

East Bay Charter Township

# 7

Amendment to Section 204 Essential Public  
Services

Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_

To

Adopt

Table

Deny

\_\_\_\_\_  
\_\_\_\_\_

Roll Call Vote:

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

Motion

Passed

Failed

**GRAND TRAVERSE COUNTY PLANNING COMMISSION  
MASTER PLAN/ZONING REVIEW**

Pursuant to Section 307 of Public Act 110 of 2006, a township shall submit for review and recommendation the proposed zoning ordinance or zoning ordinance amendment to the county.

The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county planning commission has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

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**TOWNSHIP:** East Bay Charter Township

**AMENDMENT #:** 1-09

**DATE RECEIVED:** 5-12

**PUBLIC HEARING:** 5-5-09

**PRELIMINARY REVIEW:**

**MASTER PLAN:**

**ZONING ORDINANCE**

**TEXT**  **MAP**

**MAP ATTACHED**

**PUBLIC HEARING MINUTES**

**CHANGE:** Amend Section 204, Essential Public Services, Section 303, Land Use Table; Section 401, Low Density Residential District; Section 402, Moderate Density Residential District; Section 403, High Density Residential District; Section 404, Rural Residential District; 407 Natural Area District; Section 408 Manufactured Housing Community District; Section 409, Village Center, Section 411; Local Business District; Section 412, Regional Business District; Section 413, Professional Office District; Section 415, Industrial District; Section 421, Agricultural-Rural District; Section 627, Reserved; Section 628, Major Essential Public Service Facilities; Section 629, Laundry and Dry Cleaning Establishments; Section 1406, Definitions, E, of the East Bay Charter Township Zoning Ordinance. This amendment expands the zoning ordinance's section on essential service facilities to fully address infrastructure built and operated by franchise utility companies.

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**TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:**

Approval

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**COUNTY PLANNING STAFF COMMENTS:**

Staff recommends concurrence with the East Bay Township Planning Commission.

Please see complete staff report.

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**COUNTY PLANNING COMMISSION ACTION:**

The County Planning Commission, at their May 19, 2009 meeting, concurred with the township planning commission recommendation of approval.


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**RETURNED TO TOWNSHIP (DATE/RECOMMENDATION):** 5-20-09

# Williams & Works

## MEMORANDUM

**TO:** Township Board  
East Bay Charter Township

**FROM:** Jay Kilpatrick, AICP 

**DATE:** May 28, 2009

**RE:** Regulating Essential Service Facilities

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At the May 5<sup>th</sup> meeting, the Planning Commission held a hearing on a draft amendment to the zoning ordinance to provide more comprehensive treatment of certain essential service facilities, such as large utility structures like water towers, electrical substations and similar facilities.

Currently, essential services are regulated (minimally) under Section 204. The existing language essentially permits them without regulation in all districts, but subject to Planning Commission approval. Today the ordinance provides no guidance for the Planning Commission and, without some clear standards; the community would be in a very weak position to impose standards, much less to deny such a facility.

The proposed amendment would broaden Section 204 to distinguish between routine essential service facilities - like water and sewer lines, pump stations, underground or overhead wires, etc. and larger, more imposing facilities, which would be regarded as Major Essential Service Facilities. All essential service facilities would be permitted in all districts, but the Major facilities would be treated as special land uses, subject to screening standards and other requirements as set forth in a new Section 628.

The attached amendment is rather lengthy, only because it is necessary to make a minor adjustment in each zoning district to recognize Essential Service Facilities in each section. However, the key new provisions in the amendment are Section 204, Section 628 and the definitions at Section 1406.

