

**TOWNSHIP BOARD
EVERGREEN TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinance No. 2023-02)

At a regular meeting of the Township Board for Evergreen Township held at the Township Hall on November 28, 2023, and commencing at 7:30 p.m., the following Ordinance was offered for adoption by Township Board Member Heintzelman, and was seconded by Township Board Member Fountain :

AN ORDINANCE TO AMEND SUBSECTION 6(D); TO ENACT A NEW SUBSECTION 6(G); AND TO ENACT A NEW SUBSECTION 6(H) OF EVERGREEN TOWNSHIP ORDINANCE NO. 2021-2 ENTITLED "THE SOLAR FARM ORDINANCE".

THE TOWNSHIP OF EVERGREEN (THE "TOWNSHIP") ORDAINS:

Article. 1 Amendment of subsection 6(D). Subsection 6(D) of Ordinance No. 2021-2 is hereby amended and reads in its entirety as follows:

- D. Term. The term of a Township permit may not exceed 40 years following the date of issuance. A Township permit is a revocable privilege granted by the Township. The application for a Township permit does not create or vest any right, title, franchise, or other property interest. The granting of a Township permit does not create or vest any right, title, franchise, or other property interest. Township permits are non-renewable.

Article 2. Enactment of subsection 6(G). Subsection 6(G) of Ordinance No. 2021-2 is hereby enacted and reads in its entirety as follows:

G. Modification. Following the issuance of a Township permit, any modification of the Township permit terms must be approved by the Township Board.

1. Application for modifications will be made in the same manner as an initial application.
2. Approval of modifications will be made in the same manner as the initial Township permit approval except that the public hearing under section 9 is not required.

Article 3. Enactment of subsection 6(H). Subsection 6(H) of Ordinance No. 2021-2 is hereby enacted and reads in its entirety as follows:

H. Revocability. Following notice of the violation and a reasonable opportunity to cure not to exceed 90 calendar days, the Township Board may revoke a Township permit for any of the following reasons:

1. Violation of this Ordinance or a term of the Township permit.

2. Fraud or misrepresentation in the Township permit application.
3. Failure to maintain decommissioning financial security, performance guarantees, or insurance required under this Ordinance.

Prior to the revocation of a Township permit, the Township permit holder must be given written notice of the basis for the revocation and a hearing before the Township Board.

Article 4. Savings Clause.

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

Section 5. Effective Date.

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

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

YEAS: Ross, Greenhoe, Fountain, Baker, Heintzelman
 NAYS: Ø
 ABSENT/ABSTAIN: Ø

ORDINANCE DECLARED ADOPTED.

And Ross

Township Supervisor

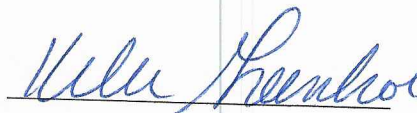
Kelley Beaulieu

Township Clerk

CERTIFICATION

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kelli Hancock", is written over a horizontal line.

Township Clerk

Adopted:
Published:
Effective:

