

**AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION**

September 16, 2025 7:00 pm

**Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720**

ZOOM

**[https://us02web.zoom.us/j/83601481092?
pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09](https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09)**

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Public Hearing rezone request - 7977 Pincherry Rd
6. Public Comment
7. Review and Approval of Draft Minutes- August 19, 2025
8. Report of Township Board Representative to the Planning Commission
9. Report of Zoning Board of Appeals Representative to the Planning Commission
10. Zoning Administrator Report
11. New Business – Public Comment rules
 - Draft Short Term Rental Ordinance discussion
12. Old Business
13. Set/Confirm Public Hearing Dates
14. Set/Confirm Date of Next Regular PC Meeting- October 21, 2025
15. Public Comment
16. Planning Commission and Staff Comment
17. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers an opportunity for the public to comment at its meetings. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying question, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Planning Commission:

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. For the first Public Comment period, there is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker. For the second Public Comment session speakers are limited to two (2) minute each.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

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CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: CT Martin, Roy Griffiths (Chair), Mark Snyder, Matt Cunningham, and Carey Cuddeback.

Excused: Rex Greenslade and Alexander Curley,

Also, present: Ron VanZee (Zoning Administrator) and April Hilton (Recording Secretary)

Audience: David Zipp, Bill Corrington, Joellen Rudolph, Jim Rudolph, Kevin Willis, Ellis Boal, LuAnne Kozma, Carol Umlor, Carlos Jaramillo, Tim Boyko, Bill Conklin, and John Clese.

REVIEW AGENDA:

Mr. Griffiths added new business item Correspondence Deadline.

Mr. Snyder made a motion, supported by Ms. Cuddeback, to approve the agenda as amended.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

PUBLIC COMMENTS: Public comments opened at 7:01pm.

Comments included:

- Requested the Planning Commission to consider allowing a recreational vehicle to be hooked up to utilities for an extended amount of days. Perhaps require residents to receive a permit for camping and storing of recreational vehicles.

- Read from the consent agreement between Rieth Riley, Hayes Township and the interveners. The interveners would like the Green-pit future land use be Residential.

- Supports the Green-pit future land use be residential instead of industrial. Don't believe there is a need for industrial land in Hayes Township.

Public comments closed at 7:07pm

APPROVAL OF MINUTES JULY 15TH, 2025 REGULAR MEETING

Mr. Cunningham made a motion, supported by Ms. Cuddeback, to approve the July 15th, 2025, regular meeting minutes as presented.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

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REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave a report on Board of Trustees activities. Next regular scheduled Board meeting is September 8th 2025.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

The ZBA met on July 23rd 2025 at 7pm where they approved a variance for 6995 Birdland Drive.

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

CORRESPONDENCE DEADLINE:

Mr. Griffiths stated the Board recommended the Planning Commission set a deadline for receiving correspondence to be included in the meeting.

Mr. Cunningham made a motion, supported by Mr. Martin to set the deadline for receiving correspondence to be included in the Planning Commission meeting is the Sunday Evening prior to the Planning Commission meeting.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

MASTER PLAN – DISCUSSION OF FUTURE LAND USE AND ZONING DISTRICTS REPORT AND GOALS:

The Planning Commission discussed their goals and action plan for the Future Land Use and Zoning Districts within the Hayes Township Master Plan.

Discussion included:

- The Future Land Use for the Green-Pit and Bay shore area will be a Development Opportunity Zone.
- Clarify in the language under Residential Resort, that this is not the only zone Planned Unit Developments are allowed.
- Separate Waterfront development into two separate categories to address the existing small lots.
- Keep Farm Forest/Rural Residential breakdown from 2019, versus the most recent Farm/Forest restrictions.

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• In developing community goals, strategies, and actions, it is important to analyze existing community characteristics, such as: social and economic features, environmental resources, available services and facilities, and existing land use.

• In addition to examining existing characteristics, another important tool in the development of community goals and strategies is to identify community assets, problems and other issues to be addressed.

• In preparation for writing the previous Master Plan in 2019 Hayes Township Planning Commission actively sought input from the Township residents through a community input questionnaire, Community workshops and master plan work sessions. As part of this 2024 update, another survey was distributed to Township residents and property owners.

• Goals and strategies serve as the foundation for an action plan that can be used in an ongoing process of influencing growth and development over the short and long-term. This direction-setting approach consists of three elements:

- Goals

- A goal is a statement that describes a desired vision of the township's future. In this case, goals identify the desired results of an on-going land use planning program in general terms.

- Strategies

- Strategies are a more specific subset of details and methods related to achieving a goal.

- Actions

- Actions are the specific steps that must be taken to implement the strategies and accomplish the goals.

LAND USE & PRESERVATION

Goal: Foster responsible development that meets the evolving needs of the community while preserving the scenic rural character that is the Township's identity.

Strategies:

- » Create an inventory of culturally significant historic and scenic features desired for preservation.

- » Adopt zoning regulations to allow residential development using rural clustering standards within permitted densities that minimizes the fragmentation of open space while preserving sensitive natural features such as wetlands, surface and ground water, woodland habitats, agricultural lands, and steep slopes.

- » Maintain scenic view sheds along Township corridors, including US-31 and Boyne City Rd.

- » Provide practical and functional locations and regulations for commercial and industrial development that minimize their impact on adjacent land uses, maintain high levels of aesthetic character, and blend with the existing development pattern and landscape.

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WATER QUALITY

Goal: Protect and improve the quality of the Township's ground and surface water resources.

Strategies:

- » Establish effective vegetative buffers and setbacks, based on scientific rigor, to minimize the impact of runoff from waterfront developments.
- » Monitor and cooperate with regulatory agencies as they develop programs and standards to ensure properly functioning septic systems. Explore developing a septic system testing requirement upon sale of housing.

HOUSING & COMMUNITY

Goal: Create a community attractive and accessible to all people.

Strategies:

- » Establish residential zoning districts that allow a mix of flexible housing options by right in locations appropriately served by infrastructure and services.
- » Permit the construction of accessory dwelling units (ADU's) in single-family neighborhoods
- >> Reduce or eliminate minimum square footage requirements for residential development
- » Encourage participation with Michigan State Housing Development Authority (MSHDA) programs along with other local efforts to rehabilitate substandard housing and to provide needed moderately priced housing in the Township.
- » Provide amenities that contribute to the desirability of living in the Township by implementing the goals, objectives and actions of the 5-year Parks & Recreation Plan.
- » Ensure that future improvements are ADA compliant and universally accessible.
- » Review regulations for nonconforming residential structures to allow expansion while ensuring all applicable zoning standards are met.

AGRICULTURE

Goal: Protect agricultural lands by supporting the continued operation of existing farms.

Strategies:

- » Work with farmers and agricultural organizations to identify prime land for agricultural and forest management practices.
- » Encourage farmland protection by adopting ordinances that allow the transfer of development rights, purchase of development rights, conservation easements, and the clustering of non-agricultural development.
- » Support the economic viability of existing farms by allowing agritourism commercial uses related to existing agricultural activity.
- » Protect existing farms from nuisance issues by requiring adequate buffers be established for non agricultural developments on adjacent properties, and encouraging the voluntarily

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implementation of the state's Generally Accepted Agricultural and Management Practices (GMMPS).

Adopt a Farmstead designation ordinance that enables multiple residences on agricultural lots with active farming or growing, to maintain and encourage multi-generation farming in the township.

Plan for the potential turnover of current working farms and the future uses those properties may be considering.

Review existing ordinances which place additional economic burdens on farms which may no longer meet current practices.

Support and encourage the development of Hobby Farms throughout the township

TRANSPORTATION

Goal: Manage a circulation network that is well maintained, efficient, and provides alternative modes of transportation.

Strategies:

» Develop an access management plan that allows sufficient access to properties without diminishing the efficiency of the road network.

» Support the expansion of non- motorized trails within the Township that connect to destinations within the Township and to neighboring communities

» Work cooperatively with the Charlevoix County Road Commission to help maintain all roads in safe condition.

» Partner with Charlevoix County Transit to improve access to public transportation in the Township.

» Ensure safe and expedient emergency response is available throughout the Township.

» Develop, adopt and begin implementation of a Complete Streets policy to improve transportation equity while encouraging health through physical activity and active transportation.

FIVE-YEAR ACTION PLAN

Although the Master Plan provides a policy framework for the development of the community for the next ten to twenty years, the Township is limited in its capacity and resources to implement the goals and objectives all at once. Table 9 below presents realistic actions the Township intends to perform over the next five years. The Five-Year Action Plan is not intended to be a limiting proposal. As opportunities are presented outside the actions listed below, the Township will be able to pursue those in their effort to implement the overall goals and strategies of the Master Plan.

GRANTS AND CAPITAL IMPROVEMENT PLAN

As stated earlier, the Master Plan and Recreation Plan can also be used as

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a guide for future public investment and service decisions, such as the local budget, grant applications and administration of utilities and services. Many communities find it beneficial to prioritize and budget for capital improvement projects, such as infrastructure improvements, park improvements, etc. A Capital Improvements Program (CIP) is one tool which is often used to establish a prioritized schedule for all anticipated capital improvement projects in the community. A CIP includes cost estimates and sources for financing for each project, therefore can serve as both a budgetary and policy document to aid in the implementation of a community's goals defined in the Master Plan.

OLD BUSINESS:

SET/CONFIRM PUBLIC HEARING DATES:

Schedule a public hearing for September 16th 2025 to review a rezone request for a parcel on Pincherry road from AG to RR.

SET/CONFIRM DATE OF NEXT PC MEETING –SEPTEMBER 16th, 2025.

Next Planning Commission regular meeting will take place on September 16th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 7:52pm

Comments included:

- Stated in Greenville, the Planning Commission gives out permits for recreational vehicle camping on parcels to enforce the time frame people are allowed to camp.
- Requested clarification why the Planning Commission is eliminating the Commercial and Industrial zones off of the high way. Does not support mixed use zoning.
- Stated two acre zoning may led to no open space. Concerned about the traffic on Townline Road. More possible uses for US 31 versus Townline Road.
- Supports the shift from Industrial and Commercial zoning. Stated they don't recall the finding of facts at the DeWitt Marine rehearing at the last Planning Commission meeting. Would like the minutes to reflect the person speaking.

Public Comment Closed at 8:02pm

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PLANNING COMMISSION and STAFF COMMENT:

Mr. Griffiths stated the Planning Commission needs to keep industrial in the area where there is existing industrial. In his opinion the Planning Commission does not want to discourage future residential developments.

ADJOURNMENT: Mr. Snyder made a motion, supported by Ms. Cuddeback, to adjourn the meeting at 8:06pm.

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary



Zoning Administrator Report

September 2025

Zoning Administrator work in progress report for the month of August includes the following:

- Variance application for 6995 Birdland Drive approved at ZBA meeting on July 23rd 2025 at 7:00 pm. Waiting for applicant to submit Site Plan for the Shoreland Protection strip from the Stream and Lake Charlevoix.
- Communicating with landowner regarding violation for a non permitted patio on Oyster Bay Drive. Sent Zoning permit application and section 3.14 of the Hayes Township Zoning Ordinance to landowner.
- Received rezone request application for 7977 Pincherry Rd. Planning Commission meeting scheduled for September 16th 2025.
- Received Zoning permit application for New Single Family Dwelling on Spring Street, waiting for Health Department Permit from applicant.
- Received Variance request application for 7125 Nine Mile Point Dr. ZBA Meeting scheduled for October 8th 2025 at 7:00 pm.
- Received Variance request application for 7720 Indian Trails Dr. ZBA Meeting scheduled for October 8th 2025 at 7:00 pm.
- Zoning permit application for a Demo and rebuild of existing home on Quarterline road. Shoreline Review Committee conducted inspection and advised applicant to work with Tip of the Mitt to create shoreland restoration plan.
- Continuing to see progress from landowner for non-compliance nuisance complaint with landowner on Hyek Road. Seeking to purchase property in Boyne City.
- Inspected and trying to contact landowner, last communication with landowner stated he was not well on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint. Sheriff department checking for occupancy.
- Spoke with landowner with storage units US 31, to relocate their signs.
- Working with equalization to complete the Zoning Map updates.



