

RILEY TOWNSHIP
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ORDINANCE NO. 2021-37A

THE TOWNSHIP OF RILEY HEREBY ORDAINS:

SECTION 37A. Electrical Code-Residential Plan Review Ordinance

SECTION 1. Title: This Ordinance shall be known as the Electrical Code-Residential Plan Review Ordinance.

Section 2. Purpose: The purpose of this Regulatory Ordinance is to repeal the moratorium on the installation of over 50 KVA total electrical transforming capacity per site and upon adoption of a new Ordinance Section 37a to adopt the National Electric Code 2023 to regulate electrical service capacity within Riley Township and to provide penalties for the violation thereof and to add this new section 37a to the Code of Regulatory Ordinances for Riley Township.

Section 3. Adoption of the National Electrical Code 2023 of Michigan: The Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, MCL, 125.1501 allows a local unit of government to adopt and enforce the state building, construction and electrical codes. The purpose of the codes is to ensure public health, safety and welfare by protecting life and property from all hazards related to the design, erection, repair, change, addition, removal, demolition, or use and occupancy of buildings, structures, or premises.

The Township adopts by reference the 2023 National Electrical Code (NEC) with all amendments which shall govern the installation, replacement, alteration, relocation, and use of electrical systems or material within the Township. Electrical Permits are required as provided in the NEC.

Section 4. Findings: The Riley Township Board of Trustees finds:

- 1) Higher amperage electrical upgrades and installations within the Township or surrounding areas has resulted in problems to electrical transmissions systems, including but not limited to insufficient or improper electrical supplies, electrical fires, noxious fumes, and/or other hazards which are associated with the improper installation and/or use of higher amperage electrical installations; in particular in residential areas.

- 2) No more than 200 Amperes electrical service is necessary for nearly all residential applications.
- 3) Except in extraordinary circumstances, electrical service in excess of 200 amperes is appropriate only for commercial or industrial applications or certain agricultural ones;
- 4) Township approval over 200 amperes electrical service for residential structures or structures accessory to residential uses is necessary to protect the health, safety and welfare of Township residents.

Section 5. Electrical Plan Review. In addition to the requirements in the NEC, persons seeking more than 200 Amperes must apply for and receive from the Township electrical official an electrical Plan Review when seeking to install electrical service of more than 200 amperes in any of the following circumstances:

- 1) For any structure or accessory structure in the Economic Commercial (EC) Residential (R-I), or River Conservation (RC) zoning district for any structure used as a dwelling or structure in any zoning district.
- 2) A plan review for such service shall be on an electrical application form prepared by the Township and signed by the owner or occupant of the parcel to receive such service.
- 3) The Applicant must provide a site plan designating the location and type of all electrical systems with an electrical schematic and summary of the operation and need for excess electrical utility greater than 200 Ampere total electrical transforming capacity per site.

Section 6. Standards for Permit Approval or Disapproval.

- 1) The Township Electrical Official or designee shall approve an electrical application with plan review over 200 amperes when the following standards are met:
 - (i) When the applicant demonstrates that the requested service is necessary for residential applications or similar uses within the dwelling or structure or structures receiving such service.
 - (ii) When the applicant demonstrates that the requested service is necessary for all applications on property that has qualified for an agricultural-products exemption under MCL 205.94(1)(f).
 - (iii) The uses are not commercial in nature, are consistent with the Electrical Code and are not a safety hazard.

(iv) The Electrical Inspector or appropriate Township officials may require further approvals upon inspection from the Township Building Official, Fire Official or Zoning Official and/or electrical inspector for compliance with Township Ordinance or County, State and Federal Regulations.

(v) Upon approval following inspection from the Township electrical inspector not more than one (1) application and permit may be approved per parcel.

Section 7. Disapproval; Appeal: Persons aggrieved by a decision of the electrical inspector may appeal that decision to the Township Supervisor no later than 14 days after receipt of the decision. Persons aggrieved by a decision of the Township Supervisor may appeal that decision to the Township Board of Trustees no later than 14 days after receipt of the Supervisor's decision. The Township Board may review standards to overturn the Supervisor's decision is upon a finding the decision was:

- (a) arbitrary or capricious;
- (b) based on an erroneous finding of a material fact; or
- (c) an abuse of discretion.

Section 8. Penalty: Violation of this Section shall be a Municipal Civil Infraction as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, Section 600.8701 et. seq. as amended.

Municipal Notice Violation: The penalty for a notice of violation under the authority of MCL 600.8707, Section 8707(6), shall be a Notice Violation in the amount of \$250.00 payable at the Violation Bureau, Riley Township Office, 13042 Belle River Road, Riley, MI 48041.

Municipal Civil Infraction: The sanction and penalty for a municipal civil infraction shall be payable at the Court. The sanction for a municipal civil infraction shall be up to \$500.00, plus additional costs, damages, expenses and other sanctions and injunctive relief, as authorized under the Municipal Civil Infraction Statute Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. This Ordinance shall be enforceable to the fullest extent allowed under the Municipal Civil Infraction Enabling Statute as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, Section 600.8701 et. seq. as amended.

Authorized Local Official: This Chapter shall be enforced by the Supervisor or designee, Chief Code Enforcement Officer of the Township of Riley, or the Riley Electrical Inspector and/or by such other persons and/or officials who shall be so designated by the Riley Township Board.

Additional Remedies: A violator of this Ordinance shall also be subject to such additional sanction's remedies, and/or judicial orders and/or judgments as are authorized and provided under the statutes and laws of the State of Michigan. Each day a violation of this

Ordinance occurs and/or continues to exist constitutes a separate violation. Any violation of this Ordinance is declared to be a public nuisance per se.

Jurisdiction and Court Action: By adoption of this Ordinance, Riley Township does not waive and/or relinquish any of its authority afforded to it under the statutes, laws and Court Rules of the State of Michigan for the enforcement of its Township Ordinances. The Township specifically reserves and retains the right to commence appropriate legal proceedings for equitable, injunction on and/or other relief and/or remedies available to the Township by actions and suits filed in the Circuit Court for the County of St. Clair, in addition to the commencement of actions and/or filing of complaints in the District Court for the County of St. Clair, or its successor.

Section 9. Summary of the Regulatory Effect. This new section regulates all geographic areas.

Section 10. Effective date: This Ordinance shall take effect 30 days after the first publication of the Ordinance.

Section 11. Clerk and Public Copy: A copy of this Ordinance shall be available at the Office of the Clerk and may be purchased or inspected during regular business hours.

Section 12. Conflict with Other Ordinances: All Ordinances or parts of Ordinances in conflict herewith are hereby to be read consistent with this section and are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 13. Severability: Should any portion of this Ordinance be held invalid for any reason; such holding shall not be construed as affecting the validity of any of the remaining portions of this Ordinance.

ROLL CALL VOTE ON THIS ORDINANCE SECTION 37A. ELECTRICAL CODE-RESIDENTIAL COMPLIANCE PERMIT ORDINANCE.

MOTION BY TRUSTEE Al Titus, SECOND BY TRUSTEE Mark Baranowski

	Yes:	No:	Abstaining:
Al Titus, Supervisor	<u> X </u>	_____	_____
Dawn M. Behem, Clerk	<u> X </u>	_____	_____
Mike Rushing, Treasurer	<u> X </u>	_____	_____
Mark Baranowski, Trustee	<u> X </u>	_____	_____
Duane Hagle, Trustee	<u> X </u>	_____	_____

AUTHENTICATION AND CERTIFICATION

We hereby certify that the foregoing constitutes a true and complete copy of the Ordinance adopted by majority vote at a Regular Meeting of the Riley Township Board of Trustees held on the 7th day of December, 2021.

Witness my official signature this ____ day of _____, 2021.

Al Titus, Supervisor

Dawn M. Behem, Clerk

Published December 22, 2021; Effective January 21, 2022; Amended May 14, 2024