The County Planning Commission has reviewed the amendment and recommended adoption of the change.

c: Leslie Couturier  
Zoning Administrator

East Bay Charter Township  
Grand Traverse County  
Ordinance # 1-09

AN ORDINANCE TO AMEND SECTION 204, ESSENTIAL PUBLIC SERVICES; SECTION 303, LAND USE TABLE; SECTION 401, LOW DENSITY RESIDENTIAL DISTRICT; SECTION 402, MODERATE DENSITY RESIDENTIAL DISTRICT, SECTION 403, HIGH DENSITY RESIDENTIAL DISTRICT; SECTION 404, RURAL RESIDENTIAL DISTRICT; SECTION 405 LAKES AREA DISTRICT; SECTION 406, BOARDMAN RIVER DISTRICT; 407 NATURAL AREA DISTRICT; SECTION 408 MANUFACTURED HOUSING COMMUNITY DISTRICT; SECTION 409, VILLAGE CENTER; SECTION 411, LOCAL BUSINESS DISTRICT; SECTION 412 REGIONAL BUSINESS DISTRICT; SECTION 413, PROFESSIONAL OFFICE DISTRICT; SECTION 415, INDUSTRIAL DISTRICT; SECTION 421, AGRICULTURAL-RURAL DISTRICT; SECTION 627, RESERVED; SECTION 628, MAJOR ESSENTIAL PUBLIC SERVICE FACILITIES; SECTION 629 LAUNDRY AND DRY CLEANING ESTABLISHMENTS; SECTION 1406 DEFINITIONS, E, OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE.

EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

1. Section 204, is hereby amended to read as follows:

**SECTION 204 ESSENTIAL SERVICE FACILITIES**

1. **Intent.** It is the intent of this Zoning Ordinance to permit routine essential service facilities in any zoning district because routine essential service facilities are likely to have a minimal adverse impact on surrounding properties. Major Essential Service Facilities are those utility-type public service facilities which, because of their size or nature, are more likely to have an adverse impact on surrounding properties. Depending on their size, nature, and potential adverse impact on surrounding properties, Major Essential Service Facilities may be allowed in any zoning district, except the Boardman River District and the Forest Lakes Overlay as defined in Section 231, and subject to the provisions of this Ordinance. All Major Essential Services Facilities shall be subject to site plan and Special Land Use review in accordance with Article VI of this Ordinance.
2. **Relationship to Franchise.** Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan, or in any ordinance of the Township. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this Zoning Ordinance, wherever such conformity shall not conflict with the specific requirements of such franchise, state legislation, or Township Ordinance. In the absence of any conflict, the Zoning Ordinance shall prevail.
3. **Routine Essential Service Facilities.** The following are considered routine essential service facilities and are permitted in all zoning districts:

- a. Underground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, telephone, and cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided that are designed to serve primarily East Bay Township and any adjacent community, subject to any franchise agreement with the Township.
  - b. Above ground utility facilities and equipment buildings or cabinets that occupy no more than 200 square feet and are no more than twelve (12) feet in height.
  - c. Overhead pole-mounted electrical, telephone, cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided designed to primarily serve East Bay Township and any adjacent community, subject to any franchise agreement with the Township, and providing the height above grade of such facilities does not exceed fifty (50) feet. With new developments, utility easements will be approved as part of a subdivision plat, condominium, or site plan.
  - d. Any other facilities similar in scale and scope to the above, as determined by the Zoning Administrator, shall be considered routine essential service facilities.
  - e. Essential Service Facilities other than those described in subparagraphs a through d of this section shall be considered Major Essential Service Facilities, subject to the provisions of Section 628.
4. Routine Essential Service Facilities Review and Approval. Installation of new Routine Essential Service Facilities shall be subject to review and approval of the Zoning Administrator and issuance of a Land Use Permit pursuant to Section 803. Replacement facilities and regular maintenance shall not require issuance of a new land use permit.

2. Section 303, Table 3-1, Table of Land Uses is hereby amended to read as follows:

**SECTION 303 LAND USE TABLE (Revised 12/8/08)**

Table 3-1 Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

**EAST BAY TOWNSHIP**

**Table 3-1 Uses Permitted by Right and Special Land Use Permit**

(R=Use by Right; SLU=Use Permitted as Special Land Use; \* Indicates districts in which certain uses do not require site plan review)

