

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 32**

AN ORDINANCE TO AMEND THE TEXT OF THE MUSSEY TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR MUD BOGS AS A NEW SPECIAL LAND USE IN THE AGRICULTURAL DISTRICT.

MUSSEY TOWNSHIP ORDAINS:

ARTICLE 1:

ARTICLE 4 – AG – AGRICULTURAL DISTRICT

SECTION 402. SPECIAL LAND USES *Add a new special land use R. as follows.*

- R. Mud bogs, including use of motorized off-road vehicles of all types on any terrain (Section 1337).

ARTICLE 2:

ARTICLE 13 – SPECIAL LAND USE APPROVAL REQUIREMENTS *Add a new special land use 1337 as follows.*

SECTION. 1337. MUD BOGS. *The text of this section is to read as follows:*

Mud bogs, including use of motorized off-road vehicles of all types on any terrain, may be permitted as a special land use in the AG, Agricultural District subject to the following requirements.

- A. The minimum site size shall be forty (40) acres with a minimum width of six-hundred sixty (660') feet. The site shall be located on, or shall take principal access from a major or secondary thoroughfare (See township thoroughfare plan map). The site may only abut land that is zoned AG, Agricultural or LI, Light Industrial.
- B. No existing dwelling unit shall be located within five-hundred (500') feet of any property line, except that dwellings located on the same parcel as the proposed mud bog and dwellings that have clearly been abandoned shall be excluded from this requirement. Measurements shall be determined by the straight line distance taken from the nearest point on the property line of the parcel upon which the proposed mud bog use is to be

located to the nearest point on the exterior wall of nearest dwelling (including attached garage).

- C. A site plan is required (Section 1215.,A.,3.). The applicant must submit evidence that they have consulted with the St. Clair County Road Commission regarding a driveway permit and cleaning of muddy vehicles before entering upon a public street.
- D. All points of entrance (ingress) or exit (egress) shall be no closer than two-hundred (200') feet from the intersection of any two (2) streets.
- E. Any point of entrance or exit shall be no closer than seventy-five (75') feet from any other such point. There shall be a maximum of two (2) entrance or exit points (2 in total).
- F. All parking shall be off-street.
- G. No more than two (2) events shall be held in any one calendar month. Events shall be held only during the period beginning April 1st and ending October 31st. The hours of operation shall be limited from 12 noon to 9 p.m. or dusk if it occurs earlier.
- H. The design of the facility shall clearly show that safety and security of persons on and off the site has been taken in consideration to the greatest extent reasonably possible. The safety and security of persons on-site shall be the responsibility of the operator and owner of the site (insurances, emergency transport, fire safety, pedestrian and vehicular traffic, etc.). A safety and security plan shall be submitted for review and approval of the Planning Commission at the time of site plan review.
- I. The Planning Commission may require adequate means of noise control, including but not limited to any of (or combination of) the following; buffering, use of berms, fences or walls (e.g. 8 ft.), large setbacks (e.g. 100 ft. or more), changes of terrain elevations, and any other reasonable means to insure adequate protection and enjoyment of neighboring properties (e.g. residences, livestock, parks). Central loudspeakers/paging systems are prohibited within 660 feet of residentially planned, zoned, or used property. Any such loudspeakers shall be directed only toward the interior of the site. Failure by the developer of a mud bog or motorized off-road vehicle facility to demonstrate in his/her proposal the adequate provision of means to control noise shall be grounds to deny special land use approval. Noise control shall also be subject to Section 1207.,E.
- J. Other environmental requirements.
 - 1) All parking areas, drives, tracks, and display areas shall be kept dust-free at all times so as not to become a safety hazard or a nuisance to any adjoining property(ies). See Section 1207., A.
 - 2) Odor control shall be subject to Section 1207.,F.

- 3) Waste disposal (including, but not limited to: trash generated by the proprietor, organizers, sponsors, participants or spectators, human waste, disabled vehicles, vehicle parts or components, any and all other debris, etc.) shall be removed from the property and properly disposed of after each event. Waste disposal shall also be subject to Section 1207.,G.
 - 4) The site plan shall show all existing and proposed drainage. Any drainage from the bog, track, or display area(s) shall be contained on site.
- K. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the mud bog or motorized off-road vehicle facility. No alcoholic beverages may be sold on the site or provided to participants or spectators with or without charge.
- L. Vehicles with muddy wheels and/or bodies must be washed adequately before exiting the site to prevent tracking of mud or other debris onto a public street(s).
- M. In the case where the use is proposed to be located on land abutting an unpaved road, the Planning Commission shall review the proposed use with regard to dust control. If dust control measures are found by the Planning Commission to be necessary for the protection of the public welfare, either at the time of special land use and site plan approval or after a review of actual operating history of the use, the Planning Commission may require the operator to establish an escrow account with the Township sufficient to cover the expense of chloride applications to all unpaved roads leading to the use from the nearest paved roads in each direction. Said escrow account shall be required to be replenished annually prior to each season of use.
- N. The zoning administrator or zoning enforcement officer may make periodic inspections to ensure that the originally approved special land use and site plan review requirements are being complied with. Failure to comply with originally approved requirements may provide grounds for citation of violation under Section 1512. If a violation(s) is discovered, the zoning administrator or zoning enforcement officer shall provide a written notice of the violation(s) and offer a reasonable time period for remedy by the owner, not to exceed ninety (90) days. If, in the judgment of the zoning administrator or zoning enforcement officer, there have been repeated or serious violations, he may proceed with enforcement under Section 1512 without the remedy period.

ARTICLE 3 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not

affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 4 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance are hereby repealed.

ARTICLE 5 EFFECTIVE DATE:

Pursuant to Section 401 of Public Act 110 of 2006, as amended, the provisions of this Ordinance shall become effective upon expiration of seven (7) days after publication.

ARTICLE 6 ADOPTION:

Made and passed by the Township Board of Mussey Township, St. Clair County, Michigan, on this 13th day of **February**, 2013, A.D.

1. Date of Public Hearing: October 23, 2012
2. Date of Adoption by Township Board: **February 13, 2013**
3. Date of Publication: **February 20, 2013**
4. Date and Time Ordinance Shall Take Effect: **February 27, 2013; at 12 noon.**

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Sheila McDonald, Township Clerk