 1500-2500sqft = \$100; 2500sqft+ = \$150	>1500sqft = \$50; 1500-2500sqft = \$75; 2500sqft+ = \$100	\$150; >3500sq ft = \$250		NS	NS	x2	\$	50	\$ 750	NS	NS	Minor = \$250; Major = \$750	NS	Minor = \$250; Major = \$750	NS	NS	\$ 300	\$ 750	\$ 300	\$ 750	NS	
Suttons Bay Twp Last rev. 9/2017	\$ 100	\$30 for <250sq ft / \$50 for >250	\$ 200	NS	NS	NS	NS	\$	35	\$ 200	\$ 100	NS	\$ 300	NS	\$ 500	NS	NS	\$ 300	NS	\$ 300	NS	NS	
Village of Empire Last rev. 2017	\$100 (+40 for garage)	\$50 ; over 2000sqft = \$100 / Ag= \$50 + affidavit	250 (\$350 if over 3500 sqft)		NS	NS	x2	\$	50	\$ 750	NS	NS	\$ 750	NS	\$ 750	NS	\$ 500	\$ 500	\$ 750	\$ 500	\$ 750	NS	
Kasson Twp Last rev. 2019	\$75 for LUP and \$20 for amendment							\$	40	\$ 100	NS	NS	\$ 650	Major = \$650 / Minor = \$200	\$ 650	NS	NS	\$ 1,000	NS	\$ 625	\$ 2,000	NS	
Solon Twp Last rev. 2/2019	\$40 for zoning permit (note: they have Building Dpt which includes certain fees)						NS	NS	NS	NS	NS	NS	NS	\$ 600	NS	\$ 600	NS	NS	\$ 600	\$ 600	\$ 450	\$ 600	NS
Bingham Twp Last rev. 11/18/19	\$ 200	>1250 sq - \$75; more = \$150	\$500 / unit	\$ 150	NS	NS	x2	\$	50	\$ 200	NS	\$ 400	Minor - \$600 / Major \$1400; additional meetings - \$300/\$700	NS	NS	NS	\$ 600	\$ 600	\$ 1,400	\$ 600	NS	NS	

NS = Not Specified

Twp	Land Use Permits							Sign Permits			Other		Board / Committee Applications										
	Single-Family Dwelling	Accessory / Ag Structure	Commercial / Industrial Structure	Change of Use	Mobile Home Replacement	Parking Lots	After-the-Fact	on site	Addition to multiple business signs	off-premise dir. sign	Private Rd	B & B	Conceptual Review	Site Plan Review	Amendment to SPR	Special Use	Master Plan Amend	Text amendment	Rezoning	Subdivision / Site Condo	ZBA App	PD Review	Completeness Review (after first 2)
East Bay Twp Last rev. 2/2020	\$ 50	\$ 30	.001x\$1000 (min \$50, max \$200)	NS	NS	NS	x2	\$ 100	NS	\$ 500	\$ 350	NS	\$ 400	NS	Res - 250 / multi fam/comm. - 800	\$ 1,000	\$ 1,000	\$ 1,000	\$ 800	res - 50 / multi/comm - 1000	\$ 800	NS	
Village of Northport Fees for 2021-2022	\$ 50	Ag not ref. ; \$40 acc	\$ 100	NS	NS	NS	NS	\$ 30		\$ 200	NS	NS	\$ 200	NS	\$ 200	NS	NS	NS	\$500 + \$20/unit	\$ 300	\$500 + \$20/dwelling unit	NS	
Village of Suttons Bay Last rev. 2021	\$ 50	\$ 50	\$ 100	NS	NS	NS	x2	\$ 50		NS	NS	\$ 100	\$ 500	\$ 250	\$1000 / amendment \$500	\$ 2,500	\$ 1,000	\$ 1,000	\$ 1,000	\$ 500	\$ 1,000	NS	
Peninsula Twp Last rev. 2/2021	\$ 200	add. = \$150; acc = \$100	\$250/1st 1000sf + \$25/additional 1000sf	NS	NS	NS	1st off = fee*4; 2nd = fee*4*2; 3rd = fee*4*3	\$ 75		\$ 500	NS	\$ 200	NS	NS	\$ 500	NS	NS	NS	<6acres-\$730; 6-40 Acres-\$920; 41-100 acres-\$1,280; 100+acre \$1,550	area fee x 1.5	\$ 1,000	area fee x 1.5	NS
Acme Twp Last rev. 6/2021	\$ 75	\$ 50	\$2 / 100sqft w/ \$150 min	NS	\$ 75	NS	3x	\$ 50		NS	NS	\$100-\$300	\$ 500	SUP amend - admin=\$150; minor \$300; major \$600	\$500 res / \$800 comm	\$ 1,000	\$ 1,000	\$ 500	\$800. amend = \$600	res = \$275; comm = \$475	\$ 1,000	NS	
Garfield Twp Last rev. 2/2022 (last rev. not posted)	\$ 50	\$ 50	<1000sf = \$50; 1-5000sf = \$100; 5-7500sf = \$150; 75-1000sf = \$200; 10000sf+ = \$250	NS	\$ 50	NS	NS	NS		NS	NS	NS	\$ 400	NS	\$1000; amend - admin \$400; minor \$600; major \$800	\$ 1,200	\$ 1,200	\$ 800	\$1000 + \$30/unit	SF, duplex & acc. = \$400; residential dev. \$ nonres = \$750	\$ 1,000	\$ 150	
CURRENT Elmwood Twp	0.04/sf OR \$40 min	0.03/sf OR \$30min	0.04/sf OR \$40 min	0.03/sf OR \$30min	0.03/sf OR \$30min	0.02/sf OR \$20min	x2	\$35 / sign	\$ 30	\$ 40	\$ 200	0.03/sf	NS	\$ 550	NS	\$ 550	NS	\$ 500	\$ 500	\$ 550	\$ 550	NS	NS
PROPOSED Elmwood Twp	0.04/sf OR \$100 min	0.03/sf OR \$50min	\$250/1st 1000sf + \$25/additional 1000sf	\$150/1st 1000sf + \$25/additional 1000sf	remove; treat as new SFD	0.02/sf OR \$20min	x2	\$50 / sign			\$ 300	\$ 500	\$ 100	\$ 775	SPR/SUIP amend: admin = \$100; major = cost \$775 or \$875)	\$ 875	\$ 1,200	\$ 875	\$ 875	\$ 1,000	\$ 650	\$ 1,000	\$ 100

ELMWOOD CHARTER TOWNSHIP
Ordinance No. ___ of 2022 - 3

AN ORDINANCE TO AMEND THE ELMWOOD CHARTER
TOWNSHIP SHORT TERM RENTAL LICENSING
ORDINANCE

THE CHARTER TOWNSHIP OF ELMWOOD ORDAINS:

Section 1. Amendment of Section 6.A.

Section 6.A of the Elmwood Charter Township Short Term Rental Licensing Ordinance is hereby amended to read in its entirety as follows:

- A. **Parking-** Parking for all vehicles, including trailers, shall only be in parking spaces identified on the site plan included with the application for a short term rental license. No on-street parking shall be permitted in association with a short term rental. Parking shall comply with the requirements set forth in the Elmwood Township Zoning Ordinance.

Section 2. Amendment of Section 6.

