

JUN 9 1972

TRI-CITY AREA JOINT AIRPORT HEIGHT ZONING BOARD
OF APPEALS

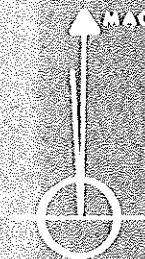
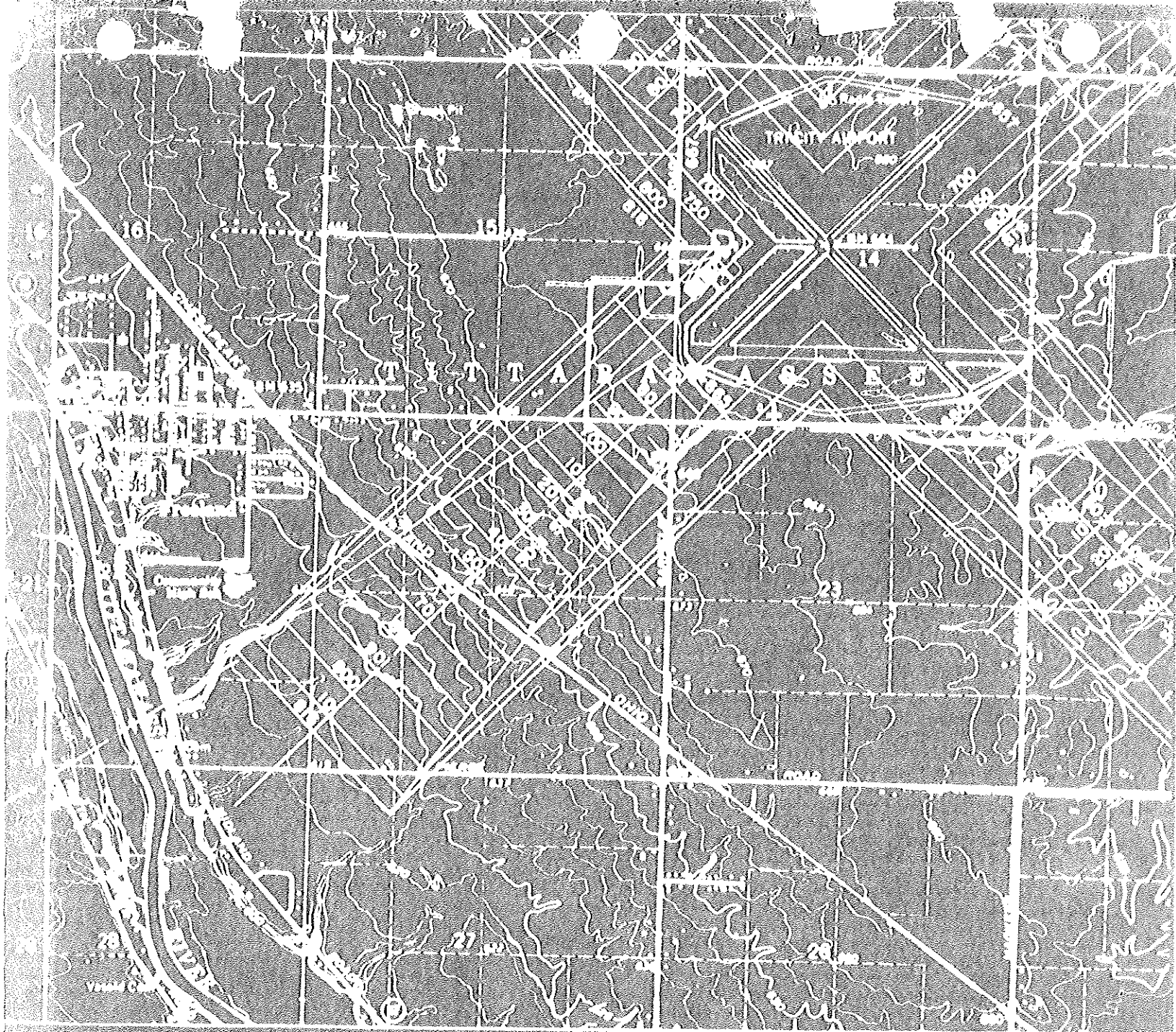
June 1, 1972

MEMO TO: Zoning Permit Officers

FROM: Harold E. Wight, Assistant Airport Manager, Tri-City Airport
Commission *Phone: 695-4211*

Enclosed is a copy of the Tri-City Area Height Zoning Ordinance. This Ordinance applies to virtually all of the tri-county area. A height zoning permit is required for all structures in excess of 99 feet. You will note in the atlas that there are several areas which have considerably lower limitations particularly near airports. Even though the structure may be lower than the indicated heights on the atlas, the permit is still required if the structure exceeds 99 feet above the ground.

Your cooperation in this matter would be greatly appreciated.



TRI-CITY AREA JOINT AIRPORT ZONING ORDINANCE

JUN 9 1978

TRI-CITY, JACK BARSTOW, JAMES CLEMENTS & SAGINAW MUNICIPAL AIRPORTS
COUNTIES OF BAY, MIDLAND & SAGINAW

MAN 9.172
JUN 11 1970

TRI-CITY AREA JOINT AIRPORT ZONING ORDINANCE

FORWARD

The Tri-City Area Joint Airport Zoning Ordinance was adopted on May 27, 1970 and became effective June 11, 1970. The principal objective is to provide additional safety and protection to the users of the airports and to the people who live and work in their vicinity. The ordinance establishes regulations on land within a 15 mile radius of the Tri-City Airport, and a 10 mile radius of the Jack Barstow, James Clements and Saginaw Municipal Airports. This ordinance establishes a hugh bowl with a maximum height limitation of 500 feet above the established elevation of the airports at their outer edge and has a minimum height limitation of 25 feet above ground at some locations in the approaches to the runways immediately adjacent to the airports. The height limitations of this ordinance become less severe as the distance from the airport is increased.

Structures and trees which project above the height limitations are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily set, but are based on past experience and studies made by the Department of Aeronautics of the State of Michigan, and by the Federal Aviation Administration. Height limits are based upon the established elevation of each airport or upon the elevation of the end of the nearest runway.

This ordinance does not affect existing structures, the height of which exceeded the limits imposed by this ordinance at the time it became effective. New construction, and construction increasing the height of the existing structures, within 15 miles of the Tri-City Airport, and 10 miles radius of the Jack Barstow, James Clements and Saginaw Municipal Airports must conform to the provisions on height. The ordinance also restricts such uses of land within the vicinity of the airports as will unreasonably interfere with radio communications systems and other navigational aids or devises used by the airports and aircraft, or would reduce visibility or would create confusing lights.

The Tri-City Area Joint Airport Zoning Board was created by the Boards of Supervisors of the Counties of Midland, Bay and Saginaw; and Cities of Midland, Bay City, and Saginaw, and the Michigan Aeronautics Commission for the express purpose of establishing airport zoning regulations. This Joint Board has charged the Tri-City Airport Commission with the responsibility of administering and enforcing the provisions of the ordinance, with the understanding that the Agency would seek the close cooperation and work through the local County, Township and City Zoning Boards.

To effectively administer the ordinance, the Joint Board established application heights which are below the allowable height limits of the ordinance. This was done to make it easier for the local

Zoning Boards and the general public to decide whether an application for permit must be filed with the Administrative Agency. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application.

The ordinance contains provisions for the variance of the regulations in event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Joint Airport Zoning Board, with the cooperation of the public to have the ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

The preceding is by way of explanation only and is not to be considered a part of the ordinance. Information regarding height limits and copies of the ordinance are available at the offices of the Administrative Agency or the Michigan Department of Aeronautics Commission, Capitol City Airport, Lansing, Michigan 48906. A copy of the ordinance is on file with the County Clerks of Midland, Bay and Saginaw Counties.

AN ORDINANCE ESTABLISHING AIRPORT ZONING REGULATIONS RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE TRI-CITY AIRPORT, AND JACK BARSTOW, JAMES CLEMENTS AND THE SAGINAW MUNICIPAL AIRPORTS; PROVIDING FOR THE ALLOWANCE OF VARIANCES FROM SUCH REGULATIONS; DESIGNATING THE ADMINISTRATIVE AGENCY CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS; ESTABLISHING AN AIRPORT ZONING BOARD OF APPEALS; PROVIDING FOR ENFORCEMENT; AND IMPOSING PENALTIES FOR VIOLATION OF THIS ORDINANCE

Pursuant to the authority conferred by the provisions of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and for the purpose of promoting the health, safety and general welfare of the inhabitants of the Counties of Midland, Bay and Saginaw by preventing the establishment of airport hazards and thereby protecting the general public, users of the Tri-City, Jack Barstow, James Clements and the Saginaw Municipal airports, and occupants of land in their vicinity, and preventing the destruction and impairment of the utility of said airports and the public investment therein; the Tri-City Area Joint Airport Zoning Board does hereby ordain as follows:

Section 1. Words, Phrases and Definitions: For the purpose of this ordinance, the words, terms and phrases set forth in this section shall have the meanings prescribed:

- (a) Above Mean Sea Level. The term "above mean sea level" when used in this ordinance or on accompanying maps, denotes elevations above sea level as based upon and determined by reference to United States Coast and Geodetic Survey datum.
- (b) Agency. The term "Agency" means the Tri-City Area Joint Airport Zoning Board which is hereafter charged with the administration and enforcement of the provisions of this ordinance.
- (c) Airport Hazard. The term "airport hazard" means any structure or tree within the airport hazard area which exceeds the height limitations established by this ordinance, or any use of land or of appurtenances thereto contrary to the provisions of this ordinance within an airport hazard area.
- (d) Airport Hazard Area. The term "airport hazard area" means any area of land or water, or both, upon which an airport hazard might be established if not prevented as provided in this ordinance.

- (e) Airports. The term "Airports" means the Tri-City, Jack Barstow, James Clements and the Saginaw Municipal airports and all appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights of way or other interests either heretofore or hereafter established.
- (f) Board. The term "Board" means the Board of Appeals as hereinafter created and designated.
- (g) Enabling Act. The term "enabling act" means Act No. 23, Public Acts of 1950, Extra Sessions, as now existing and hereafter amended.
- (h) Flyer. The term "flyer" means any person engaged in the operation of an aircraft in flight including, but not limited to, a pilot, navigator or flight engineer.
- (i) Non-Conforming Use. The term "nonconforming use" means any structure, tree or use of land which does not conform to a regulation prescribed in this ordinance or any amendment thereto as of the effective date of such regulation.
- (j) Person. The term "person" means any individual, firm, partnership, corporation, company, association, joint stock association, municipal corporation or other body politic, and including any trustee, receiver, assignee or other similar representative thereof.
- (k) Structure. The term "structure" means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, radio and television aerials and antennae, highway signs and traffic signals and appurtenances of such signs and signals, but not including highways.
- (l) Tree. The term "tree" means any object of natural growth.

Section 2. Airport Hazard Area. There is hereby established an airport hazard area which consists of all the lands within Midland, Bay or Saginaw counties lying beneath the approach, transitional, 149 feet or 150 feet horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a radius extending 15 miles from the established center of the usable landing area of the Tri-City Airport, and 10 miles from the established centers of usable land areas of the Jack Barstow, James Clements and the Saginaw Municipal airports, the boundaries of which surfaces are shown on the Tri-City Area Joint Airport Zoning Plans numbered sheets 1 through 17, which maps are attached

hereto and made a part hereof. The several "surfaces" referred to herein are defined as follows:

- (a) Approach Surfaces. The approach is an inclined plane located directly above the approach area; the length is measured beginning 200 feet from the end of the runway, on a centerline to the desired length. The width of the approach surface is symmetrically located with respect to the extended runway centerline and flares uniformly to its terminus. The slope of the approach surface is on a predetermined ratio.
- (b) Horizontal Surface. The horizontal surface is a plane with its height 149 feet or 150 feet or 500 feet above the datum plane and based on United States Coast and Geodetic Survey datum.
- (c) Conical Surface. The conical surface extends upward and outward from the periphery of the horizontal surface at a prescribed slope.
- (d) Transitional Surfaces. Transitional surfaces are inclined planes with a slope of 7 feet horizontal to 1 foot vertical, measured at right angles to and located symmetrically about the centerline of the runway.

Section 3. Height Limitations. There are hereby imposed on the lands in said airports hazard areas the height limitations shown on the attached airport zoning maps, the same being based upon the elevations above mean sea level at the ends of the respective airport runways and the established elevation of the airports, which elevations are shown on sheets 1 through 17 of the zoning maps.

Section 4. Unlawful to Exceed Height Limitations. From and after the effective date of this ordinance, it shall be unlawful for any person to erect any structure to a height in excess of the limitations prescribed by the terms of this ordinance and the attached airport zoning maps; or to plant or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this ordinance and the attached airport zoning maps; or to establish any use of lands contrary to the provisions of this ordinance.

Section 5. Electric Interference, Lights and Smoke. Notwithstanding any other provisions of this ordinance, it shall be unlawful to put any lands within any airport hazard area to any use which:

- (a) Could create electrical interference with radio communications between the airport and aircraft, or create interference with navigational aids employed by aircraft.
- (b) Could make it difficult for flyers to distinguish between airport lights and others or result in glare in the eyes of flyers using the airport.
- (c) Could create air pollution in such amounts as to impair the visibility of flyers in the use of the airport.

Section 6. Applicability to Existing Use. The provisions of Section 4 of this ordinance shall not apply to structures, trees or other non-conforming uses as the same may exist in the airport hazard area on the effective date hereof, unless subsequent thereto the Agency determines the same to be abandoned, or 80% torn down, destroyed, deteriorated, or decayed.

Section 7. Applicability to Changes to Alterations in Existing Uses.

The provisions of Section 4 of this ordinance shall apply to changes or alterations in existing structures, trees or other non-conforming uses after the date hereof, and so as to increase the height thereof, with the same force and effect as though the same were new uses.

Section 8. Permit Required. A permit shall be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed, substantially altered or substantially repaired, in any airport hazard area, except as otherwise provided in Section 11.

Before any non-conforming structure or tree may be replaced, substantially altered or substantially repaired, rebuilt or allowed to grow higher, or replanted in any airport hazard area, a permit authorizing such replacement, change or repair must be secured.

Section 9. Non-Conforming Uses. Nothing in this ordinance except the provisions of Section 8 hereof and except the conditions of a variance granted under Section 20 hereof, shall require the removal, lowering or other change or alteration of any structure or tree not conforming to this ordinance and the Zoning maps when adopted or amended, or otherwise interfere with the continuance of any non-conforming use.