USES	LDR	MDR	HDR	MHC	RR	LB	VC	RB	PO	IND	AG	LA	BR	NA
Accessory Bldg. ≤ footprint principal structure	R*		R	R	R*	R	R	R	R	R	R*	R*	R*	R*
Accessory Bldg. > footprint principal structure	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Accessory Uses, Rel. to uses permitted by right						R*		R*	R	R	R	R	R	R
Adult Businesses								SLU						
Agricultural Service Establishment											SLU			
Airport											SLU			
Animals					R						R			
Antique Store							R	R						
Appliance, repair and sales						R	R							
Architecture, Design & Engineering										R				
Bakery or Confectionery Shop							R							
Bank							R		R					
Bed & Breakfast		SLU	SLU	SLU	R		SLU		R		SLU	SLU		
Billboards								SLU						
Boat, Motor Sales & Repair												SLU		
Book Store							R							
Building, Electrical, Mechanical & Plumbing							SLU			R				
Cabin Courts													R	
Camps and Campgrounds													R	SLU
Car Wash, connected to public sewer						R	SLU	SLU						
Cemeteries	SLU										SLU			
Civic Club											SLU			
Combinations of Uses							SLU	R/SLU	R/SLU					
Commercial agriculture											R			
Commercial Establishments w/ Drive-Thru						SLU		SLU						
Commercial Recreation, assoc. w/ residential														
Commercial Recreation, skiing, golf														
Construction Equip. Sales & Supplies						SLU				R				

Table 3-1 Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; \* Indicates districts in which certain uses do not require site plan review)

USES	LDR	MDR	HDR	MHC	RR	LB	VC	RB	PO	IND	AG	LA	BR	NA
Convenience Store, excluding fuel service								R						
Day Care, Group 7-12 children	SLU	SLU	SLU	SLU	SLU		R				SLU			
Day Care Center or Child Care Center			SLU	SLU		SLU	SLU							
Drug Store							R	R						
Dwelling, 2-fam. in Windcrest Hills, Earlington Hills and Chateau Heights Plats	R													
Dwelling, multiple		R	R	R			R	SLU						
Dwelling, single family detached	R*	R*	R*	R*	R*	SLU	R				R*	R*	R*	R*
Education Facilities	SLU	SLU	SLU	SLU	SLU		SLU				SLU			
Essential Service Facility, Routine	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Essential Service Facility, Major	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU <sup>2</sup>		SLU <sup>2</sup>
Fabrication & Assembly										R				
Farm, operations and farm buildings											R			
Fitness Center							SLU	SLU		SLU				
Floral Shop							R							
Forestry & Wildlife Management											R		R	R
Foster Care, Adult (7-12 residents)		SLU	SLU	SLU	SLU						SLU			
Foster Care, Adult (13+ residents)			SLU	SLU		SLU								
Galleries, art, craft and hobby stores							R							
Gasoline Station						R	R							
Gift & Souvenir Shop							R	R						
Golf Courses, and related accessory uses	R										R			
Gravel Pit											SLU			
Greenhouses & Nurseries					R		R				R			
Grocery Store, without gasoline pump						R	R	R						
Grouped Housing, multi-family		R	R	R										
Hardware Store						R	R							
Home Occupation	R	R	R	R	R		R				R	R	R	R
Hotels & Motels							SLU	R						
Industrial Clustered Sub-Division										R				
Jewelry Store								R						
Keeping of Horses													R	R
Kennels & Animal Clinic											R			
Laboratories										R				
Laundry & Dry Cleaning Establishment						SLU		SLU						
Lodging and Boarding House			R	R	R									

Table 3-1 Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; \* Indicates districts in which certain uses do not require site plan review)