Section 6 of the Elmwood Charter Township Short Term Rental Licensing Ordinance is hereby amended to add a new subsection N, which new subsection shall read in its entirety as follows:

- N. **No prior suspensions or revocations-** The owner of property seeking a license for a short term rental under this Ordinance shall not have been the owner of any property within the Township for which a short term rental license has been suspended or revoked by the Township within five (5) years from the date of such suspension or revocation.

Section 3. Amendment of Section 7.B.

Section 7.B of the Elmwood Charter Township Short Term Rental Licensing Ordinance is hereby amended to read in its entirety as follows:

- B. Licenses are not transferrable. When a short term rental property is transferred, as provided under MCL 211.27a(6)(a)-(j), the license will expire upon the transfer of the property. A short term rental property, however, shall not be deemed transferred if it is not a transfer of ownership as provided in MCL 211.27a(7)(a)-(x). Licenses will revert to the Township after they expire and upon the transfer of the short term rental property if there is no short term rental use of the property for 12 consecutive months from the expiration or property transfer. In addition, licenses will revert to the Township after being revoked by the Township pursuant to the requirements of this Ordinance. Any

license that reverts to the Township shall be made available to new applicants based upon those waiting to apply for a license subject to Section 8, Limitations of Number of Licenses, and Section 9, Issuance of License, under this Ordinance.

Section 4. Amendment of Section 8.

Section 8 of the Elmwood Charter Township Short Term Rental Licensing Ordinance is hereby amended to read in its entirety as follows:

Section 8: Limitations on Number of Licenses

The Township hereby authorizes the number of short term rental licenses to be issued at any one time within the Township as established from time to time by resolution of the Township Board.

Section 5. Amendment of Section 9 (Second Paragraph).

The second paragraph of Section 9 of the Elmwood Charter Township Short Term Rental Licensing Ordinance is hereby amended to read in its entirety as follows:

All short term rental licenses shall expire on December 31 of the following calendar year or upon the transfer of a licensed property. A short term rental license shall also expire upon revocation as provided under Section 9A, Suspension and Revocation of License. The owner of the short term rental shall re-apply for the next calendar year at any point between October 1 and October 31. All licenses, if eligible, will be issued by December 31 when re-applied for by October 31. Any owner that does not submit a renewal application by October 31 will be required to file a new application and will be placed on the wait list should licenses not be available.

Section 6. Amendment of Ordinance.

The Elmwood Charter Township Short Term Rental Licensing Ordinance is hereby amended to add a new Section 9A, which shall read in its entirety as follows:

Section 9A. Suspension and Revocation of License

- A. Public Hearing notice. If the Township Office of Planning & Zoning has reason to believe the application material on which a license was issued contained false, incorrect, or misleading information and/or statements; that the short term rental no longer complies with the standards for approval of a new license; and/or the short term rental is in violation of the regulations in this Ordinance, and enforcement under Section 10 of this Ordinance is determined by the Township Office of Planning & Zoning to be ineffective, the Township Office of Planning & Zoning will prepare a written public hearing notice requesting the suspension or revocation of the short term rental license.

- B. Service of notice. The written notice, along with the time, date, and place of the hearing before the Township Board, shall be served on the license holder either personally, or by registered mail confirming delivery to the license holder's address as well as via email if an email address is available, no less than twenty-one (21) calendar days before the hearing.
- C. Hearing to suspend or revoke a license. If such a notice to suspend or revoke a license is prepared and served by the Township Office of Planning & Zoning, the Township Board shall hold a hearing at which time the license holder shall be given an opportunity to show cause why the short term rental license issued under this Ordinance should not be suspended or revoked. At the hearing before the Township Board the license holder shall be given an opportunity to confront adverse witnesses, if any, and present evidence and legal arguments. The license holder may also be represented by an attorney. The Township Board's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the Township Board's written decision shall then be provided to the license holder. The Michigan Rules of Evidence do not apply to this hearing or decision made by the Township Board. This hearing is independent of any enforcement action which the Township may take under Section 10 of this Ordinance.
- D. Subsequent violations. After a short term rental license has been suspended, any additional violation(s) committed by the license holder within two (2) years of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short term rental license, a subsequent violation shall be deemed to be a first suspension. Upon a determination that the short term rental license holder has committed a total of three (3) or more violations of this Ordinance within five (5) years, the Township Board may permanently revoke the short term rental license.
- E. Length and timing of suspensions and/or revocations. Suspensions and revocations shall generally be effective immediately. Suspensions/revocations shall be for the following periods:
- (1) First suspension – three (3) months.
 - (2) Second suspension – six (6) months.
 - (3) Revocation – permanent.
- F. Existing contracts. Existing short term rental contracts up to 30 nights beyond the beginning date of any suspension/revocation may be honored by the license holder with written approval by the Township Board. Any such approval shall be included in the Board's suspension/revocation decision. Those existing contracts

beyond 30 nights shall be canceled. The time period approved to honor existing contracts shall be added to the end of any suspension period.

- G. Fraudulent complaints. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this Ordinance and may be subject to court enforcement proceedings and the penalties under Section 10 of this Ordinance.

Section 7. Amendment Section 10.B.

Section 10.B of the Elmwood Charter Township Short Term Rental Licensing Ordinance is hereby amended to read in its entirety as follows:

- B. The penalties for violations specified in subsection (A) above are as follows:
1. This ordinance shall be enforced by any individual or individuals designated by the Township Board. In addition to written violation notices, the Township will attempt to notify the violator or the violator's authorized agent via telephone of the violation as soon as possible.
 2. Any person who violates any provision of this Ordinance, including operating an STR without a license, or continues to operate a short term rental after the license for that short term rental has been suspended or revoked as provided in this Ordinance, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, plus costs of prosecution up to Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 8. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. Effective Date.

This Ordinance shall become effective the day following its publication by the Township as required by Section 8 of the Charter Township Act, MCL 42.8.

Ordinance No. _____ was adopted on the _____ day of _____, 2022,
by the Elmwood Charter Township Board as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

Connie M. Preston, Clerk

Jeff Shaw, Supervisor

I certify that this is a true copy of Ordinance No. _____ that was adopted at a regular meeting of the Elmwood Charter Township Board on _____, 2022 and published in the *Traverse City Record Eagle* on _____, 2022.

Dated: _____

Connie M. Preston, Clerk

**CHARTER TOWNSHIP OF ELMWOOD
SHORT TERM RENTAL LICENSING ORDINANCE
Ordinance No. 2021-02**

AN ORDINANCE PURSUANT TO ACT 359 OF THE PUBLIC ACTS OF 1947, AS AMENDED, TO PROVIDE FOR THE PUBLIC PEACE AND HEALTH AND FOR THE SAFETY OF PERSONS AND PROPERTY IN THE CHARTER TOWNSHIP OF ELMWOOD BY THE LICENSING AND REGULATION OF SHORT TERM RENTALS, TO PROVIDE PROCEDURES FOR THE SUSPENSION AND REVOCATION OF SHORT TERM RENTAL LICENSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE

THE CHARTER TOWNSHIP OF ELMWOOD ORDAINS:

Section 1: Purpose

This ordinance is intended to protect and promote the health, safety and welfare of all the citizens of Elmwood Charter Township, as well as those visiting the area, by requiring the licensing of short term rentals within the Township. It is also the intent of this Ordinance to preserve and maintain the residential communities within the Township such that short term rentals do not change the residential character of neighborhoods within the Township. This Ordinance limits the number of short term rental licenses allowed within the Township preserving the majority of the housing stock for owner occupied residential use while providing short term rentals for families visiting the area either as tourists or for business purposes which also provides income to license holders to maintain and preserve the licensed short term rental home.