Section 10. Exception for Emergency Utility Repairs. No permit shall be required for the emergency repair or replacement of non-conforming public utility structures, other than buildings, when the height of such structures will be increased by such emergency repairs or replacement. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such non-conforming public utility structures shall be deemed an emergency.

Section 11. Administrative Agency Permit Procedure. Applications for Tri-City Area Joint Airport Zoning Permits shall be made upon form furnished by the said Agency, and the Agency shall within 5 days from the filing thereof determine whether the height limitations as designated by the Airport Zoning Maps and this ordinance would or would not be violated if such application be granted, and shall thereupon grant or deny said application accordingly (said agency not being vested with authority to permit a variance) and advise applicant of its action within three days after the same has been taken. The force and effect of denial shall be to leave the applicant free to apply to the Board of Appeals for a certificate of variance. The issuance of a permit shall not be construed to permit a use that violates any other general zoning ordinance or regulation applicable to the same area. No permit shall be required for new structures and uses which do not exceed the designated height limitations above the existing ground level on the effective date of this ordinance, for the designated areas: (a) 25 feet for lands lying underneath approach and transitional surfaces, and (b) 99 feet for all other lands in airport hazard areas.

Section 12. Administrative Agency, Powers and Duties of. The Agency is charged with the duty of administering and enforcing this ordinance and the zoning regulations hereby prescribed. The duties of such Agency shall include all those granted in the enabling act, but said Agency shall not have or exercise any of the powers or duties herein delegated to the Board. The Agency may adopt such rules and regulations as may be necessary in connection with its administration and enforcement of this ordinance. The Agency may appoint or designate one or more persons as administrators, who, under its general supervision and subject to its control, shall issue permits as herein provided. The Agency shall, upon the request of any property owner or building official of any municipal corporation in an airport hazard area, advise the maximum height of structure permitted by this ordinance on any parcel of land in said area. The Agency shall designate and maintain at least one business office in the airport hazard area where permits required hereunder may be obtained.

Section 13. Board of Appeals. There is hereby created a Board of Appeals consisting of five members none of whom shall be a member of the Agency, each to be appointed for a term of 3 years and until his successor is appointed and qualified; one of whom shall be designated as Chairman and one of whom shall be designated as Vice-Chairman, which appointments shall be made by the Tri-City Area Joint Airport Zoning Board and provided that, the initial appointments hereunder shall be one member for a term of one year, two for terms of two years each, and two for terms of three years each. Said members shall be removable by the appointing body for cause shown, upon written charges and after notice and opportunity to be publicly heard. The Board of Appeals shall exercise such powers and perform such duties as hereinafter in this ordinance and in said enabling act are conferred upon it.

Section 14. Board of Appeals, Official Name. The Board of Appeals shall be officially known as the Tri-City Area Joint Airport Zoning Board of Appeals.

Section 15. Board of Appeals, Compensation. The Board of Appeals shall receive such compensation and expense reimbursement for attendance at meetings and hearings, and may employ such necessary personnel, as may be provided for by resolution of the Tri-City Area Joint Airport Zoning Board, subject to the appropriation of funds therefor by the Tri-City Airport Commission or the governmental agency or municipal corporation authorized to do so.

Section 16. Board of Appeals, Rules, Organization and Procedures.
The Board of Appeals shall adopt rules concerning its organization and procedure, appeal forms, and other authorized matters, consistent with the provisions of this ordinance. Such rules shall include, but not be limited to, providing a reasonable period of time during which appeal may be taken to it from an action of the Agency. Meetings of the Board shall be held at the call of the Chairman and at such other times as said Board may determine, and notice of all meetings shall be given by the Chairman to all members. The Chairman, or in his absence the Vice-Chairman, may administer oaths or affirmations and issue subpoenas to compel the attendance of witnesses. All hearings of the Board of Appeals shall be public, and it shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official acts, all of which shall be immediately filed in the offices of the Board and shall be a public record.

Section 17. Board of Appeals, Powers. The Board of Appeals, by the concurring vote of a majority of its members, shall have the power to issue certification of variances under the provisions of this ordinance, or to otherwise hear and decide appeals from any order, requirement, rule, regulation, decision or determination made by the Administrative Agency under the powers conferred upon it by this ordinance and the enabling act.

Section 18. Who May Appeal to Board of Appeals. Any person, the Michigan Aeronautics Commission, or the governing body of any political subdivision affected by any decision of the Agency made in its administration of this ordinance and aggrieved thereby, may appeal to the Board of Appeals.

Section 19. Appeal Procedures. All appeals from actions of the Agency shall be taken within the time and in the manner provided by the rules of the Board of Appeals, by filing with the Agency from which the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The Agency shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from, unless the Agency certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the Board on notice to the Agency and on due cause shown. The Board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or modify, the order, requirement, decisions, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the power of the Agency.

Section 20. Certificates of Variance. Applications for certificates of variance shall be submitted on such forms as shall be provided for by the rules of the Board of Appeals, and if the application be granted, the applicant shall be provided a certificate of variance in such form as may be prescribed by such rules; provided that, said certificates shall provide that it not be effective for a period of thirty (30) days following the date of its issuance, and immediately upon issuance a copy thereof shall be filed with the Michigan Aeronautics Commission and a copy with the political subdivision affected by such certificate.

In acting upon applications for variance, variances shall be allowed where a literal application or enforcement of such regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest and approach protection but would do substantial justice and be in accordance with the spirit of the regulations of this ordinance; provided, however, that any such variances may be allowed subject to any reasonable condition or conditions subsequent that the Board of Appeals may deem necessary to effectuate the purpose of this ordinance. Provided further, that nothing in this section shall be construed to permit a use which would conflict with any other general zoning ordinance or regulation applicable to the same area.

Section 21. Appeals to Circuit Court. Any person, including the Michigan Aeronautics Commission, on behalf of and in the name of the State, aggrieved by any decision of the Board of Appeals, may appeal to the Circuit Court, as provided in Section 30 of the enabling act.

Section 22. Penalties. Any person who shall violate this ordinance or any regulations, orders or rulings promulgated or made pursuant to the enabling act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 and imprisonment for a term not to exceed 90 days, and each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Agency by registered mail addressed to the person maintaining such violation, or by other written notice delivered to the violator in person.

Section 23. Civil Action Available. The Tri-City Area Joint Airport Zoning Board may, in addition to any criminal action taken, institute in the Circuit Court, an action to prevent, restrain, correct or abate any violation of the enabling act or of this ordinance or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by the way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order to effectuate fully the purpose of the enabling act, this ordinance and the regulations adopted and orders and rulings made pursuant thereto.

Section 24. Severability of Provisions. If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provision or applications of this ordinance

which can be given effect without the invalid provisions or applications of this ordinance, and to this end the provisions of this ordinance are declared to be severable.

Section 25. Ordinance Name. This ordinance shall be known and may be cited as the "Tri-City Area Joint Airport Zoning Ordinance."

Section 26. Effective Date. This ordinance shall take effect on the 11th day of June, 1970.

/s/ Chairman

TRI-CITY AREA JOINT AIRPORT
ZONING BOARD

/s/ Secretary

TRI-CITY AREA JOINT AIRPORT ZONING BOARD

TRI-CITY AREA JOINT AIRPORT ZONING
BOARD OF APPEALS

Rules of Organization & Procedure

ORGANIZATION

Meetings of the Board to be called at the discretion of the chairman. The Board should meet at least once a year, preferably during the anniversary week of the adoption date of this Ordinance.

PROCEDURE

Appeals should be made within 30 days after written decisions of the Administration Agency. Time can be extended at the discretion of the Board. Place of hearings to be the Tri-City Airport unless otherwise designated. Stenographic records of hearings for appellant to be at the expense of the appellant. Notices for appeals should be in writing. The Administrative Agency is to write a letter of transmittal on records of the case of Appeals. Public notice of hearing published once in the newspaper five (5) business days prior to day of hearing. Notice to interested people to be given by certified mail five (5) days prior to hearing. Interested parties are: (1) Person filing appeal. (2) Tri-City Area Joint Airport Zoning Board. (3) Administrative Agency. (4) Michigan Aeronautics Commission.

The decision of the Board of Appeals to be given in writing to: (1) The Administrative Agency. (2) To the Appellant. (3) To Michigan Aeronautics Commission.

The same procedure to be followed for variances as for appeals. All appeals should be considered within a period of thirty (30) days after receiving notice from the appellant.

Please refer to the Ordinance for additional rules and regulations of the Board of Appeals.

LANZING, NICHIGAM



TRI-CITY, JACK BARSTOW, JAMES CLEMENTS, & SAGINAW MUNICIPAL AIRPORTS
COUNTIES OF BAY, MIDLAND & SAGINAW

[illegible]

TRI-CITY AIRPORT
ZONING BOARD

APPROVED *Lawrence Brown* *11/1/84*
Chairman date

ZONING ADMINISTRATION

ADOPTED BY THE CITY OF NEW YORK APRIL 21, 1970

DATE

ADMINISTRATIVE AGENCY THE CITY OF NEW YORK

BOARD OF APPEALS

CHAIRMAN JOHN J. McLaughlin

VICE - CHAIRMAN JOHN J. McLaughlin

APPROVED _____
JAMES D. RANSLEY
 DIRECTOR

APPROVED _____
W. J. [Signature]
 CHIEF ENGINEER

APPROVED _____
W. J. [Signature]
 ZONING ENGINEER

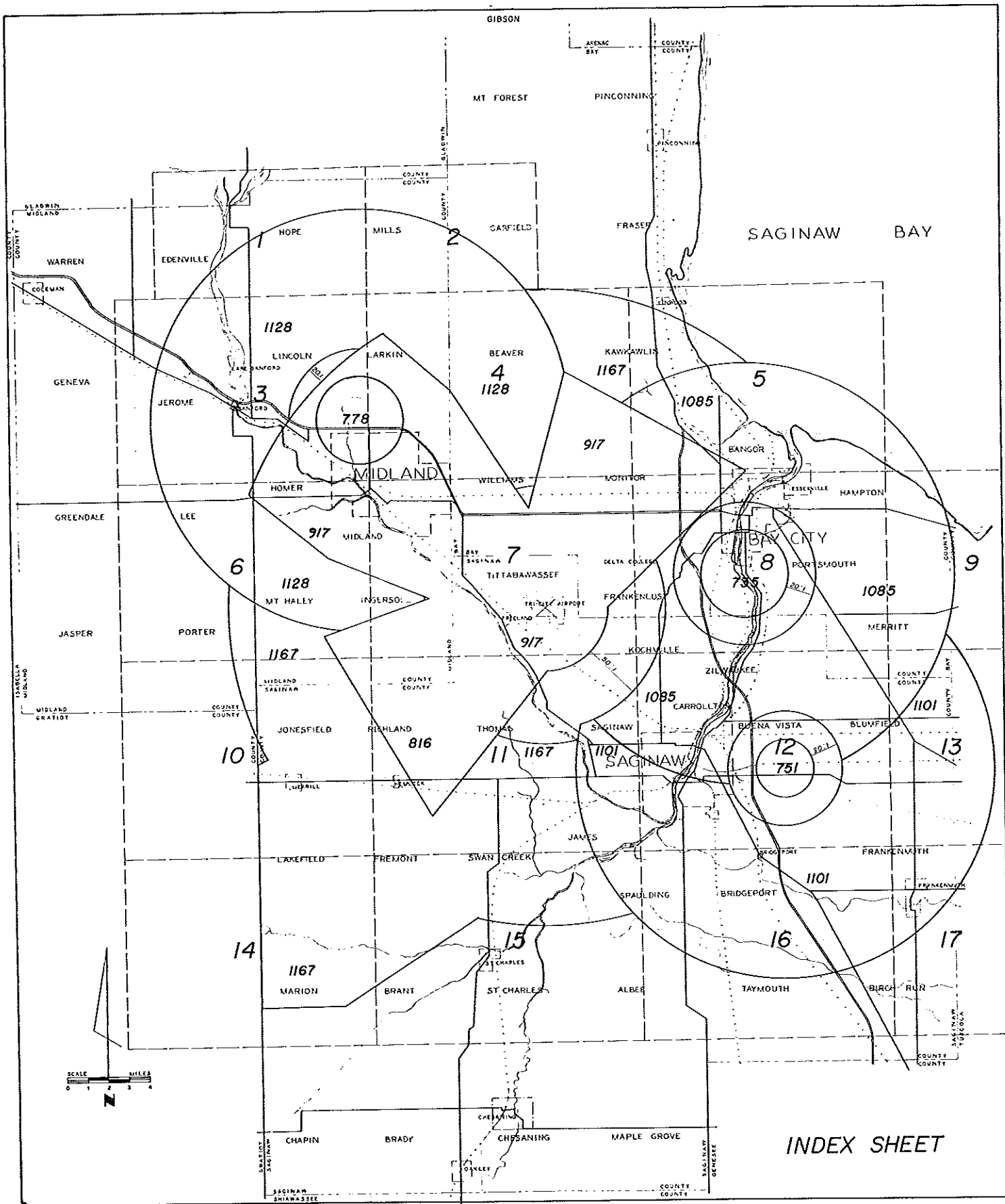
MICHIGAN
 AERONAUTICS COMMISSION

DATE 2/16/52

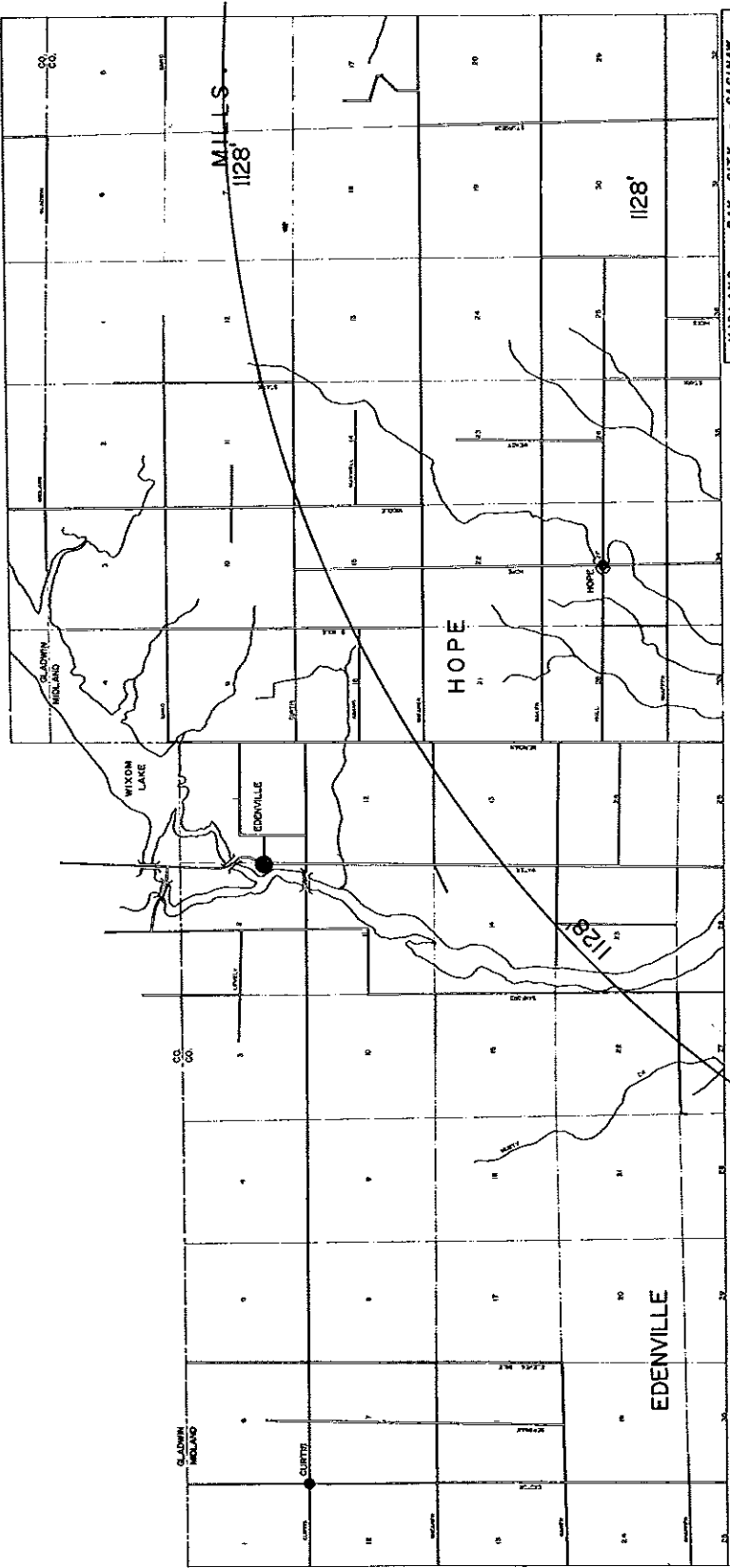
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DATE 2/16/52

TRI-CITY AIRPORT COMMISSION		CHAIRMAN
APPROVED	<u>Russell Thompson</u>	DATE <u>June 11, 1978</u>
APPROVED	<u>Frank Dixon</u>	DATE <u>4/26/79</u>
APPROVED	<u>Charles H. Hefner</u>	DATE <u>4/26/79</u>
APPROVED	<u>William H. Hefner</u>	DATE <u>4/26/79</u>
APPROVED	<u>Ed. Ward</u>	DATE <u>4/26/79</u>

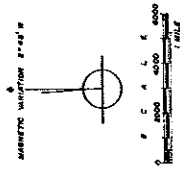


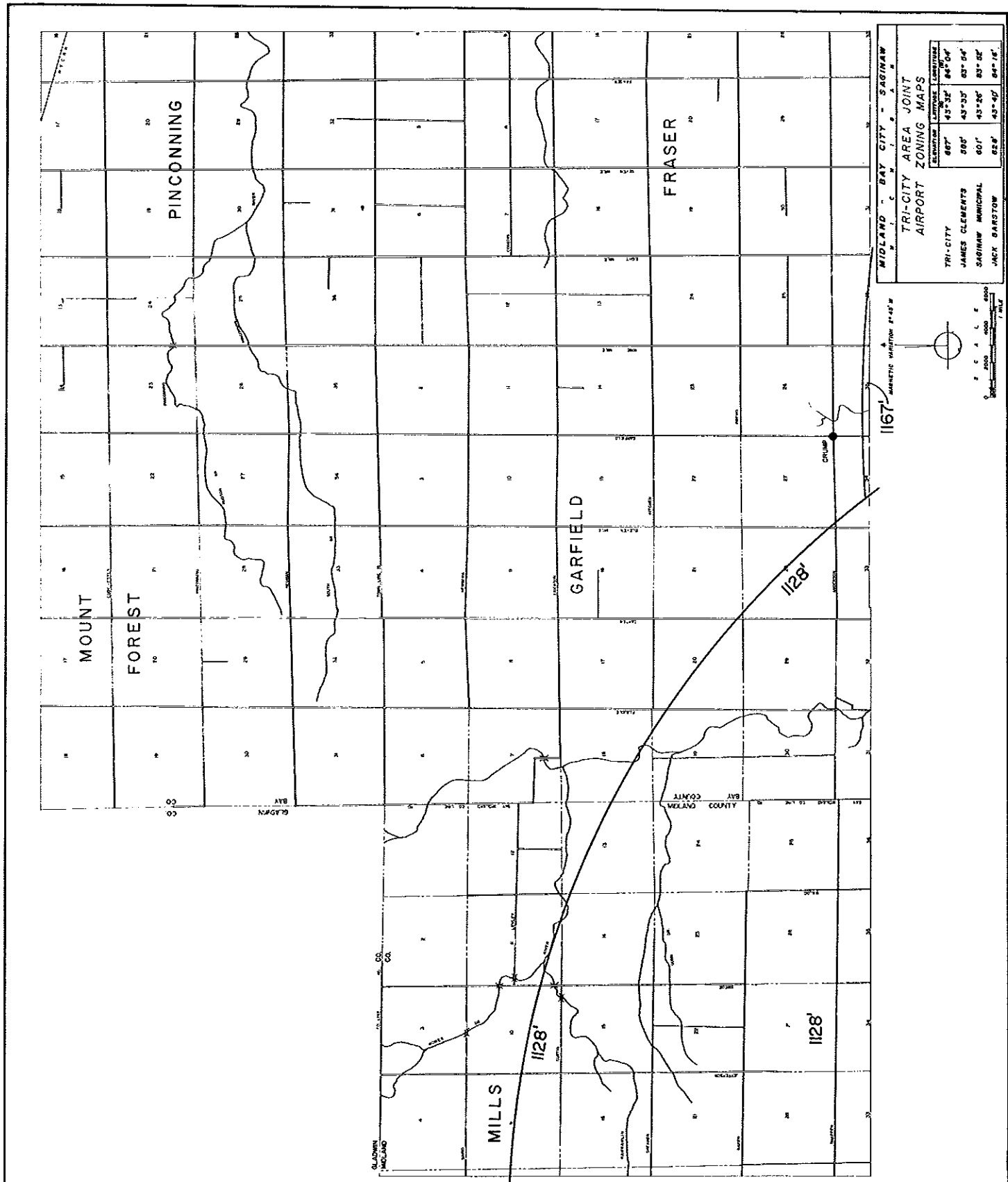
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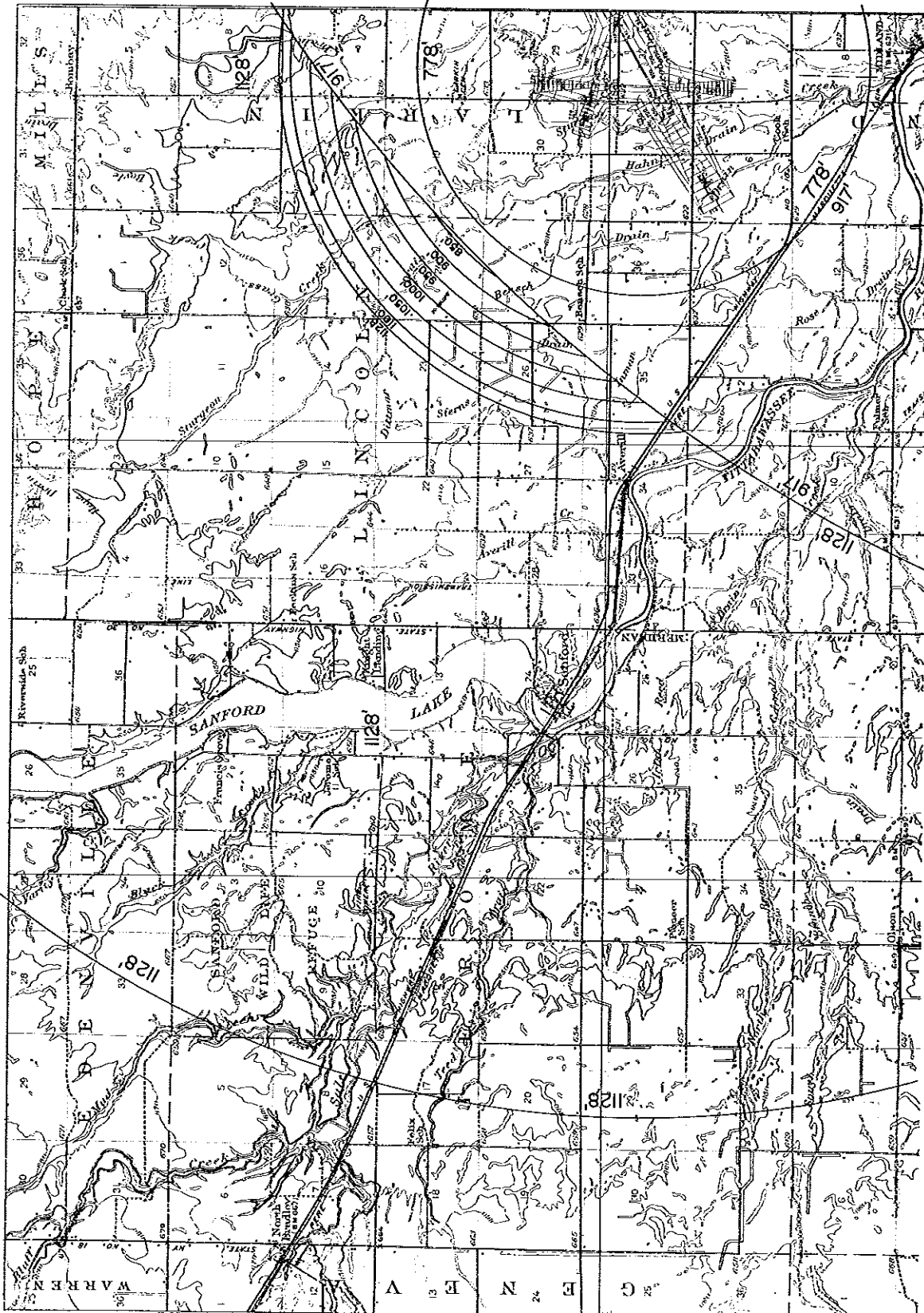


MIDLAND - BAY CITY - SAGINAW
TRI-CITY AREA JOINT
AIRPORT ZONING MAPS

CLARIFICATION	SECTION	SECTION	SECTION
TRI-CITY	167°	43°-45'	84°-04'
JAMES CLEMENTS	080°	43°-35'	83°-24'
SAGINAW MUNICIPAL	601°	43°-26'	83°-02'
JACK BARSTOW	823°	43°-40'	84°-10'





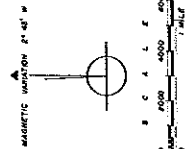


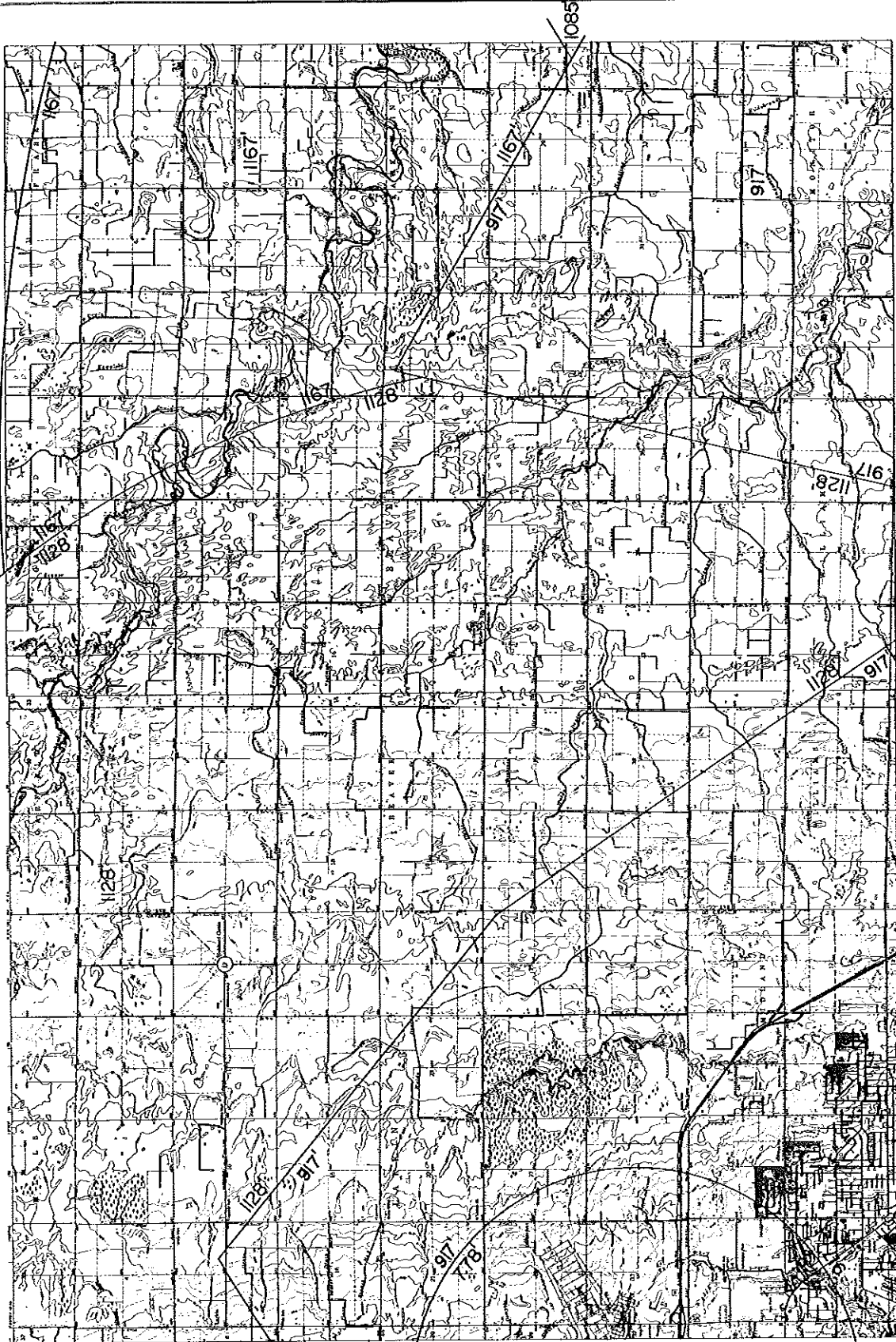
MIDLAND - BAY CITY - SAGINAW

TRI-CITY AREA JOINT
AIRPORT ZONING MAPS

ELEVATION	LOCATION	LONGITUDE
627'	43° 32'	84° 04'
580'	43° 35'	83° 54'
601'	43° 25'	83° 52'
620'	43° 40'	84° 16'

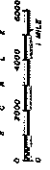
TRI-CITY
JAMES CLEMENTS
SAGINAW MUNICIPAL
JACK BARSTOW

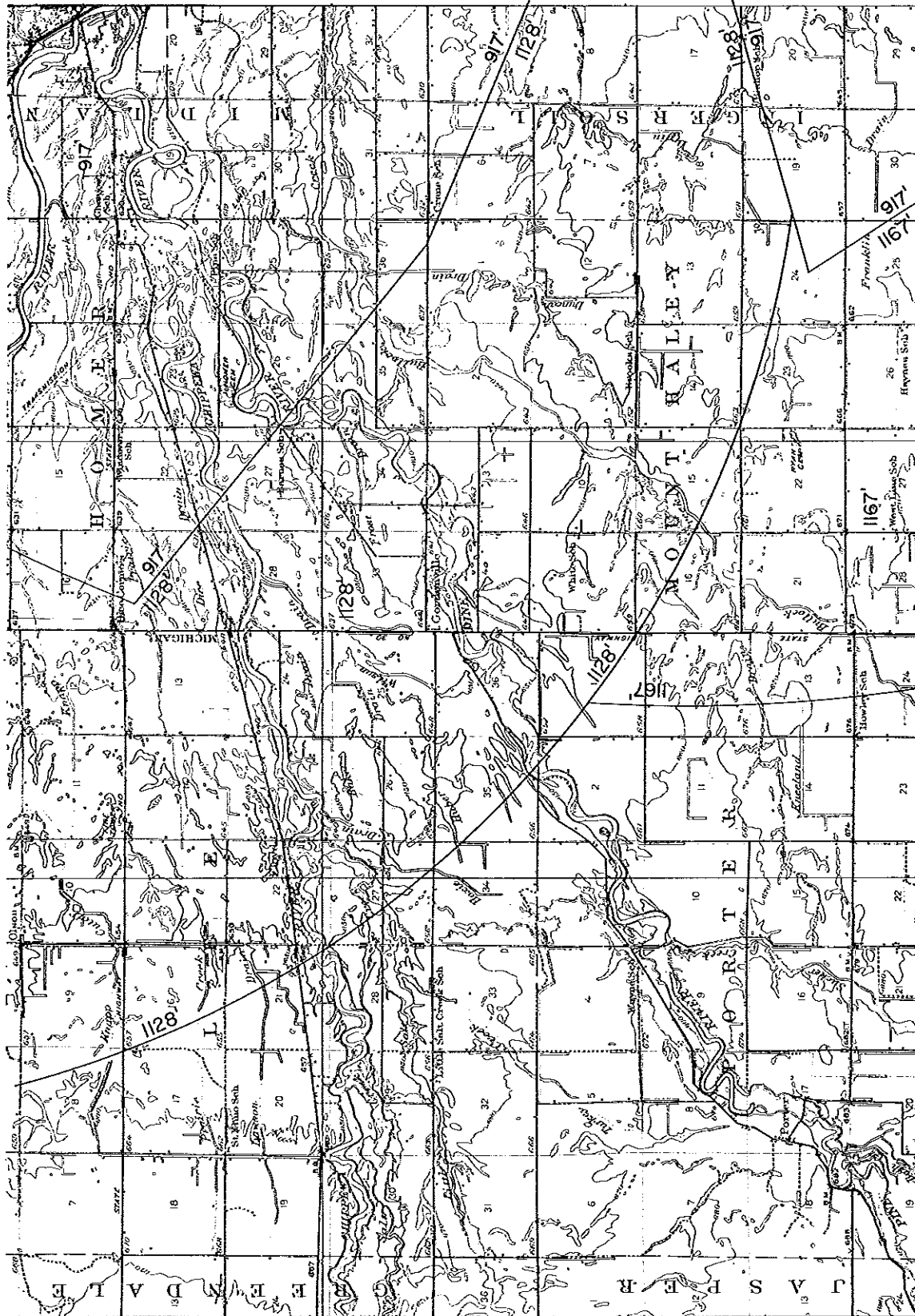




MIDLAND "C" BAY CITY "D" SAGINAW "N"			
TRI-CITY AREA JOINT AIRPORT ZONING MAPS			
	ELEVATION	LATITUDE	LONGITUDE
TRI-CITY	667'	43° 35'	84° 04'
JAMES CLEMENTS	586'	43° 35'	83° 54'
SAGINAW MUNICIPAL	601'	43° 26'	83° 25'
JACK BARSTOW	628'	43° 40'	84° 16'

MAGNETIC VARIATION 2° 45' W

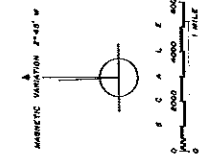


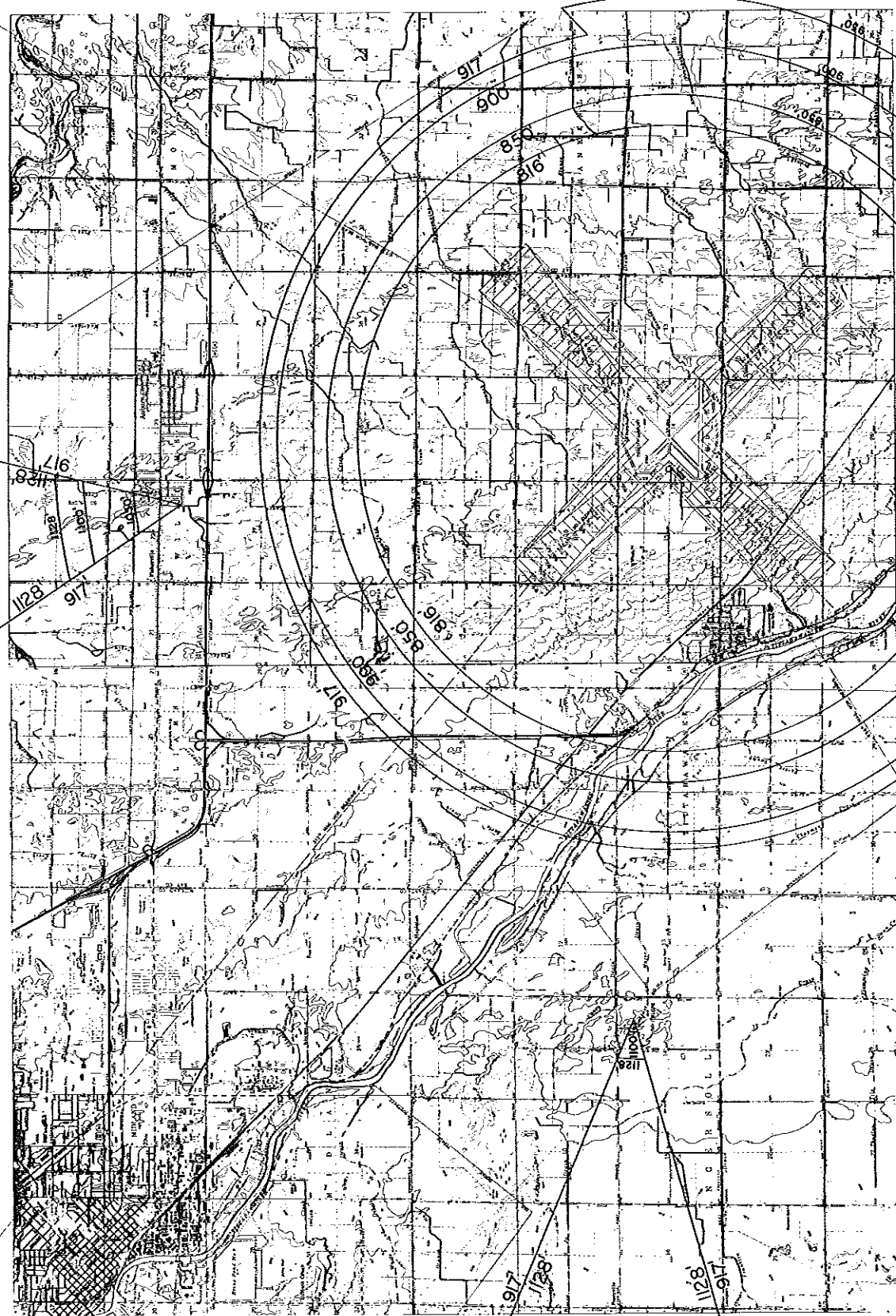


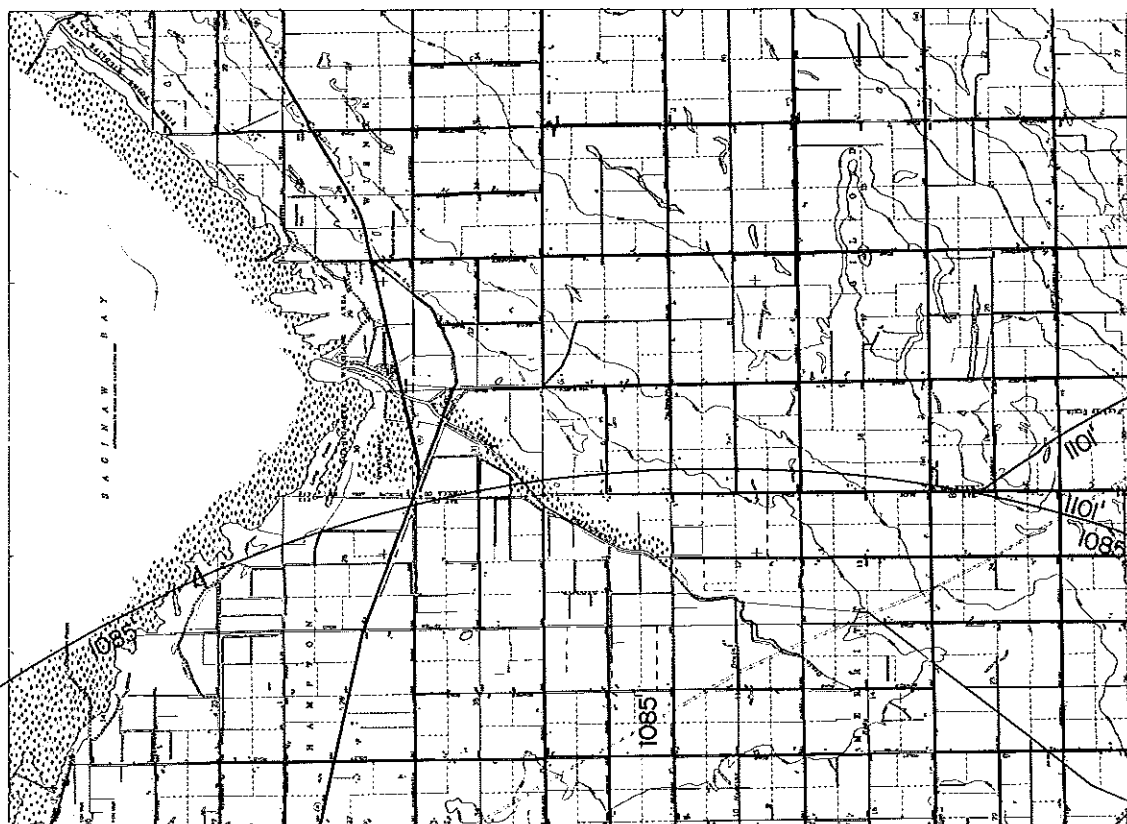
MIDLAND - BAY CITY - SAGINAW

TRI-CITY AREA JOINT
AIRPORT ZONING MAPS

	ELEVATION	LONGITUDE	LATITUDE
TRI-CITY	667'	43° 32'	84° 04'
JAMES CLEMENTS	666'	43° 35'	83° 54'
SAGINAW MUNICIPAL	661'	43° 28'	83° 52'
JACK BARSTOW	620'	43° 40'	84° 16'