USES	LDR	MDR	HDR	MHC	RR	LB	VC	RB	PO	IND	AG	LA	BR	NA
Manufactured Housing Community				R										
Manufacturing & Processing										R				
Marinas, uses incidental thereto								R						
Mini-Warehouse, Self-Store 8K sq ft, or less			SLU	SLU	SLU	SLU				R	SLU	SLU		
Mini-Warehouse, more than 8K sq ft									SLU	R				
Mortuary														
Neighborhood Local Business												SLU		
Nursing Home			R	R										
Office Clustered Sub-Division									R					
Outdoor storage, up to 4 Recreation Vehicles					R					R	R*	R*	R*	R*
Packaging, Canning & Bottling														
Party, Drugs and Notions Store						R		R						
Permanent Docks												R		
Personal Services						R	R	R						
Personal Wireless Communication Facilities					SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Photographic, developing, sales & supplies								R						
Places of Public Assembly, Large and Small	SLU	SLU	SLU	SLU	SLU	R	R	R			SLU			
Planned Unit Development	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Printing, Publishing & Allied Industries										R				
Professional Offices						R	R	R	R	R				
Public Parks	R	R	R	R	R			R			R	R	R	R
Public Recreational Facility, excluding carnival								R						
Publicly Owned Bldgs, exchanges, util. Offices									R					
Purchase of Development Rights (PDR)					R						R		R	R
Recreation Facilities								R						
Recreation, accessory to industry										R				
Research, Development & Testing										R				
Restaurant						R	R	R						
Roadside Stands												R		
Seasonal Merchandise Sales														
Shore Improvements													R*	
Shore Structures													R*	
Showroom for Office & Building Trades						R				R				

Table 3-1 Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; \* Indicates districts in which certain uses do not require site plan review)

USES	LDR	MDR	HDR	MHC	RR	LB	VC	RB	PO	IND	AG	LA	BR	NA
Sporting, Recreation & Bicycle Shop								R						
Studio for performing and graphic arts							R							
Subdivision, Plat or Condominium – Residential	R	R	R	R	R						R	R <sup>1</sup>	R	R <sup>1</sup>
Subdivision – Cluster, Plat or Condominium – Residential	R	R	R	R	R						R	R <sup>1</sup>	R	R <sup>1</sup>
Subdivision, Plat or Condominium – Commercial						R		R						
Subdivision - Cluster, Plat or Condominium – Commercial						R		R						
Subdivision, Plat or Condominium – Industrial										R				
Subdivision – Cluster, Plat or Condominium – Industrial										R				
Subdivision, Plat or Condominium – Office									R					
Subdivision – Cluster, Plat or Condominium – Office									R					
Temporary Docks													R	R
Township Uses	SLU						R					R		
Uses Similar to Uses Permitted by Right						R		R	R					
Utility Sub-Stations												R		
Vehicle Repair Facilities										SLU				
Video Store						R	R	R						
Walkways, elevated, open or enclosed								R						
Warehousing, products produced on premises														
Wearing Apparel, Accessory & Shoe Store						R	R	R						

1. Within the Forest Lakes Overlay District, residential subdivisions consisting of two or more residential building sites or two or more residential structures under any lawful form of ownership, including but not limited to ownership subject to or created under the Land Division Act or the Michigan Condominium Act, whether undertaken as cluster or traditional form shall be treated as special land uses Subject to the terms of Article VI, pursuant to Section 231.
2. Major Essential Service Facilities shall not be permitted within the Forest Lakes Overlay area as defined in Section 231.

3. Section 401 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

4. Section 402 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

5. Section 403 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

6. Section 404 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

7. Section 405 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628, and if located outside the Forest Lakes Overlay area.

8. Section 406 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2.

9. Section 407 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628 and if located outside the Forest Lakes Overlay area.

10. Section 408 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

11. Section 409 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

12. Section 411 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

13. Section 412 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

14. Section 413 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

15. Section 415 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

16. Section 421 is hereby amended to add “Essential Service Facility, Routine” to the listing of permitted uses and to subparagraph 2; and “Essential Service Facility, Major” to the listing of Special Land Uses and to subparagraph 3, which shall read as follows, in alphabetical order:

Essential Service Facility, Major, subject to the provisions of Section 628

17. Section 627 is hereby amended to read as follows:

**SECTION 627 LAUNDRY AND DRY CLEANING ESTABLISHMENT**

1. DEFINITIONS: A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.
2. REGULATIONS AND CONDITIONS.

- a. The minimum lot size shall be one (1) acre and the minimum lot width shall be two hundred (200) feet.
- b. All exterior lighting shall be equipped with cutoff fixtures to prevent light from casting off the site.
- c. All storage tanks or other facilities used to store hazardous, toxic, explosive or flammable substances shall be equipped with appropriate containment structures or equipment to prevent any migration of such substances into the groundwater or surface waters of the Township.
- d. A landscaped buffer not less than twenty-five (25) feet in width shall be provided along the front lot line and along any side or rear lot line that abuts lands zoned or used for residential purposes.
- e. All signs shall be in compliance with the provisions of Section 215 of this Ordinance.
- f. All off-street parking shall be in compliance with Article VII of this Ordinance.
- g. Landscaping and Buffering shall be provided in accordance with Section 229 of this Zoning Ordinance.

18. Section 628 is hereby amended to read as follows:

**SECTION 628 MAJOR ESSENTIAL SERVICE FACILITIES**

- A. **Definition.** Any essential service facility as defined herein that is not a routine essential service facility.
- B. **Regulations and Conditions.**
  1. Any above ground major essential service facility shall be fully secured from unauthorized entry either by construction of the facility itself or through fencing which meets the requirements of this ordinance.
  2. As a condition of approval of a special land use permit, the Planning Commission may require remote monitoring of major essential service facilities that may be vulnerable to damage or disruption.
  3. Major essential service facilities located out-of-doors shall be screened from view from adjoining properties and from public road rights-of-way with evergreen plantings planted at such intervals as to provide an opaque screen within one-year of planting. Equipment buildings intended to house major essential service facilities, such as well houses, pump buildings or equipment shelters, shall be constructed of face brick, decorative masonry, cement board or wood lap siding designed to resemble nearby structures. Provided, that a side of such equipment building that is not visible from a public right-of-way, may be constructed of common cement block or metal panels, if further screened with evergreen landscaping.
  4. All above ground major essential service facilities shall be located in

conformance with the yard, lot width and lot area standards of this ordinance. With the exception of elevated water storage facilities, major essential service facilities shall not exceed the maximum height requirements of the zoning district in which they are located.

5. A major essential service facility shall be considered an accessory use to any other permitted or special land use, if it occupies no more than ten (10) percent of the parcel which is shared with the principal use. A major essential service facility located on an otherwise vacant parcel shall be considered the principal use of that parcel.
6. An above ground major essential service facility which is fenced or which is housed in an equipment building shall include a sign placard of not more than two square feet which shall indicate the owner or operator's name, address and emergency contact information. In addition, such facilities may include any required hazard warning signage.
7. Major Essential Services facilities shall not be permitted within the boundaries of the Forest Lakes Overlay area as defined in Section 231, nor within the Boardman River District.

19. Section 1406 is hereby amended to add the following defined terms in alphabetical order

Essential Service Facility: Buildings, grounds and equipment associated with the provision to the public of natural gas, electricity, potable water, wastewater conveyance and treatment, stormwater conveyance and treatment, telephone, cable television, broadband digital communication and related services.

Essential Service Facility, Major: Any essential service facility as defined herein that is not a routine essential service facility.

Essential Service Facility, Routine: An essential service facility as defined herein which is not typically regarded as imposing on, or detrimental to, neighboring property; including, but not limited to:

1. Underground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, telephone, and cable television and broadband distribution lines and associated structures, transformers, switches and utility boxes that are designed to serve primarily East Bay Township and any adjacent community, subject to any franchise agreement with the Township.
2. Above ground utility facilities and equipment buildings or cabinets that occupy no more than 200 square feet and are no more than twelve (12) feet in height.
3. Overhead pole-mounted electrical, telephone, cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided and designed to primarily serve East Bay Township and any adjacent community, subject to any franchise agreement with the Township, and providing the height above grade of such facilities does not exceed fifty (50) feet.

20. Severability.

If any section, clause, or provision of this Ordinance be 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.

21. Effective Date.

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

CHARTER TOWNSHIP OF EAST BAY

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Glen Lile, Supervisor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Susanne M. Courtade, Clerk

Published Date: \_\_\_\_\_, 2009

Effective Date: \_\_\_\_\_, 2009