Section 2: Applicability

The ordinance applies to all residential dwelling units in the Charter Township of Elmwood and owners of those dwelling wherein the dwelling is rented for a period of less than 30 days at a time during a calendar year, and where the owner does not reside during the rental period.

Section 3: Definitions

Bedroom: A separate room with a door, closet, and window that is used or intended to be used specifically for sleeping purposes, has a minimum horizontal distance in any direction of 7 feet, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms, or living rooms.

Dwelling unit: A group of rooms located within a building and forming a single habitable unit with facilities which are used or are intended to be used for living, sleeping, sanitation, cooking, and eating purposes. A dwelling unit shall not include an owner-occupied bed and breakfast, hotel, or motel where other lodging facilities as those terms are either defined and/or regulated under the Elmwood Charter Township Zoning Ordinance.

Adopted September 30, 2021

License Holder: The owner who applies for and receives a short term rental license from Elmwood Charter Township.

Local Contact Person: A local property manager, owner, agent of the owner, who is available to respond to the Township, tenant and neighborhood questions or concerns, and authorized by the owner to take remedial action and respond to any violation of this Ordinance.

Maximum Occupancy: The maximum number of allowable occupants and the guests of those occupants for a short term rental, as established in Section 6.E. of this Ordinance.

Occupant: As used in this Ordinance, is an occupant or renter of a short term rental pursuant to a rental agreement. The term "occupant" as used herein does not include guests of the occupant or renter who are visiting outside quiet hours.

Owner: Any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entirety, in common, or as a land contract vendee. Person means an individual, firm, corporation, association, partnership, limited liability company, trust or other legal entity.

Short Term Rental: A single family dwelling unit, or portions thereof, that is available and licensed and used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 days at a time when the owner of the single family dwelling unit does not reside in the dwelling unit during the rental period. Single family dwelling units used and licensed as a short term rental shall not be considered a motel as defined by the Zoning Ordinance.

Special Events: In association with a short term rental, a wedding, outdoor party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short term rental license.

Transfer of Property: A transfer of any type from a person to another person as defined under MCL 211.27a(6)(a)-(j), being part of Public Act 206 of 1893, as amended.

Section 4: License Required

An owner of any dwelling located within Elmwood Charter Township shall not rent, or allow to be rented, a dwelling unit to another person for less than 30 days at a time, unless the owner has obtained a short term rental license for that dwelling unit in accordance with the requirements of this Ordinance.

Section 5: Application for Short Term Rental License

- A. **Responsibility.** It shall be the responsibility of the owner of a short term rental to apply for a license through the submission of a short term rental license application. The application shall be on a form prepared by the Township's Office of Planning & Zoning.

- B. Application form. A person seeking a license under this ordinance shall submit a complete application, certified as being true, to the Township Office of Planning & Zoning. Electronic submissions shall not be accepted. The application shall include all of the information specified on the short term rental application form and any other information deemed reasonably necessary by the Township Office of Planning & Zoning to determine whether the short term rental standards and regulations under this Ordinance have been met.
- C. Application fee. An application shall be accompanied by an application fee as established and set forth in the Township fee schedule. This fee schedule may also establish an "after the fact" fee that must be paid when an otherwise lawful short term rental is operated but without first complying with the procedural requirements of this Ordinance. This "after the fact" fee is not intended to be a penalty, but shall consist of the normal application fee plus an amount equal to the legal and administrative costs incurred by the Township as the result of the applicant's failure to initially comply with the requirements of this Ordinance. The provision for an "after the fact" fee does not waive the Township's right to otherwise enforce this Ordinance when a violation of this Ordinance occurs.
- D. Complete application. Applications shall be reviewed in the order in which they were received by the Township (hard copy). Receipt of an application by a Township employee or designee does not mean an application is considered complete. If an applicant submits an incomplete application, they are not guaranteed a license. A short-term rental application shall not be considered accepted or complete until Elmwood Township's Planner/Zoning Administrator and/or Township Board designee deems it to be complete. Furthermore, if the applicant fails to provide all the information required by this Ordinance and/or fails to pay the required fee, then the application shall be deemed incomplete and may be denied by the Township Office of Planning & Zoning on that basis.
- E. License. Once deemed to be complete, if an application complies with all the standards and regulations of this Ordinance and a license is available, the Township Office of Planning & Zoning shall approve the short term rental license by December 31 when applied for during the October renewal period and initial licensing for 2021 or within thirty (30) calendar days when outside of the normal reapplication window. All short term rental licenses issued under this Ordinance shall be sequentially numbered.

Section 6: Short Term Rental Standards and Regulations

In recognition of the unique nature of short term rentals, the following standards and regulations shall apply to all short term rentals in Elmwood Charter Township. These standards and regulations, however, shall not supersede deed restrictions on any property (including subdivision developments), and shall not supersede any provisions of the master deed and/or bylaws of a condominium development which contain provisions that are more stringent and restrictive of short term rentals than those contained in this Ordinance.

- A. **Parking-** Parking for all vehicles, including trailers, shall only be in parking spaces identified on

the site plan as defined by this ordinance. No on-street parking shall be permitted in association with a short term rental. Parking shall comply with the requirements set forth in the Elmwood Township Zoning Ordinance.

- B. **Trash-** Refuse and recyclables shall be stored in appropriate containers with tight fitting lids and shall be regularly picked up by a licensed waste hauler.
- C. **Special Events-** Special events as defined by this ordinance, shall not be allowed.
- D. **Quiet Hours-** Short term rentals shall observe quiet hours between 10:00 pm and 8:00 am Sunday through Thursday and between 11:00 pm and 8:00 am Friday, Saturday, and Federal Holidays. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Fireworks noise may occur during the time allowed by the Elmwood Township Consumer and Display Fireworks Ordinance.
- E. **Capacity Limit-** The occupancy for all short term rentals shall be no more than two (2) occupants per bedroom excluding children under the age of 5 with a maximum occupancy, including children under the age of 5, of 10 occupants. At no time, shall additional individuals be allowed to sleep outside of the dwelling unit.
- F. **Guests-** Guests up to the number equal to the capacity limit of the short term rental may be allowed only during non-quiet hours listed above.
- G. **Contact-** The owner, or designated caretaker, of the short term rental shall be available by telephone at all times and must be physically located within 30-miles of the property in the event of an emergency or issue that requires immediate attention. This information shall be updated by the license holder immediately if it changes.
- H. **Signs-** A sign indicating the address of the property that is visible from the road shall be required to obtain a license. No additional signage of any kind is permitted.
- I. **Fire Safety-** Short term rentals shall be required to maintain operating smoke detectors, carbon monoxide detectors, and fire extinguishers. Evacuation routes shall be posted in a conspicuous location in each bedroom as well as the main gathering space in the house.
- J. **Township and County Ordinances, State and Federal Laws-** Short term rentals shall comply with all requirements of the Elmwood Township Zoning Ordinance as well as all other Ordinances adopted by the Charter Township of Elmwood, as well as State, County and Federal laws.
- K. **Ability to Occupy-** Short term rentals shall have a certificate of occupancy or other documentation showing that the rental is fit for human habitation.
- L. **Rules and regulations to be provided to occupants-** The license holder or local agent shall provide all occupants of a short term rental with the following information prior to occupancy,

and shall post such information in a conspicuous place within each short term rental:

- (1) The name of the license holder or local agent responsible to perform obligations related to the short term rental under this ordinance, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.
- (2) Notification of the maximum number of overnight occupants permitted in the short term rental.
- (3) Copies of the Township Fireworks Ordinance and Animal Control Enforcement Ordinance of Leelanau County, as they may be amended from time to time.
- (4) A copy of this ordinance, as it may be amended from time to time.
- (5) Notification that an occupant and/or a guest of an occupant may be cited for a violation of this ordinance, and/or the Township Fireworks Ordinance, in addition to any other remedies available to the Township, County and State.