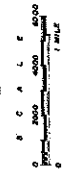


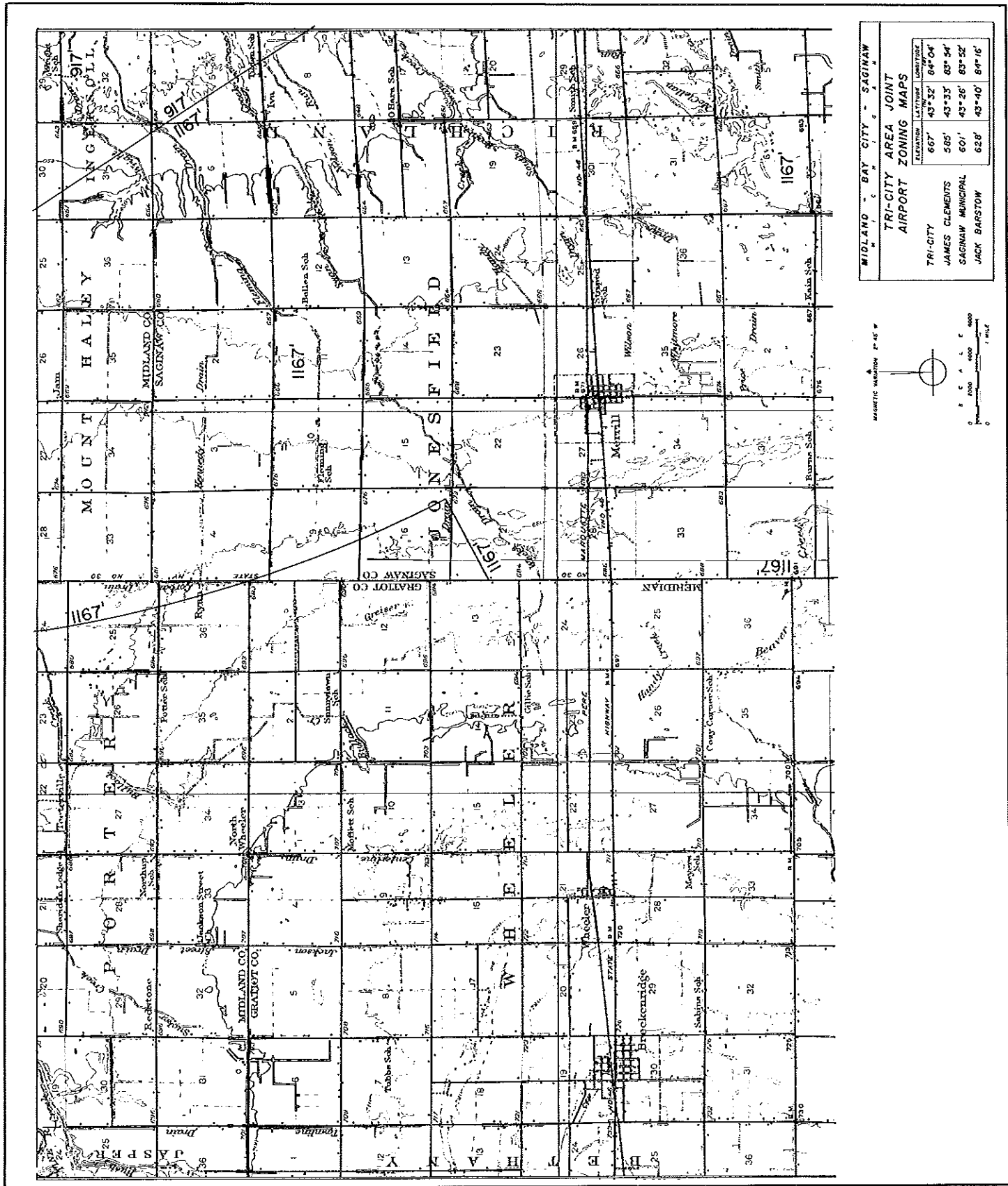




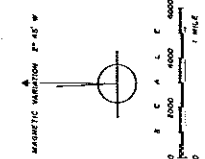
MIDLAND - BAY CITY - SAGINAW			
TRI-CITY AREA JOINT			
AIRPORT ZONING MAPS			
	ELEVATION	LATITUDE	LONGITUDE
TRI-CITY	667'	43° 32'	84° 04'
JAMES CLEMENTS	505'	43° 35'	83° 54'
SAGINAW MUNICIPAL	601'	43° 25'	83° 02'
JACK BARSTOW	628'	43° 40'	84° 16'

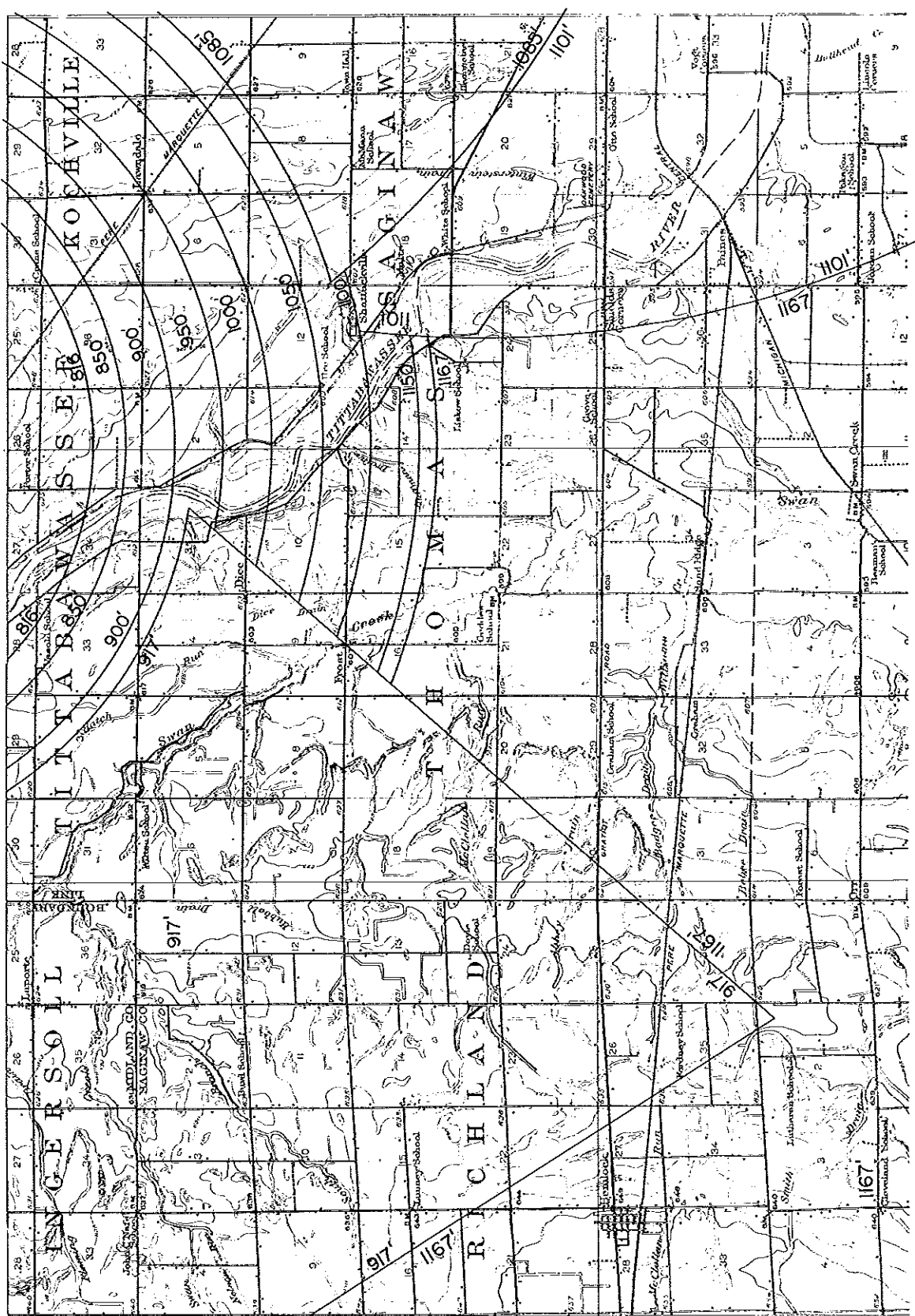
MAGNETIC VARIATION 2° 47' W



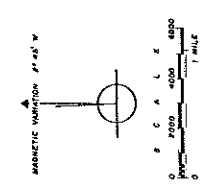


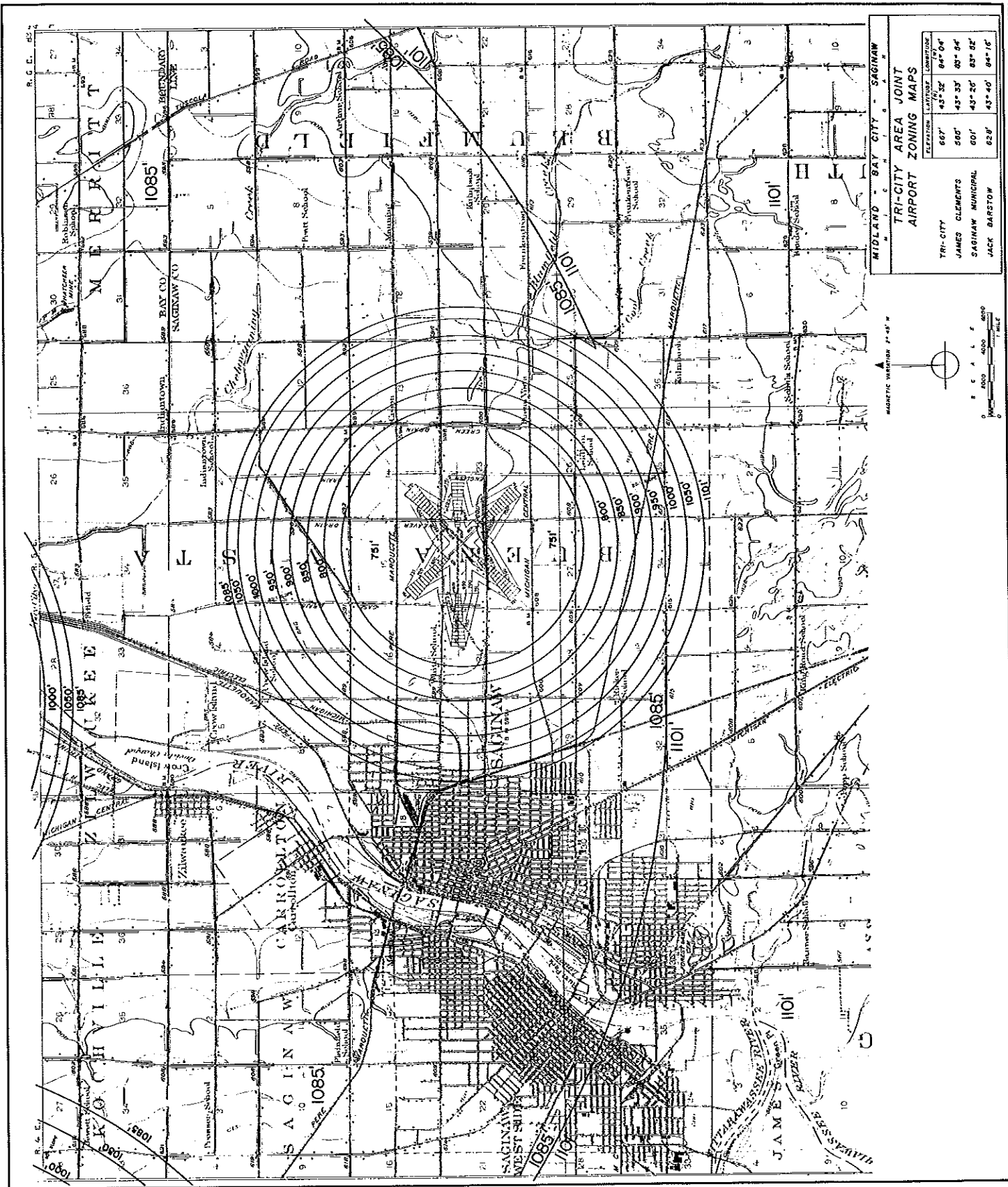
MIDLAND - BAY CITY - SAGINAW			
TRI-CITY AREA JOINT AIRPORT ZONING MAPS			
TRI-CITY			
JAMES CLEMENTS			
SAGINAW MUNICIPAL			
JACK BARSTOW			
ELEVATION	SECTION	SECTION	SECTION
667'	43°32'	64°04'	
585'	43°33'	63°54'	
601'	43°26'	63°52'	
628'	43°40'	64°16'	





MIDLAND - BAY CITY - SAGINAW			
TRI-CITY AREA JOINT			
AIRPORT ZONING MAPS			
	ELEVATION	LENGTH	WIDTH
TRI-CITY	687'	43° 32'	04° 04'
JAMES CLEMENTS	686'	43° 35'	08° 04'
SAGINAW MUNICIPAL	601'	43° 26'	03° 52'
JACK BARSTOW	620'	43° 40'	04° 15'

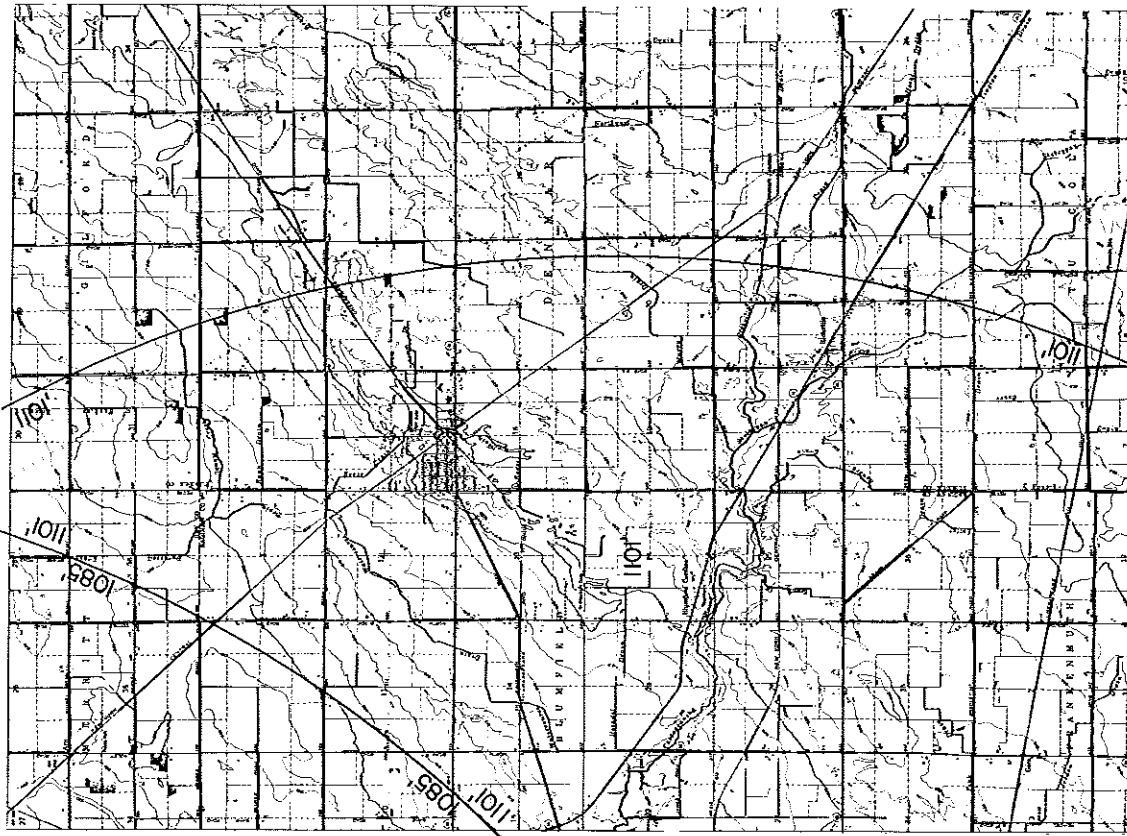




MIDLAND - SAGINAW - SAGINAW

TRI-CITY AREA JOINT
AIRPORT ZONING MAPS

TRI-CITY	ELEVATION	LONGITUDE	COORDINATE
JAMES CLEMENTS	667'	43° 56'	84° 04'
SAGINAW MUNICIPAL	601'	43° 56'	83° 52'
JACK BARSTOW	629'	43° 40'	84° 16'

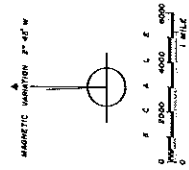


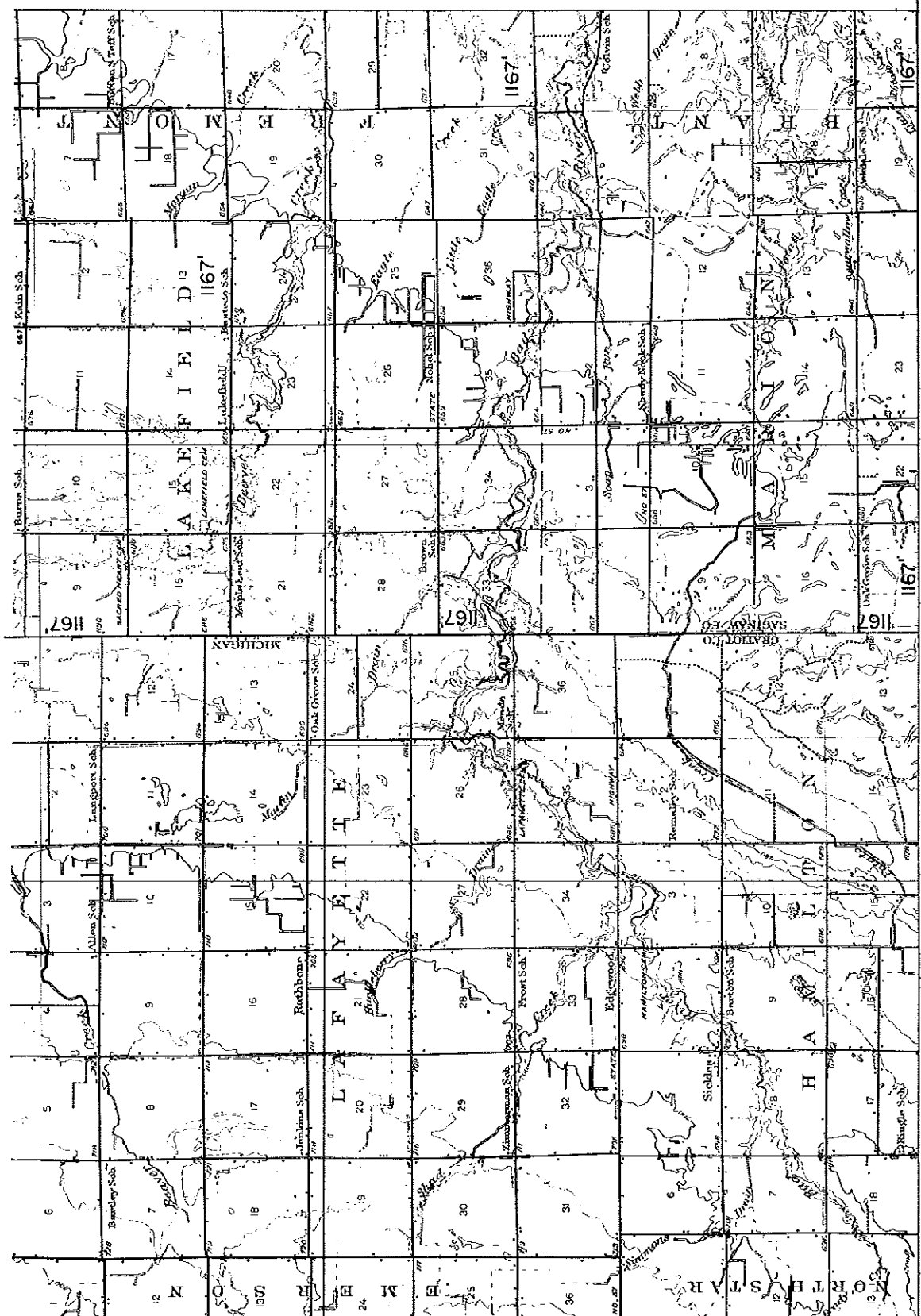
MIDLAND - SAGINAW - JACK BARSTON

TRI-CITY AREA JOINT
AIRPORT ZONING MAPS

ELEVATION	LATITUDE	LONGITUDE
980'	43° 32'	84° 04'
1001'	43° 33'	83° 54'
1011'	43° 26'	83° 52'
1020'	43° 40'	84° 16'

TRI-CITY
JAMES CLEMENS
SAGINAW MUNICIPAL
JACK BARSTON

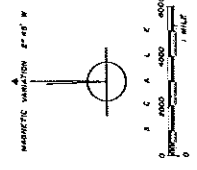


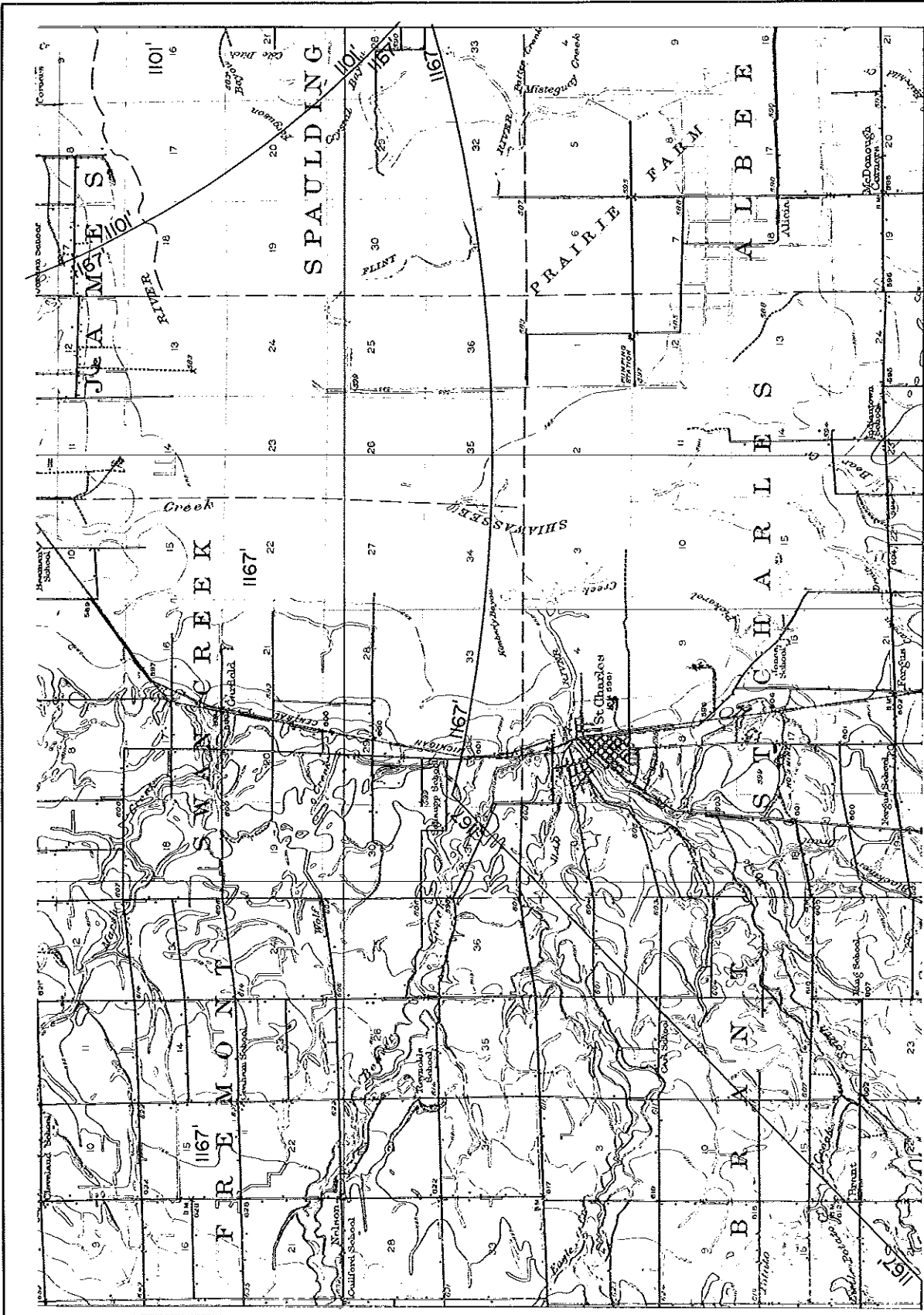


MIDLAND BAY CITY SAGINAW

TRI-CITY AREA JOINT
AIRPORT ZONING MAPS

	ELEVATION	LATITUDE	LONGITUDE
TRI-CITY	667'	43° 32'	84° 04'
JAMES CLEMENTS	588'	43° 33'	83° 54'
SAGINAW MUNICIPAL	601'	43° 26'	83° 52'
JACK BARSTOW	629'	43° 40'	84° 16'

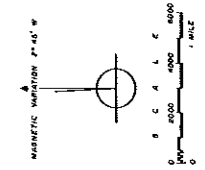


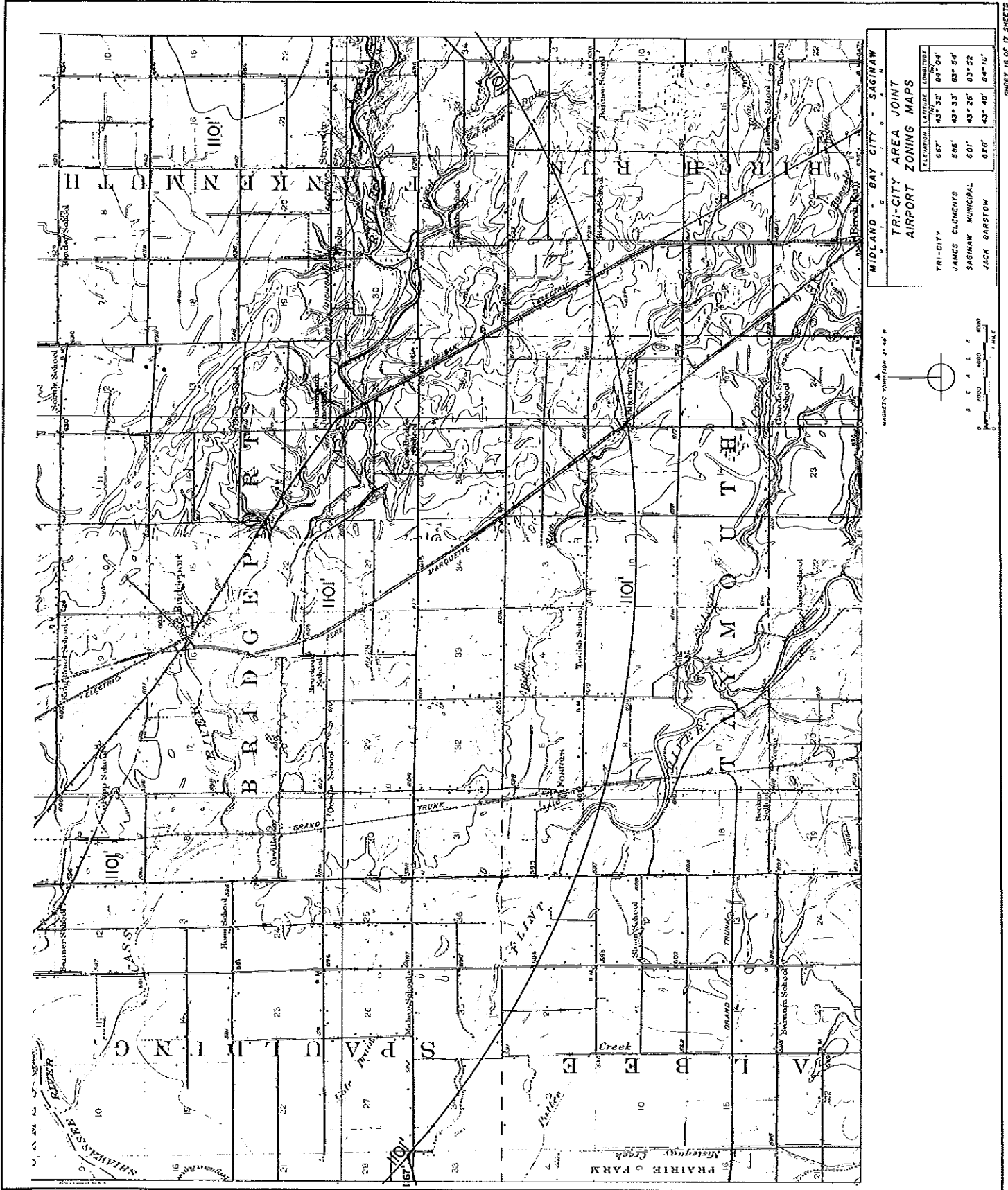


MIDLAND - BAY CITY - SAGINAW

TRI-CITY AREA JOINT
AIRPORT ZONING MAPS

	ELEVATION	LATITUDE	LONGITUDE
TRI-CITY	667'	43° 32'	84° 04'
JAMES CLEMENTS	665'	43° 33'	85° 34'
SAGINAW MUNICIPAL	601'	43° 26'	83° 52'
JACK BARSTOW	628'	43° 40'	84° 16'



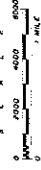
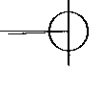