- M. **Pets-** Pets shall be secured on the premises or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten minutes or longer, as per the Animal Control Enforcement Ordinance of Leelanau County.

Section 7: General Provisions Applicable to Licensees

- A. A short term rental license shall be valid from the date of issuance until December 31 of each calendar year.
- B. Licenses are not transferrable except as provided under MCL 211.27a(6)(a)-(j). When a short term rental property is transferred, the license will expire upon the transfer of the property. Licenses will revert to the Township after expiration, and/or transfer of property, or revocation by the Township under this Ordinance, or 12 months of no short term rental use, and made available to new applicants based upon those waiting to apply for a license subject to Section 8, Limitations of Number of Licenses, and Section 9, Issuance of License, under this Ordinance.
- C. The owner must obtain a license prior to advertising the property as a short term rental. Current license holders may advertise for the future licensing cycle but this shall not obligate the Township to issue a license.
- D. The license number shall be clearly displayed in any advertisement and documents of the short term rental.
- E. New licenses applied for outside of the license renewal period may be issued throughout the calendar year if licenses are available.

- F. A short term rental license is a privilege, not a property right, and is only held pursuant to and subject to the requirements of this Ordinance.

Section 8: Limitations on Number of Licenses

The Township hereby authorizes 93* short term rental licenses to be issued at any one time within the Township.

(* Based on 4% of the dwelling units in Elmwood Township at the time this Ordinance was adopted)

Section 9: Issuance of License

Upon the effective date of this Ordinance, applications may be obtained for short term rental licenses for the year 2022. Completed applications will be received until November 30, 2021 for the first year that licenses are available. Licenses will be issued on a first come, first served basis determined by the date received and determined complete. Should the application be determined to not be complete, the applicant shall have 48 hours to correct the incompleteness. If they fail to do so the application shall be determined to be incomplete and a new application must be submitted. Should the Township receive more completed applications than licenses available this first year, completed applications received during this time will be subject to the limited number of licenses under Section 8 of this Ordinance. All complete applications received after November 30, 2021, will be issued licenses, if available, based on the received date of a completed application by the Township. Should no licenses be available, these applicants will be placed on a wait list until a license becomes available. An annual fee may be required to remain on the waitlist.

All short term rental licenses shall expire on December 31 of the following calendar year or upon the transfer of a licensed property. A short term rental license shall also expire upon revocation as provided under Section 10, Violations and Administrative Penalties. The owner of the short term rental shall re-apply for the next calendar year at any point between October 1 and October 31. All licenses, if eligible, will be issued by December 31 when re-applied for by October 31. Any owner that does not submit a renewal application by October 31 will be required to file a new application and will be placed on the wait list should licenses not be available.

Section 10: Violations and Administrative Penalties

- A. Any of the following conduct is a violation of this Ordinance:
1. Any advertising or leasing of a short term rental without first obtaining a short term rental license.
 2. The owner has failed to comply with any provisions, standards, or conditions contained in this ordinance or any other ordinance of the Township, Leelanau County, and/or State and/or Federal law.
 3. Any false or misleading information provided in the application process.

4. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short term rental shall be deemed to be in violation of this ordinance and may be subject to court enforcement proceedings and the penalties under this Ordinance.
- B. The penalties for violations specified in subsection (A) above are as follows:
1. This ordinance shall be enforced by any individual or individuals designated by the Township Board. In addition to written violation notices, the Township will attempt to notify the violator or the violator's authorized agent via telephone of the violation as soon as possible.
 2. For a first violation of a license by a license holder within a calendar year, the penalty is a written warning notice of violation. A written warning will also be sent to a party who knowingly files a fraudulent, false, or fictitious complaint about a short term rental.
 3. Any person who violates any provision of this Ordinance, including the continued operation of a short term rental after the license for that short term rental has been suspended or revoked as provided in this Ordinance, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, plus costs of prosecution up to Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.
 4. If there are one or more violations each year during any three (3) consecutive year period, or three (3) violations in a single calendar year, the license shall be revoked.
 5. An owner may appeal a decision to revoke a license to the Township Board within 30 days of the date the written notice of revocation was issued.
- C. A violation of this ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- D. In addition to enforcing this ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this ordinance.

Section 11: Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 12: Effective Date

This Ordinance shall become effective 30 days following its publication by the Township as required by

Adopted September 30, 2021

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 12: Effective Date

This Ordinance shall become effective 30 days following its publication by the Township as required by Section 8 of the Charter Township Act, MCL 42.8.

Ordinance No. 2021-02 was adopted on September 30, 2021, by the Elmwood Charter Township Board as follows:

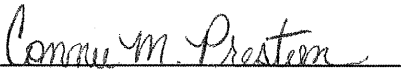
Motion by: Trustee O'Rourke

Seconded by: Trustee Allen

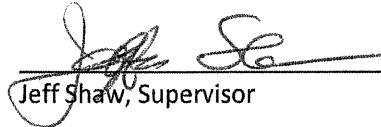
Yeas: Lautner, Preston, Mikowski, Allen, O'Rourke, and Shaw

Nays: Darga

Absent: None



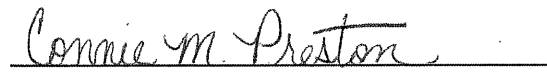
Connie Preston, Clerk



Jeff Shaw, Supervisor

I certify that this is a true copy of Ordinance No. 2021-02 that was adopted at a special meeting of the Elmwood Charter Township Board on September 30, 2021 and published in the Leelanau Enterprise on October 7, 2021.

Dated: October 7, 2021



Connie Preston, Clerk

Notice: This is not an official check or EFT notification. It may not be used as a substitute for the original document received.

STATE OF MICHIGAN
REMITTANCE ADVICE

Check/EFT No: 4042325197
Check/EFT Date: 4/6/2022

Vendor Code: CV0022718
Vendor Name: TOWNSHIP OF ELMWOOD - LEELANAU COUNTY
Alias/DBA:
Assignee Name:
Assignee Alias/DBA:

Document ID #: EFT 751 220000483960
Check/EFT Amount: 479.22
Amount includes freight and/or is net of discount

DEPARTMENT NAME	INVOICE DATE	VENDOR INV #	INVOICE AMOUNT	LINE AMOUNT	CHECK/EFT DESCRIPTION
Natural Resources		MR0000024403	221.24	221.24	N/A
Natural Resources		MR0000024403	257.98	257.98	N/A
Natural Resources		MR0000024403	-104.84	-104.84	N/A
Natural Resources		MR0000024403	104.84	104.84	N/A

March 11, 2022

Mr. Jeff Shaw, Supervisor
Elmwood Township
10900 E. Lincoln Road
Traverse City, Michigan 49684

Subject: Pickleball Courts

Dear Mr. Shaw,

Getting ready to kick off our eighth year of playing pickle ball at the Elmwood Courts. With your permission we, again, would like to post our sign reserving the courts for play on Monday and Wednesday mornings, 9-11 am.

The grounds crew have always taken such good care of the courts and we so appreciate all they do for us. We feel that we have "a little bit of heaven" here at Elmwood.

If there is any further discussion required, please feel free to contact me either by phone or e-mail. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Rita Cheyne".

Rita Cheyne
12045 South Elk Run
Traverse City, 49684
Tel: 929-4385
Cell: 231-330-0738
Email: cheyner1@gmail.com

**Tribal Council Allocation of 2% Funds
Application Form**

PLEASE NOTE:

Under the terms of the consent decree, which settled *Tribes v. Engler* (Case No. 1:90-CV-611, U.S. Dist. Ct., West. Dist. Mich.), the Grand Traverse Band of Ottawa and Chippewa Indians, as defined in the stipulation, has agreed to pay 2% of its video gaming revenue to local units of government (i.e., local township, village, city, county board of commissioners, public school system).

***ONLY APPLICATIONS FROM LOCAL UNITS OF GOVERNMENT LOCATED WITHIN
GTB'S 6-COUNTY SERVICE AREA WILL BE CONSIDERED FOR 2% FUNDING**

1. Allocation Cycle: JUNE – New submission date, Postmarked by **MAY 31st**
 DECEMBER – New submission date, Postmarked by **NOVEMBER 30th**

2. Name of Applicant: Elmwood Charter Township
 Address: 10090 E Lincoln Rd
Traverse City, MI 49684
 Phone #: 231-946-0921 Fax #: _____
 Printed Name: Jeff Shaw

- **Authorized Signature:** _____
 (Signature of local unit of government official; e.g., county/city official, township supervisor, village president, college president, school superintendent)

Title: Supervisor

E-mail address: supervisor@elmwoodmi.gov

Printed Name of contact person: Stephanie Rustem

Telephone #: 517-285-8103 Fax #: _____

E-mail address: stephanie@discoverygreatlakes.org

3. Type of Applicant: _____ Local Government _____ Local Court
 _____ Township _____ County Commissioner _____ Road Commission
 _____ Public School District _____ College _____ Charter School
 _____ Public Library _____ Sheriff/Police Department _____ Fire Department
 501c3 applying through local unit of government (name): Discovery Center & Pier

4. Fiscal Data: Amount Requested: \$ 50,000 Percent: 2.3 %
 Local Leveraging: \$ 2,104,859 Percent: 97.7 %
 (Match)
 Total Budget: \$ 2,154,859 Percent: 100 %

5. Target Population numbers: 21,151 Children 67,545 Adults 26,044 Elders
 (Indicate the 115 Total GTB member Community 114,625 Others
 number of GTB
 members)

6. Counties Impacted: Antrim Benzie Charlevoix
X Grand Traverse X Leelanau Manistee

7. Brief Description (purpose of funding); include statement of need:
The overall purpose of this project is to transform Traverse City's old coal dock, renamed
Discovery Pier (Pier) into a barrier-free public park. In its current state, the Pier is used
for limited nonprofit educational programming and the public is welcome. The site,
however, is an uninviting gravel lot that lacks land-based infrastructure for education
and universal access for people with physical disabilities. Funding for this project will
support the construction of a new fishing area railing--40% of which will be at a lower
height for children and people in wheelchairs, new shade structures, adaptive kayak
launch, open space lawn, and outdoor classroom/event space -- all barrier free.

Our desired outcome is to increase the diversity of people who have access to the
Great Lakes. There is a need for universally accessible green space and recreational
facilities on the Great Lakes in our area. For many years, physical barriers have
excluded people from Great Lakes-based activities. To underscore the importance of
barrier-free amenities, it is worth noting that according to the Disability Network of Northern
Michigan, 80% of us will have some mobility challenge at some point in our lives. We
believe everyone deserves safe, dignified access to the Pier, its amenities, and
our partners' vessels.

8. This question only pertains to Indian Education Programs of Public School Systems. If you are not an Indian Education Program of a Public School system, skip to question 9.

(a) **Program formula: (1) \$5,000, up to \$10,000 per school district + (\$1,000, up to \$1,500 x # of GTB member students) = allocation. The increase to the formula will be determined by the previous timely 2% report received, and the data provided within the report on the success of the school's Indian Education Program as a result of the 2% allocation.**

Please note: 1) In completing this section, only provide the student numbers of currently enrolled GTB members; do not include the general Native American data of your school system; and 2) there will be a cap of \$100,000, up to \$125,000 per school, based on the school's GTB membership count and data provided within the 2% report received from the previous year.

(b) Recommendation from Parent Committee: YES NO

Please have the Parent Committee sign the attached Certification Form.

(c) Describe parent involvement in project: _____

(d) Does the school receive Title VII Indian Education Funds? YES NO

If yes, how much: _____

9. What are the start and completion dates of the proposed project?

Start 10/01/2022 Completion 04/30/2023

10. Has applicant received prior awards through the Tribe's 2% funding allocation?

YES NO. If yes, please list the start and end dates and amount:

_____ - _____ and amounts: _____

_____ - _____ and amounts: _____

_____ - _____ and amounts: _____

11. Is the proposed project new X or a continuation project _____?

If this is a continuation project, please explain why there is a need to continue funding:

12. If the previous project has been completed, did you submit your 2% report? YES NO.
The 2% report must be submitted one year from the date you received your 2% award. If your report has not been submitted, your current application will not be considered! 2% Reports are mandatory for future grant considerations. Mail your 2% report to: Attn: 2% Reports; GTB, 2605 N.W. Bay Shore Drive, Peshawbestown, MI 49682.
13. Impact of Gaming on local program: (e.g., increase in student population, resulting from increase in Tribal employment or increase in emergency services to Casino patrons).
Discovery Pier will be a recreational amenity for casino employees and visitors.
-
14. How will the success of the project be assessed (evaluation plan)? The success of the project will be demonstrable by the number of people using the Pier, which we intend to track, along with how it is being used.
-
15. If new staff is required, will preference be given to Native American applicants?
 YES NO
16. Budget: Please attach a one-page itemization of the planned budget. Include explanation for each category of the budget.

IMPORTANT!! BEFORE YOU MAIL YOUR 2% APPLICATION, PLEASE REMEMBER TO:

- 1) Execute authorized signature on first page, question #2.
- 2) Attach 1-page budget
- 3) Attach Parent Committee Certification Form if application is from an Indian Education/Title VII Program.
- 3) Submit by appropriate deadline:
 - **If for June cycle, postmarked by May 31st.**
 - **If for December cycle, postmarked by November 30th.**

Mail completed 2% applications to:

**Attention: 2% Program
 Grand Traverse Band of Ottawa and Chippewa Indians
 2605 N.W. Bay Shore Drive
 Peshawbestown, MI 49682**

If you have any questions, please call 231-534-7601.

Grand Traverse Band of Ottawa and Chippewa Indians 2% Indian Education Parent Committee Certification Form

Instructions: By filling out this form, you are certifying that only one 2% application is being submitted for your school district's Indian Education/Title VII program.

We affirm that we have participated in providing information regarding the content of this 2% application for the Grand Traverse Band of Ottawa and Chippewa Indians (GTB).

We affirm that previous 2% reports have been submitted to GTB for 2% funding that this school district has received from GTB.

As current members of this school district's Parent Committee for the Indian Education Program/Title VII, we approve of and certify that this 2% application is being submitted on behalf of the _____ School District.
(Name of school district)

_____	_____	_____
Print Name	Sign Name	Date
_____	_____	_____
Print Name	Sign Name	Date
_____	_____	_____
Print Name	Sign Name	Date
_____	_____	_____
Print Name	Sign Name	Date
_____	_____	_____
Print Name	Sign Name	Date
_____	_____	_____
Print Name	Sign Name	Date

CHARTER TOWNSHIP OF ELMWOOD
PERSONNEL COMMITTEE MEETING
ELMWOOD TOWNSHIP HALL
APRIL 1, 2022

Supervisor Shaw called the meeting to order at 2:00 p.m.

Members Present: Connie Preston, Jeff Shaw, and Chris Mikowski

After discussion regarding increasing wages for Marina and Buildings and Grounds in order to stay competitive with other employers, the Committee developed the following wage scale:

Starting wage	\$14.00
2 nd year	\$14.50
3 rd year	\$15.00
4 th year	\$15.50
5 th year	\$16.00

Wages for employees with more than 5 years should receive a 20% increase for this year and future raises as set by the board during budget discussions.

Marina inside office help should continue with the \$1.00 additional per hour.

MOTION BY CLERK PRESTON, SECONDED BY TREASURER MIKOWSKI TO RECOMMEND THAT THE BOARD UPDATE THE WAGE SCALE AS STATED. The motion passed unanimously by a voice vote

Supervisor Shaw adjourned the meeting at 2:25 p.m.

**Charter Township of Elmwood
Fireworks Display Permit Application
Non-Refundable Permit Fee \$100**

Applicant Jane Vernik **Date** 1/17/2022
Contact Person Jane Vernik **Phone #** (847) 834-9090
Address 4113 Florence Way **City** Glenview **State** IL
Location of Event Bay View Weddings at Gallagher Farms
8629 E Lincoln Rd, Cedar, MI 49621

Date of Event May 5, 2022 **Starting Time** Approx. 7:00 pm **End Time** 7:30 pm
Rain Date (if applicable) N/A

Attach full schedule/description of all events to be covered (e.g. Brochure/Flyer)

Describe Emergency Evacuation Procedures:
(In case of medical emergency, fire, weather, etc.)

Estimated Total Attendance per Day Unknown
Number of Years Event Has Been Held 1
Name of Pyrotechnical Director Great Lakes Fireworks LLC
Independent Contractor Yes X No **Licensed** Yes X No
License No. 4-MI-099-27-7L-01174 and 4-MI-099-51-7L-01173
If not licensed, certified? Yes No **Certificate #**
When & where certificate was received

Number of years of experience 20+
Pyrotechnical Director's years of experience 20+

INSURANCE CERTIFICATE IS MANDATORY AND MUST NAME ELMWOOD TOWNSHIP AS AN ADDITIONAL INSURED.

Name of Insurance Co. Britton Gallagher **Phone #:** 1-800-607-4711
Policy # See attached certificate

Policy must be submitted to the Elmwood Township Clerk for approval by risk management prior to the event.

Please attach a sketch showing the shooting area, spectator area, crowd control features, and impact area. This sketch shall include all distances, structures in the area, and direction the shells are to be shot.

For Elmwood Township Official Use Only

Review by Township Fire Chief

Approval by Township Board

Name Keith Tampa

Name _____

Date 4/3/2022

Date _____

Listed Security Protection which may be required as a condition of approval:

Charge(s) to applicant by township to be paid in advanced of the event

Elmwood Township Fire Department Personnel and Equipment

of Firefighters 0

Total Cost of Firefighters _____

\$ 0 per truck

\$ 0 per ambulance

IMPORTANT CONTACT PHONE NUMBERS

Elmwood Township Fire Department (non-emergency) number: 231-941-1647
Leelanau County Emergency Management/9-1-1 Central Dispatch: 231-256-8775
Leelanau County Sheriff's Department: 1-866-256-8800 or 231-256-8800

PLAN REVIEW

TYPE: Application for Fireworks Display Permit
LOCATION: Bayview Weddings at Gallagher Farms, 8629 E. Lincoln Rd., Cedar, MI 49621
APPLICANT: Jane Vernik, 4113 Florence Way, Glenview, IL
REVIEW DATE: April 4, 2022 **REVIEWED BY:** Keith Tampa, Fire Chief

Event Date/Time:	May 5, 2022 at approx. 7pm			Alternate Date/Time:	None	
Contact #1: (Applicant)	Name	Jane Vernik	Primary Phone #	847-834-9090	Secondary Phone #	---
Pyrotechnic Operator:	Name	Great Lakes Fireworks	Primary Phone #	Bruce Tyree 989-942-0684	Secondary Phone #	---
ATF License #:	4-MI-099-27-7L-01174		4-MI-099-51-7L-01173		---	
	<u>Display Site</u>		<u>Preparation Site</u>		<u>Storage Site</u>	
Location:	Bayview Weddings at Gallagher Farms, 8629 E. Lincoln Rd., Cedar, MI 49621 – East of main venue (Large tent)		Same as Display Site		Not on site	
<u>Documents Submitted/Reviewed</u>						
<ul style="list-style-type: none"> ✓ Charter Township of Elmwood Fireworks Display Permit Application ✓ Site Plan ✓ Charter Township of Elmwood Acknowledgement and Hold Harmless Agreement ✓ Proof of applicant or contracted pyrotechnic operator’s Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives current issued license (on file) ✓ Proof of Certificate of Liability Insurance naming The Charter Township of Elmwood as an additional insured with Great Lakes Fireworks insurance carrier 						

It is my recommendation that, in addition to complying with Federal and State regulations and NFPA 1123 Code for Fireworks Display (2010 edition), that the applicant also complies with and provides the following:

Storage and Transportation of Fireworks / Preparation of Fireworks

- No storage of the display fireworks (Product) shall occur on site prior to preparation.
- The Product shall be delivered and prepared the same day as the event unless prior arrangements have been made with the Elmwood Township Fire and Rescue Department (EFD.)
- Delivery of the Product to the site will be coordinated with EFD to allow for inspection of the site.
- Access shall be restricted within a minimum 100-foot radius of the Product preparation area. This area shall be considered the preparation site and access shall be restricted to only those

display operator, or other onsite individual with the overall responsibility for the assembly and discharge of the fireworks.