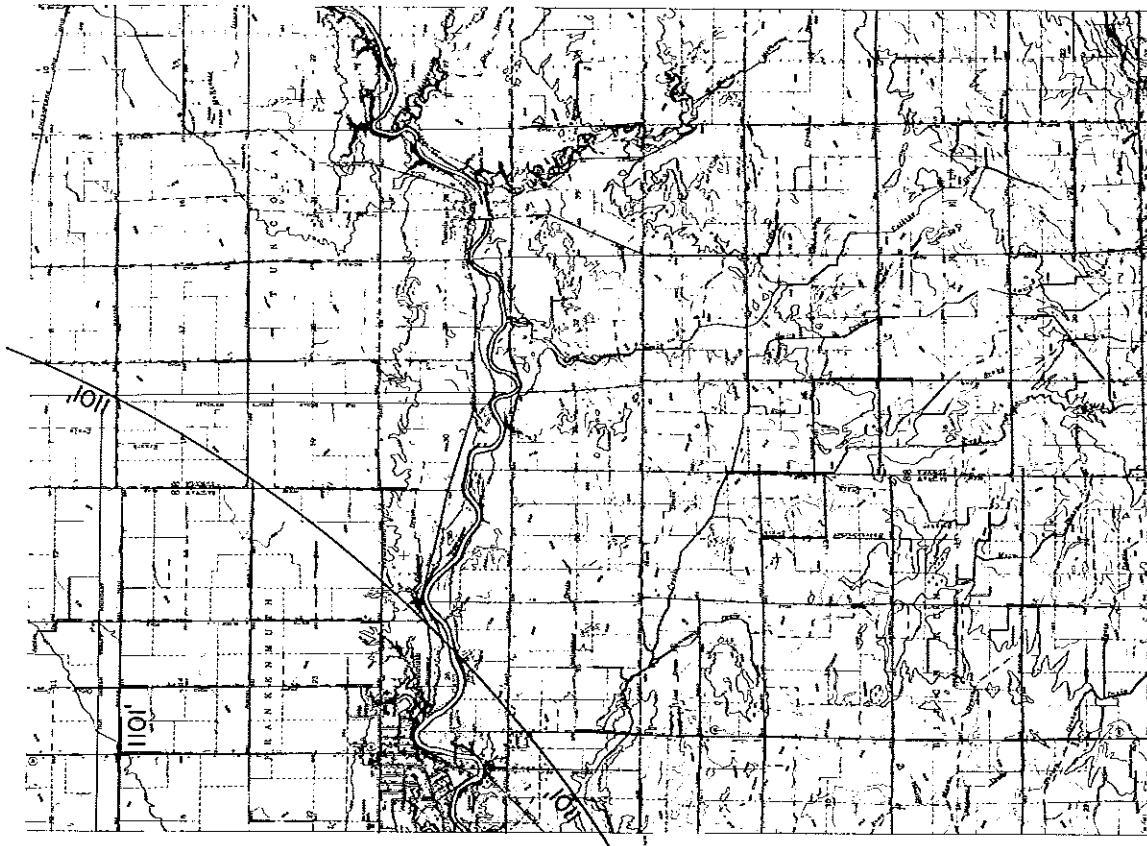
MIDLAND - BAY CITY - SAGINAW

TRI-CITY AREA JOINT
AIRPORT ZONING MAPS

	ELEVATION	ALTITUDE	LONGITUDE
TRI-CITY	667'	43° 32'	84° 04'
JACKSON CLEMENTS	508'	43° 33'	83° 54'
SAGINAW MUNICIPAL	601'	43° 20'	83° 52'
JACK BARSTOW	628'	43° 40'	84° 16'

MAGNETIC VARIATION 2° 46' W





MIDLAND - BAY CITY - SAGINAW			
TRI-CITY AREA JOINT AIRPORT ZONING MAPS			
TRI-CITY	ELEVATION	CUTTER	LONGITUDE
JAMES CLEMENTS	667'	43° 32'	84° 04'
SAGINAW MUNICIPAL	601'	43° 36'	83° 52'
JACK BARSTOW	628'	43° 40'	84° 18'

MAGNETIC VARIATION 14° E



APPLICATION FOR PERMIT TO ERECT STRUCTURE

APPLICATION NO.

- , Michigan

Address

Address

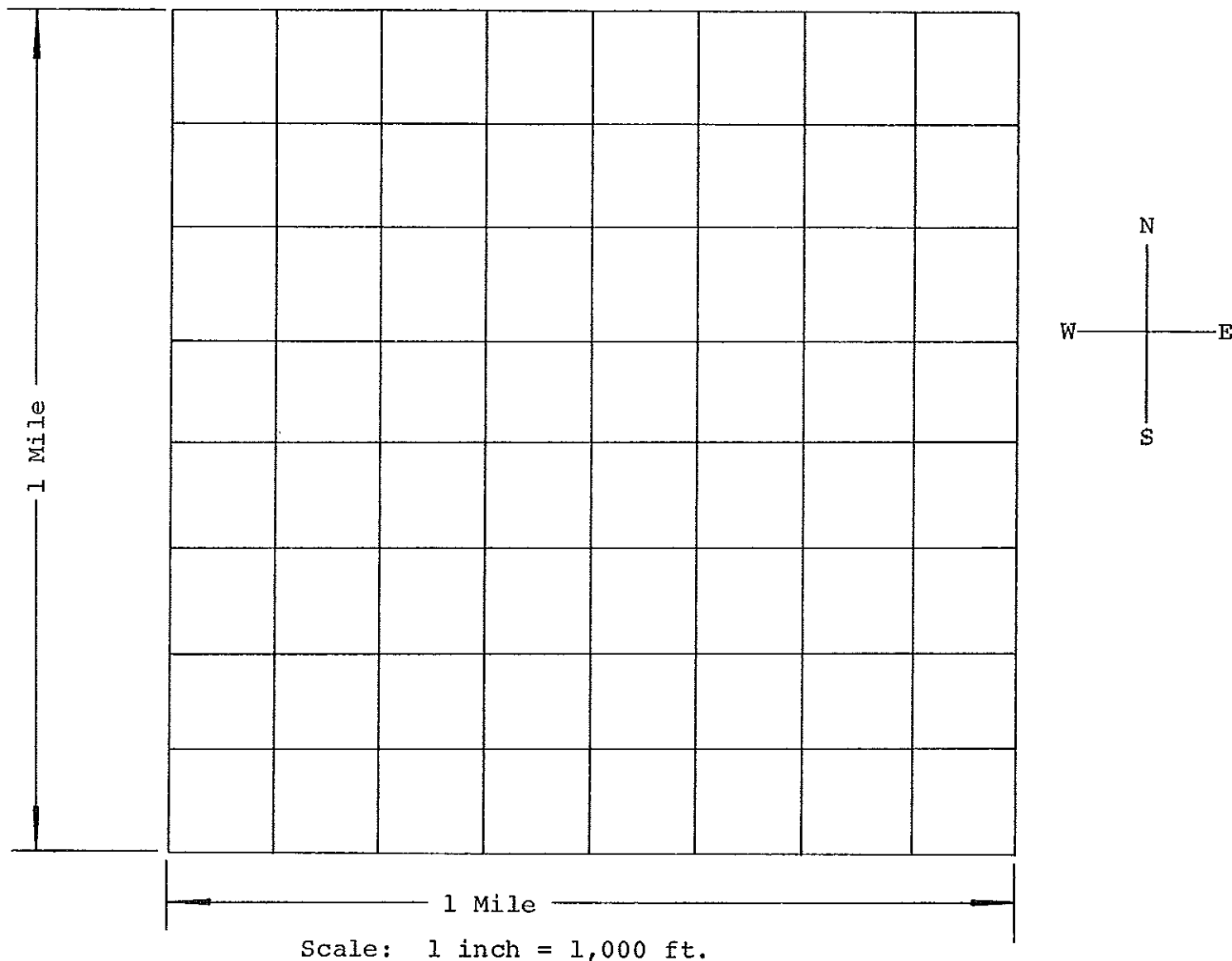
(Lot No., Subdivision, Section & Township)

Permitted Zone Height Limitations Based on U.S.G.S. Datum

Date _____

Issue Permit No.

This space represents one section of land.



Section No. _____ Township _____ County _____

INSTRUCTIONS:

1. Show location of property involved with number of feet frontage and depth.
2. Plot proposed structure on property showing approximate distance from property line.
3. Show names of all abutting roads on above plot.

Remarks by Inspector _____

Inspected by _____

Date _____

TRI-CITY AREA JOINT AIRPORT ZONING BOARD

CERTIFICATE OF VARIANCE

is hereby issued in accordance with Sec. 24 of the Airport Zoning Act, Act 23, P.A. 1950 of the State of Michigan, and Sec. 20 of the Tri-City Area Joint Airport Zoning Ordinance, adopted _____, 1970, for regulating the height of structures and/or objects of natural growth as prescribed below.

Applicant _____ Address _____
Address of Construction Site _____
Type and Use of Structure _____
Zoned Height Classification _____ ft.
Proposed Height of Structure _____ ft.
Height of Structure over Zone Classification _____ ft.
Other Data: Appeal Case No. _____ Granted: _____, 19 _____

Issued _____ 19 _____ Administrator _____

TRI-CITY AREA JOINT AIRPORT ZONING BOARD
Tri-City Airport, Freeland, Michigan

REJECTION OF APPLICATION FOR PERMIT
BECAUSE OF NON-COMPLIANCE WITH ZONING ORDINANCE

Applicant Desires To _____

Applicant _____ Address _____

Address of Construction Site _____

Proposed Total Elevation of Construction _____

Permitted Height Limitation _____

Reason (s) for Rejection:

() Excessive Height

Plan and Application examined by _____

Date _____

In case an appeal is made to the Tri-City Area Joint Airport Zoning Board of Appeals, it shall be made on forms provided for that purpose which may be obtained from the office of the Tri-City Airport Zoning Commission, Tri-City Airport, Freeland, Michigan.

TRI-CITY AREA JOINT AIRPORT ZONING
BOARD OF APPEALS

TRI-CITY AIRPORT, P.O. BOX 115, FREELAND, MICHIGAN
TELEPHONE 695-4211

APPEAL FORM
(Type or Print in Ink)

APPELLANT _____ ADDRESS _____

OWNER _____ ADDRESS _____

ADDRESS OF PROPERTY INVOLVED IN THIS APPEAL _____

Height Limitation on Involved Property _____

Proposed Total Elevation (Ground Level Plus Structure) _____

To the Board of Appeals on Zoning:

The undersigned, having been denied a Building Permit by the Tri-City Airport Commission for reason (s) of:

hereby appeals to the Board of Appeals on Zoning for Interpretation _____ or Adjustment _____ (check one) of the Zoning Ordinance, which if granted will allow the Tri-City Area Joint Airport Zoning Board to issue a Building Permit _____ and/or Certificate of Variance _____ subject to conditions imposed by the Board of Appeals on Zoning.

The description of the property* is as follows: _____

*(Information may be obtained from Deed)

Attached is a statement giving the facts of the Appeal. Also attached is a Plot Plan showing the relation of proposed structure (s) to the property in question.

Date _____

Signature of Appellant or Agent

TRI-CITY AREA JOINT AIRPORT ZONING
BOARD OF APPEALS

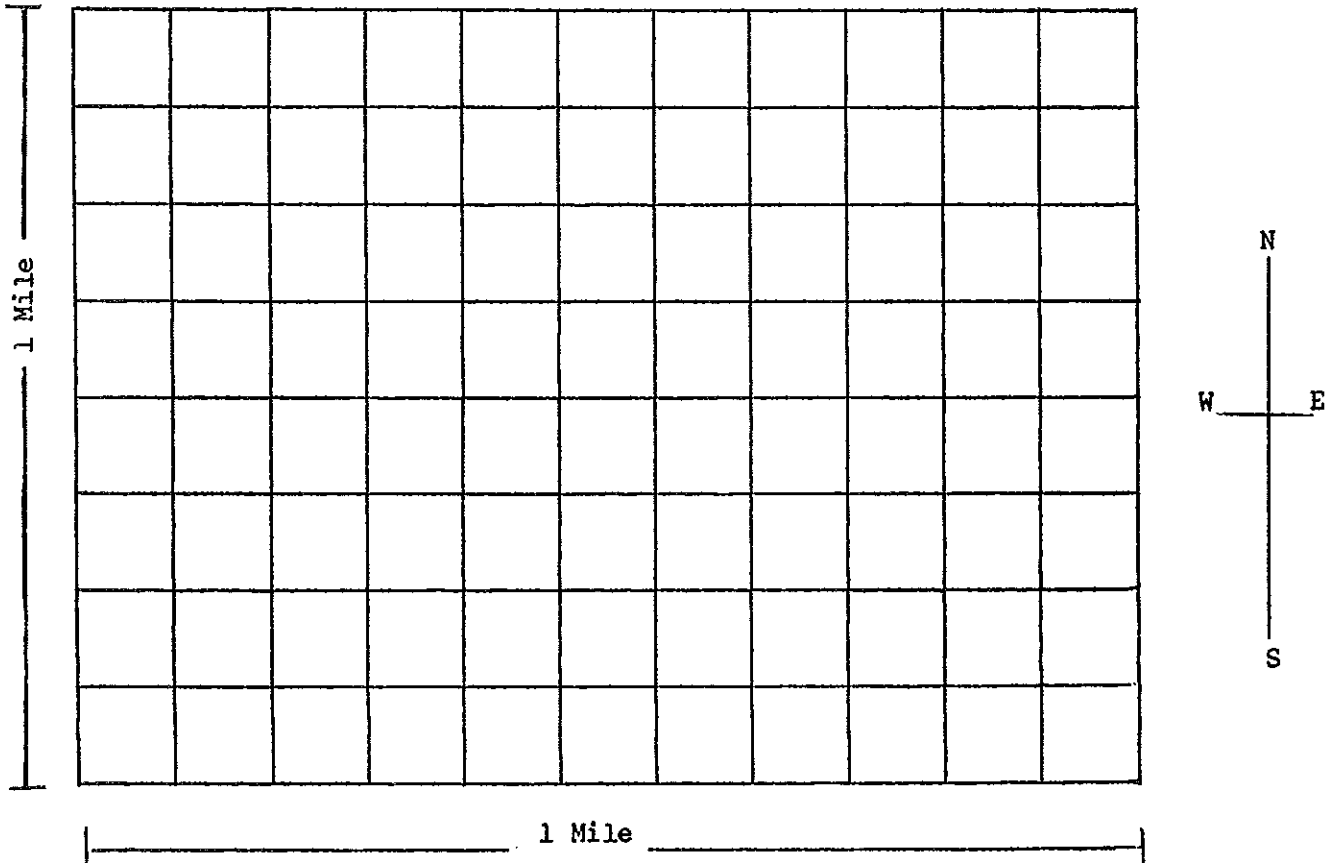
APPEAL FORM

Written description of the proposed structure and/or uses:

Appellant's reasons why the petition should be granted:

TRI-CITY AREA JOINT AIRPORT ZONING
BOARD OF APPEALS

This space represents one section of land.