- “No person shall be present in the discharge site [preparation or display area] with alcohol in his or her system or while under the influence of drugs that are not over-the-counter or prescription medications used in compliance with the manufacturer’s or physician’s written instructions.” [NFPA 1123]
- “No person shall be present in the discharge site [preparation or display area] while under the influence of over-the-counter or prescription medications that impair the judgement, mobility, or stability of the user to such a degree that he or she cannot understand and conform to the requirements of the applicable laws, regulations, and standards governing the display.” [NFPA 1123]
- The Leelanau County Sheriff’s Office shall be notified of the date and time of the event, and the location of the preparation and display sites.
- The primary contact for all emergencies shall be Leelanau County 911 who will dispatch appropriate resources.
- Prior to the event, the display operator shall ensure the demonstration of the safety function of any switch box or other safety measures for fire department officials. These are related to safety procedures to stop the discharge of the Product and/or to render the site reasonably safe if an emergency occurs.
- Emergency procedures shall be described to the fire department officials which include the following information:
 1. Description of the means of alerting staff of emergencies.
 2. Identification of the signal and means to notify the display operator, sponsor, or both to terminate the loading or firing of fireworks in the event a hazard arises during the display.
 3. Identification of the means of notifying public emergency resources.
 4. Emergency reporting instructions describing the information that should be provided to emergency operators or responders.
- Conditions for the safe conduct of the display shall be assessed on the date of the display. If in the opinion of the fire department representative, the display poses a significant hazard to life or property, the fire department representative shall revoke approval for the display and shall immediately notify the permit applicant and display operator. The fire department representative may allow the display to continue if the hazard(s) can be mitigated or controlled and conditions allow. The fire department representative’s judgement is final.
- At the conclusion of the display, the display operator shall ensure all Product has been fired or rendered safe. A minimum of 15 minutes after the last ignition shall be required prior to inspection of the display site for unfired Product, “duds”, and other unsafe conditions.
- The display site shall remain closed to unauthorized personnel until after the site inspection and any required mitigation efforts, including the removal of any unfired and “dud” Product.
- All clean up and securing of unfired product shall rest with Great Lakes Fireworks.

Fire Department and Township Resources

- The fire department shall develop an Incident Action Plan for this event.
- The fire department shall provide a liaison between the Township and the display operator to assist with meeting the requirements of the Township.
- The fire department liaison shall coordinate with the display operator the arrival of the Product and the inspection of the preparation site.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/28/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton-Gallagher and Associates, Inc. One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME: PHONE (A/C, No, Ext): 216-658-7100 E-MAIL ADDRESS: info@brittongallagher.com	FAX (A/C, No): 216-658-7101
	INSURER(S) AFFORDING COVERAGE	
INSURED Great Lakes Fireworks LLC 3275 W M76 P.O. Box 276 West Branch MI 48661	INSURER A : Everest Indemnity Insurance Co.	
	INSURER B : Axis Surplus Ins Company	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER: 437709291

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			SI8GL01969-221	1/21/2022	1/21/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			SI8CA00273-221	1/21/2022	1/21/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$			P-001-000798280-01	2/4/2022	1/21/2023	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$ PER STATUTE OTH-ER
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$


DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

Display Date: May 9, 2022 Location: 8629 E Lincoln Rd, Cedar, MI 49621

Bay View Weddings at Gallagher Farms 8629 E Lincoln Rd, Cedar, MI 49621; including all its elected and appointed officials, employees, volunteers, boards, commissions and authorities. Charter Township of Elmoor; including all its elected and appointed officials, employees, volunteers, boards, commissions and authorities.

CERTIFICATE HOLDER**CANCELLATION**

Jane Vernik 4113 Florence Way Glenview IL	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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ACKNOWLEDGMENT

and

HOLD HARMLESS AGREEMENT

IN CONSIDERATION OF THE ISSUANCE BY THE CHARTER TOWNSHIP OF ELMWOOD (THE "TOWNSHIP") OF A FIREWORKS DISPLAY PERMIT TO THE UNDERSIGNED APPLICANT (THE "APPLICANT"), THE APPLICANT ACKNOWLEDGES THAT, IN REVIEWING AND ISSUING PERMITS, REPRESENTATIVES OF THE TOWNSHIP ARE ONLY PERFORMING DUTIES REQUIRED BY STATUTE AND TOWNSHIP POLICY AND ARE NOT WARRANTING TO THE APPLICANT OR TO ANY THIRD PARTY ANY ASPECT OF THE PROPOSED FIREWORKS EVENT OF THE APPLICANT, OR THE SAFETY OF THE FIREWORKS AND DISCHARGE.

FURTHERMORE, THE APPLICANT AGREES TO DEFEND, HOLD HARMLESS AND INDEMNIFY THE TOWNSHIP, ITS ELECTED AND APPOINTED OFFICIALS, AGENTS, VOLUNTEERS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, DEMANDS, ACTIONS OR CAUSES OF ACTION OF ANY ONE OR MORE THIRD PARTIES ARISING OUT OF OR RELATING TO THE TOWNSHIP'S ISSUANCE OF A PERMIT OR PERMITS, OR ARISING OUT OF OR RELATING TO THE DESIGN OR ENGINEERING DONE BY APPLICANT PURSUANT TO SUCH PERMIT OR PERMITS, OR ARISING OUT OF OR RELATING TO THE FIREWORKS DISPLAY AND DISCHARGE. ALL REFERENCES IN THIS AGREEMENT TO APPLICANT INCLUDES APPLICANT'S EMPLOYEES, AGENTS, INDEPENDENT CONTRACTORS, SUBCONTRACTORS OF ANY OTHER PERSONS OR ENTITIES PERFORMING WORK PURSUANT TO THE ISSUANCE OF THE FIREWORKS DISPLAY PERMIT BY THE TOWNSHIP.