Scale: 1 inch = 1,000 ft.

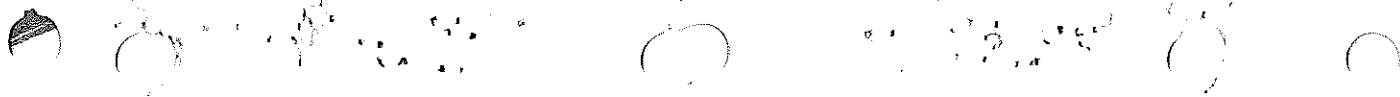
Section No. _____ Township _____ County _____

INSTRUCTIONS:

1. Show location of property involved with number of feet of frontage and depth.
2. Plot proposed structure on property line.
3. Show names of all abutting roads on above plot.

Ground elevation based on U.S.G.S. datum _____

Overall height of proposed structure above ground level.



COUNTY OF BAY

BAY COUNTY BUILDING • BAY CITY, MICHIGAN 48706

TO [Clerks of Various Townships and Cities]
[of Bay County]

DATE November 24, 1976

Enclosed herewith please find copies of Ordinance #15 pertaining to Farm and Construction Vehicles and Ordinance # 16 pertaining to Ice and Snow Removal. These ordinance have been adopted by the Bay County Board of Commissioners and approved by Governor Milliken and should be enforced.

Louis C. Neal, Chairman
Bay County Board of Commissioners

BY

Form H F73 © The Drawing Board, Inc., Box 305, Dallas, Texas

INSTRUCTIONS TO SENDER:

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

SIGNED

INSTRUCTIONS TO RECEIVER:

1. WRITE REPLY. 2. DETACH STUD, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

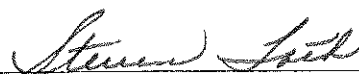
COUNTY OF BAY
OFFICE OF COUNTY CLERK

AFFIDAVIT

STATE OF MICHIGAN }
COUNTY OF BAY } ss.

I, Steven Toth Clerk of the County of Bay, and State
aforesaid, Do Hereby Certify, that I have compared the annexed Ordinance #15 - Farm and
Construction Vehicle Ordinance which was adopted by a Roll Call Vote at the
regular meeting of the Bay County Board of Commissioners held on Tuesday,
October 26, 1976
with the original Ordinance #15 on file in the Clerk's office
and that it is a true
and correct transcript therefrom and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Circuit Court of Bay County, Bay City, Michigan, this twenty-third day
of November, A. D. 19 76



Steven Toth, County Clerk

ROLL CALL VOTE: YEAS - 20 NAYS - 1

YEAS: SOCIA, GREEN, PERO, GWIZDALA, SUCHODOLSKI,
NEAL, WILSON, REDMOND, LA PRAIRIE, WALRAVEN,
WITZKE, PAWLAK, BEGICK, MAJESKE, FEINAUER,
PONDER, MIDDLETON, STUDDERS, DORE, BRUNETT.

NAYS: HARANDA



COUNTY OF BAY, MICHIGAN, ORDINANCE NO. 15

FARM AND CONSTRUCTION VEHICLE ORDINANCE

An Ordinance prohibiting the driver of a farm or construction vehicle from using County roads or streets as a head-land or turn-around; prohibiting the driver of a farm or construction vehicle from using the County roads when he is plowing, mowing, harvesting, discing, cultivating, planting, seeding, or otherwise working a farm field or while loading or unloading construction equipment or materials; prohibiting the use of lug wheel or steel wheel tractors; the purpose of said prohibitions being to prevent damage to roads within the County of Bay; and to provide for public peace, health, safety and general welfare of persons or property within the County of Bay, State of Michigan.

NOW, THEREFORE, The County of Bay, Michigan, Ordains:

Section 1 - Short Title

This Ordinance shall be known and cited as the "Farm and Construction Vehicle Ordinance."

Section 2 - Definitions

Whenever in this Ordinance the following terms are used, they shall have the meanings respectively ascribed to them in this Section.

- 1) Driver: Every person who drives or is in actual physical

control of a farm or construction vehicle.

- 2) Farm Vehicle: Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, harvesting equipment, discing equipment, cultivating equipment, planting equipment, seeding equipment and other implements of husbandry.
- 3) Construction Vehicle: Equipment used in the land improvement or construction industry.
- 4) Highway or Street: Every publicly maintained right of way under the control of Bay County of which any part thereof is open to the public for the purpose of vehicular travel, the geographic limits of said right of way, not restricted to the paved or improved section thereof, to be the boundry of the street or road.
- 5) Head-Land: Land at the ends of furrows or near a highway of street.

Section 3

It shall be unlawful for any driver to operate a farm or construction vehicle upon County roads when he is plowing, mowing, harvesting, discing, cultivating, planting, seeding, or otherwise working farm land or while loading and unloading construction equipment or materials. Further, it shall be unlawful for any driver to use County roads as a head-land or turn-around.

Section 4 - Penalty

Any person who shall violate any of the provisions of this Ordinance shall be subject to a fine of not more than \$100.00 or imprisonment in the County Jail not to exceed ninety(90) days or both such fine and imprisonment in the discretion of the Court; in addition said person would be responsible for restitution for damages to the highway or street with repairs to be done under the supervision of and to the satisfaction of the Bay County Road Commission.

Section 5 - Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by and Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

Section 6 - Ordinances Repealed

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 7 - Emergency Ordinance Declaration

This Ordinance is hereby declared to be an emergency Ordinance.

Section 8 - Effective Date

This Ordinance shall take effect following publication of same and expiration of 60 days following approval by the Board of Commissioners and signing by the Chairman of the Board or at

the time the Governor of the State of Michigans signature is
affixed which ever latter occurs.

COUNTY OF BAY
OFFICE OF COUNTY CLERK
AFFIDAVIT

STATE OF MICHIGAN }
COUNTY OF BAY } ss.

I, Steven Toth Clerk of the County of Bay, and State
aforesaid, Do Hereby Certify, that I have compared the annexed Ordinance #16 - Ice and Snow
Removal Ordinance which was adopted by a Roll Call Vote at the regular meeting of
the Bay County Board of Commissioners held on Tuesday, October 26, 1976

with the original Ordinance #16 on file in the Clerk's office

and that it is a true
and correct transcript therefrom and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Circuit Court of Bay County, Bay City, Michigan, this twenty-third day
of November, A. D. 19 76

Steven Toth Seal
Steven Toth, County Clerk

ROLL CALL VOTE: YEAS - 20 NAYS - 1

YEAS: SOCIA, GREEN, PERO, GWIZDALA, SUCHODOLSKI,
NEAL, WILSON, REDMOND, LA PRAIRIE,
WALRAVEN, WITZKE, PAWLAK, BEGICK, MAJESKE,
FEINAUER, PONDER, MIDDLETON, STUDDERS,
DORE, BRUNETT.

NAYS: HARANDA



34

COUNTY OF BAY, MICHIGAN, ORDINANCE NO. 16

ICE AND SNOW REMOVAL ORDINANCE

An Ordinance prohibiting the moving of snow or ice from private property and depositing same on public property; the purpose of said prohibition to provide for the public peace, health, safety and general welfare of persons of property within the County of Bay, State of Michigan -

NOW, THEREFORE, The County of Bay, Michigan, Ordains:

Section 1 - SHORT TITLE

This Ordinance shall be known and cited as the "Ice and Snow Removal Ordinance."

Section 2 - ICE AND SNOW - DEPOSITING ON PUBLIC PROPERTY

No person shall remove any snow or ice from any private property, including any private driveway, road or parking area, and deposit the same in or upon any County property, including County streets and roads.

Section 3 - PENALTY

Any person who shall violate any of the provisions of this Ordinance shall be subject to a fine of not more than One Hundred (100.00) Dollars or imprisonment in the County Jail not to exceed ninety (90) days or both, such fine and imprisonment in the discretion of the Court.

Section 4 - SEPARABILITY

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

Section 5 - ORDINANCES REPEALED

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6 - EFFECTIVE DATE

This Ordinance shall take effect following publication of same and expiration of 60 days following approval by the Board of Commissioners and signing by the Chairman of the Board or at such time the Governor of the State of Michigan signature is affixed which latter occurs.

BAY COUNTY
NOISE CONTROL
ORDINANCE

1122

Sec. 1. FINDINGS AND PURPOSE.

It is found and declared that:

- (a) The making and creation of excessive or unusually loud noises within the limits of the County of Bay is a condition which has existed for some time and the extent and value of such noises is increasing;
- (b) The making, creation or maintenance of such excessive, unnatural or unusually loud noises, which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the County of Bay; and
- (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the County of Bay and its inhabitants.

Sec 2. GENERAL PROHIBITIONS.

It shall be unlawful for any person to make, continue or cause to be made any excessive or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the County.

Sec. 3. NOISES PROHIBITED-UNNECESSARY NOISE STANDARD.

The following acts, among others, are declared to be loud disturbing unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

- (a) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the County, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unreasonable unnecessary period of time. The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- (b) Radios, phonographs, musical instruments, etc. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntarily listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (c) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (d) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (e) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (f) Steam whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, as a warning of fire or danger or upon request of proper County authorities.
- (g) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (h) Loading, unloading, opening boxes. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers, especially between the hours of 10:00 p.m. and 7:00 a.m.

- (i) Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m. on week days, except in case of urgent necessity in the interest of public health and safety, provided, however, that the sheriff may grant a permit for such work if determined that the public health and safety will not be impaired and that a loss or inconvenience would result to the party of interest.
- (j) Schools, courts, churches, hospitals. The creation of excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (k) Hawkers, peddlers. Unreasonable shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (l) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (m) Metal rails, pillars and columns, transportation thereof. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets or roads and other public places upon carts, traps, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets and roads or other public places.
- (n) Pile drivers, hammers, etc. The operation, between the hours of 10:00 p.m. and 7:00 a.m., of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.
- (o) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

Sec. 4. NOISES PROHIBITED-DECIBEL STANDARD.

(A) Definitions. For the purpose of this section of this chapter, all terminology used in this chapter and not defined below, shall be in conformance with the applicable publications of the American National Standards Institute(ANSI) or its successor body.

- (1) "A weighted sound level (sound level)" means the sound pressure level in decibels as measured on a sound level meter using the 'A' weighing network. The level so read shall be designated dB (A) or dBA.
- (2) "Decibel" means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear in compliance with American National Standards Institute, Standards S 1.1-1960.
- (3) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from an imminent danger.
- (4) "Person" means any individual, association, partnership, corporation or official thereof.
- (5) "Sound" means noise audible to the human ear.
- (6) "Sound level meter" means an instrument capable of measuring sound in decibels.
- (7) "Zoning designations" means the residential, commercial and industrial categories of land use, as defined in this Code.

(B) Classification of use districts; residential, manufacturing, commercial. It shall be unlawful to project a sound, excluding sound emanating from cars, trucks or motorcycles, from one property onto another, within the boundary of the use district which exceeds the sound limitation set forth in Table I below.

- (1) Sound or noise projecting from one use district into another use district with a different noise level limit, shall not exceed the limits of the district into which the noise is projected.

(2) Measurement of noise

- (a) The measurement of sound or noise shall be made with a sound level meter. The instrument shall be maintained in calibration and good working order. A windscreen for the microphone shall be used.
- (b) The slow meter response of the sound level meter may be used in order to best determine that the average amplitude has not exceeded the sound limitation set forth in Table I below.
- (c) The measurement may be made close to the property line of the property of which such noise is generated, or perceived, three (3) to five (5) feet above ground.

(3) The limits hereinabove referred to shall be in accordance with the following table:

TABLE I

Zoning Classifications	Allow. Max. # of Decibels bet. 7 a.m. & 10 p.m.	Allow. Max # of Decibels bet. 10 p.m. & 7 a.m. fol. day
Residential	55	50
Commercial	65	60
Industrial	80	75

(C) Exceptions. The following uses and activities shall be exempt from noise level regulations:

- (1) Noises of safety signals, warning devices and emergency pressure relief valves.
- (2) Noises resulting from any authorized emergency vehicle, when responding to any emergency call or acting in time of emergency.
- (3) Noises resulting from emergency work.

(D) Application for special permit. Applications for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the County Executive or his duly authorized representative. Any permit granted by the County Executive hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The County Executive, or his duly authorized representative, may grant the relief as applied for if he finds:

- (1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
- (2) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section; and
- (3) That no other reasonable alternative is available to the applicant; and
- (4) The County Executive may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Sec. 5. VIOLATION DECLARED A MISDEMEANOR.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) or be imprisoned for a period not exceeding ninety (90) days,

both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. It shall be prima facie evidence of guilt if the standards set up herein are violated.

cc. 6. ADDITIONAL REMEDY; INJUNCTION.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof and which causes discomfort or annoyance to reasonable persons or normal sensitiveness or which endanger the comfort, repose, health or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.


cc. 7. PUBLICATION AND NOTICE TO GOVERNOR.

The Bay County Clerk is directed to transmit immediately to the Governor for approval a copy of this ordinance, as now amended, properly signed by the Chairperson of this county and certified by himself.

This ordinance shall not take effect until 60 days after adoption by this Board and approval by the Governor.

This ordinance shall not take effect until notice of adoption of this ordinance is published at least once in a newspaper of general circulation in the county and approved by the Governor.

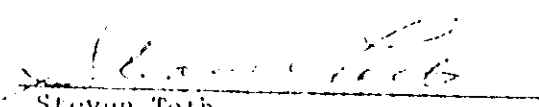
Adopted: April 30, 1981


PAUL L. ERISSETTE, Chairperson
Bay County Board of Commissioners

STATE OF MICHIGAN)) SS.
COUNTY OF BAY)

I hereby certify that the foregoing is a true and complete copy of the Bay County Noise Control Ordinance adopted at a regular meeting of the Board of Commissioners of the County of Bay, Michigan, held on the 28th day of April, 1981, and that the Ordinance is in the minutes of said meeting and on file in the office of the County Clerk.

Dated: April 29, 1981


Steven Toth
Bay County Clerk

VOTE: 16 Yeas - 0 Nays - 0 Absent

Yeas: Socia, Halstead, Macerly, Gwizdala, Suchelolski, Katt, Kaczmarek, Brimette, Decker, Raack, Fitzhugh, Pawlak, Powell, Neumeyer, Middleton, Rivet

Nays: Reder, Ponder, Majchrzak, Megger, Haranda

Absent: None

Excused: None