Great Lakes Fireworks LLC

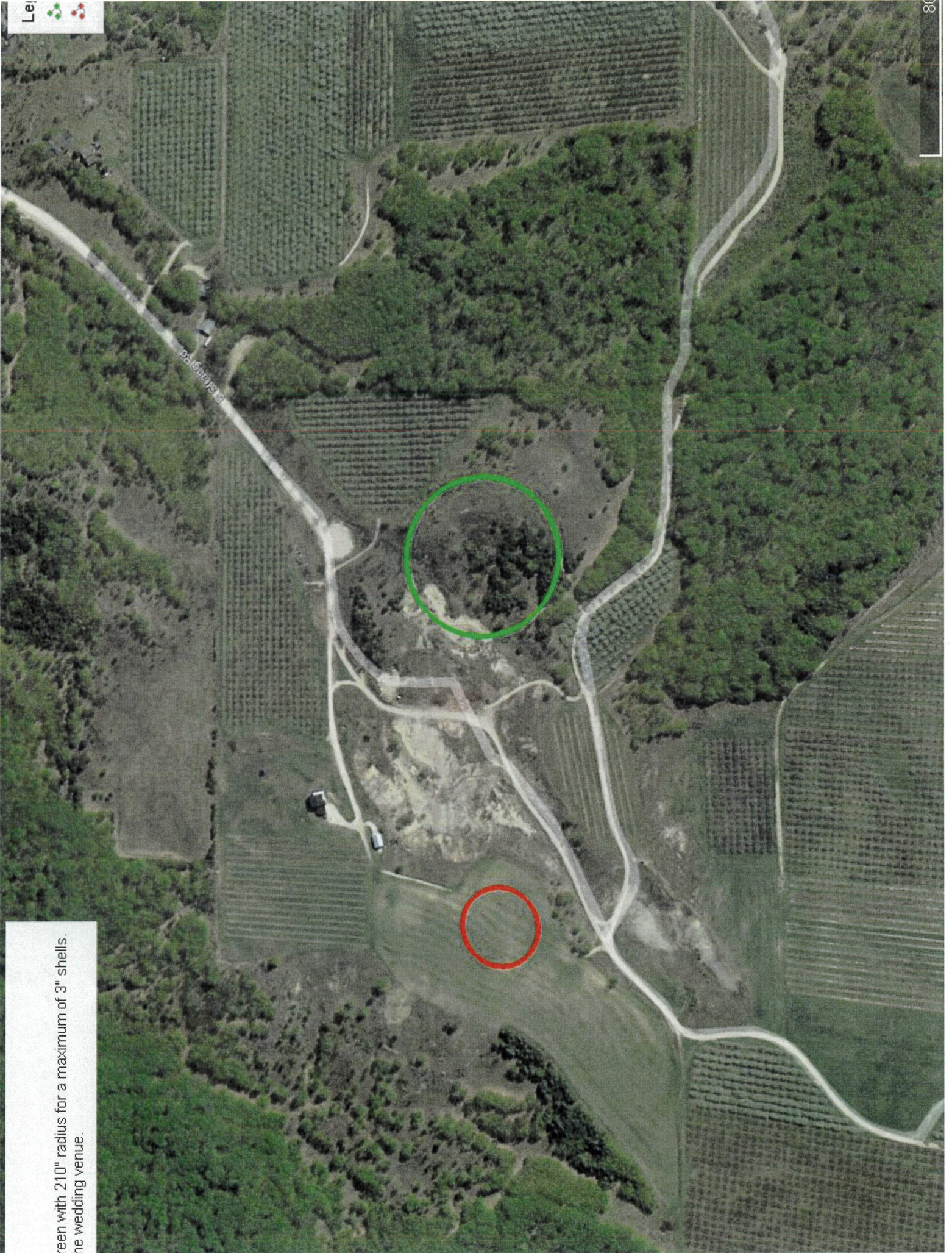
NAME OF APPLICANT

By: Yvonne Spivey

Its: Owner/Member

(insert title if Applicant is a business entity)

green with 210' radius for a maximum of 3" shells.
the wedding venue.



INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

FINAL

Date: 04/06/2022

Time: 11:32 am

Page: 1

ELMWOOD TOWNSHIP

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
THE ACCUMED GROUP	A026	BILLING SERVICES	0	00/00/0000	1,338.06
				Vendor Total:	1,338.06
ACE HARDWARE	A020	CUST#23468	0	00/00/0000	45.23
				Vendor Total:	45.23
ALLIED FIRE SALES & SERVICE LL	A071	ENGINE 111	0	00/00/0000	255.53
				Vendor Total:	255.53
BOUNDTREE MEDICAL	B116	ACCT#213121	0	00/00/0000	953.49
				Vendor Total:	953.49
CHARTER TOWNSHIP OF GARFIEL	G042	TICKET BOOK	0	00/00/0000	30.70
				Vendor Total:	30.70
CHERRYLAND ELECTRIC COOP	C010	ACCT#9902700	0	00/00/0000	33.39
				Vendor Total:	33.39
CONSUMERS ENERGY	C040	ACCT#103035187543	0	00/00/0000	453.67
				Vendor Total:	453.67
HAROLD GLAUCH	793	SLIP REFUND	0	00/00/0000	1,938.00
				Vendor Total:	1,938.00
GRAND TRAVERSE COUNTY DPW	G040	ACCT#4003411	0	00/00/0000	412.16
				Vendor Total:	412.16
GRAND TRAVERSE COUNTY	G200	ELMWOOD GREILICKVILLE WATER	0	00/00/0000	9,094.13
				Vendor Total:	9,094.13
THE HUNTINGTON NATIONAL BAN	H077	FIRE TRUCK PAYMENT	0	00/00/0000	56,463.97
				Vendor Total:	56,463.97
HUNTINGTON NATIONAL BANK	Z003	ACCT ENDING 2407	0	00/00/0000	279.30
				Vendor Total:	279.30
JOHN HANCOCK	M200	CONTRACT 89614-00-2	0	00/00/0000	72,487.01
				Vendor Total:	72,487.01
KSS ENTERPRISES	K014	CUST ACCT ELMWO110	0	00/00/0000	53.67
				Vendor Total:	53.67
LEELANAU ENTERPRISE & TRIBUN	L020	ADVERTISER #676	0	00/00/0000	330.69
				Vendor Total:	330.69
MCKESSON MEDICAL-SURGICAL	M067	ACCT#58774672	0	00/00/0000	364.95
				Vendor Total:	364.95
MICHIGAN TRAILERS	M084	REPAIRS	0	00/00/0000	320.24
				Vendor Total:	320.24
MOBILE MEDICAL RESPONSE	M191	ALS INTERCEPT	0	00/00/0000	7,250.00
				Vendor Total:	7,250.00
KEEF & LAUREN MORGAN	1594	SLIP REFUND	0	00/00/0000	3,060.00
				Vendor Total:	3,060.00
NETLINK	M185	TECH SUPPORT	0	00/00/0000	369.00
				Vendor Total:	369.00
JAMES O'ROURKE	O020	FILE CABINET REIBURSEMENT	0	00/00/0000	37.47
				Vendor Total:	37.47
PITNEY BOWES GLOBAL FINANCI	P030	ACCT#0012923889	0	00/00/0000	502.35
				Vendor Total:	502.35
PREMIER SAFETY	A115	FIRE DEPT/MAINT	0	00/00/0000	244.54
				Vendor Total:	244.54
SAM'S CLUB MC SYNCB	S049	ACCT ENDING 4118	0	00/00/0000	44.54
				Vendor Total:	44.54
JAMES SCHULTZ	1595	SLIP REFUND	0	00/00/0000	1,938.00

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

FINAL

Date: 04/06/2022

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Page: 2

ELMWOOD TOWNSHIP

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
				Vendor Total:	<u>1,938.00</u>
STAPLES CREDIT PLAN	S008	ACCT ENDING 5610	0	00/00/0000	<u>561.96</u>
				Vendor Total:	<u>561.96</u>
KYLE TREVAS	1593	SLIP REFUND	0	00/00/0000	<u>3,060.00</u>
				Vendor Total:	<u>3,060.00</u>
THE TROPHY TROLLEY	T106	UNIFORM	0	00/00/0000	<u>615.00</u>
				Vendor Total:	<u>615.00</u>
US BANK OPERATIONS SERVICE (U030	ACCT#4702_5	0	00/00/0000	<u>250.00</u>
				Vendor Total:	<u>250.00</u>
VERIZON WIRELESS	V014	ACCT#682962913-00001	0	00/00/0000	<u>67.15</u>
				Vendor Total:	<u>67.15</u>
VISIBLE DIFFERENCE BLDG. MAIN	V002		0	00/00/0000	<u>135.00</u>
				Vendor Total:	<u>135.00</u>
WADE TRIM	W107	MARINA PHASE III	0	00/00/0000	<u>3,313.25</u>
				Vendor Total:	<u>3,313.25</u>
				Grand Total:	<u>171,398.44</u>
				Less Credit Memos:	<u>-5,095.99</u>
				Net Total:	<u>166,302.45</u>
				Less Hand Check Total:	<u>0.00</u>
				Outstanding Invoice Total :	<u>166,302.45</u>
	Total Invoices:	73			