- Sent an informational letter to Rick Lobenherz and DeWitt Marine after Planning Commission moved to change to provisions of their special use permit. DeWitt Marine requested 45 days to re-submit.
- Application for a new single family dwelling unit on Murray Road. Waiting for additional information from landowner.
- Spoke with Holtec Representative, sign permitted to Holtec on 4/23/2025 was placed incorrectly, they will be correcting the placement.
- Communicated with landowner on Stonebridge drive for a trailer encroaching into the front yard, they will be correcting the issue by the end of the month.
- Resolved violation with landowner on Shrigley Road for a violation of the Hayes Township Zoning Ordinance.
- Met with Landowner regarding complaint of a Shoreline violation on Peaceful Valley Road, they will be submitting a Shoreline Restoration plan.
- Continuing to see progress from landowner on Maple Grove Road for a Nuisance Ordinance complaint, Charlevoix County Fire Department Chief is monitoring parcel for fire hazards. EGLE confirmed that the property owner complied with requirements, contaminated soils were removed from the site.
- Received and reviewing Zoning permit application for a new single family residence on Deer path Drive.

25-08-01	08/04/25	007-119-007-20	11950 US 31N	Charlevoix Meadows Assisted Living	New 29,000 sq ft Assisted Living and Memory Care Facility as approved by the Planning Commission on March 18 th 2025.
25-08-02	08/11/25	007-129-009-15	7645 Mulberry Lane	Tyler Kruezel	Repair two existing decks 13.6'X44' and 8'X14'
25-08-03	08/11/25	007-129-014-35	10850 Quarter Line Rd.	KCB LLC	Replace existing home with new Single Family dwelling unit 28'X70'
25-08-04	08/20/25	007-109-016-10	10504 Burgess rd	Jason and Kaylee Lagwig	24'X16' Addition on existing Accessory Building.

Rezone



Hayes Township Zoning Permit Application
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720
(231)547-6961

Zone District: NG Office Use Only Permit Number: _____ Fee: 200.00 Date: 8-18-25

GENERAL INFORMATION

Property Owner Name(s) Ronald & Sheryl Shanks
Mailing Address 7927 Pincherry Rd. Charlevoix 49720
Telephone 231-497-9872 Cell: 231-675-4648 EMAIL: Ronkpyrotech@yahoo.com

PROPERTY INFORMATION

Property Tax ID Number(s) 15-007-125-00900

Property Address 7927 Pincherry Rd.

PROPOSED USE OF PROPERTY

Type of Improvement(s) (describe) Rezone from AG to RR

New Construction ☒ Reconstruction ☐ Addition ☐ Sign ☐

Dimensions of Proposed Structure _____ HEIGHT _____ Other _____

Contractor _____ Contractor Contact Information _____

Construction Cost \$ _____

PERMITS & REQUIRED DOCUMENTS (For Office Use Only)

Health Department _____ Soil Erosion _____ Road Commission _____

Site Plan Required. _____ Survey Required _____ Corps of Engineers _____ D.N.R. _____ EGLE _____

Shoreland Protection Plan _____ Fire Chief Inquiry _____

Proposed Property Line Setback for Building

Side 159-121 Front 70 Rear 946

Owners Signature(s) [Signature]

Owners Name (Printed) RONALD SHANKS

Zoning Administrator Signature _____

Date _____

SEE ADDITIONAL PAGES

Approved _____ Denial Reason _____

Viewing Parcel Number: 007-125-009-00

Parcel Details

Assessing City/Township:	Hayes Township
Property Address:	7977 PINCHERRY RD CHARLEVOIX, MI 49720
Owner Information:	SHANKS RONALD SYDNEY 07977 PINCHERRY RD CHARLEVOIX, MI 49720
Property Class:	401 - Residential - Improved
Taxable Status:	TAXABLE
School District:	15050 - Charlevoix
P.R.E. Percentage:	100%
P.R.E. Filing Date:	2/1/2001
Current SEV:	\$308,300
Current Taxable Value:	\$183,486
Prior Year SEV:	\$257,200
Prior Year Taxable Value:	\$150,035

Sales Information

Date	Document Type	Liber/Page	Sales Price
09/18/1998	WD	389/321	\$40,100

Tax Description

N1/2 OF NE1/4 OF NW1/4 OF SEC 25 T34N R7W 20A

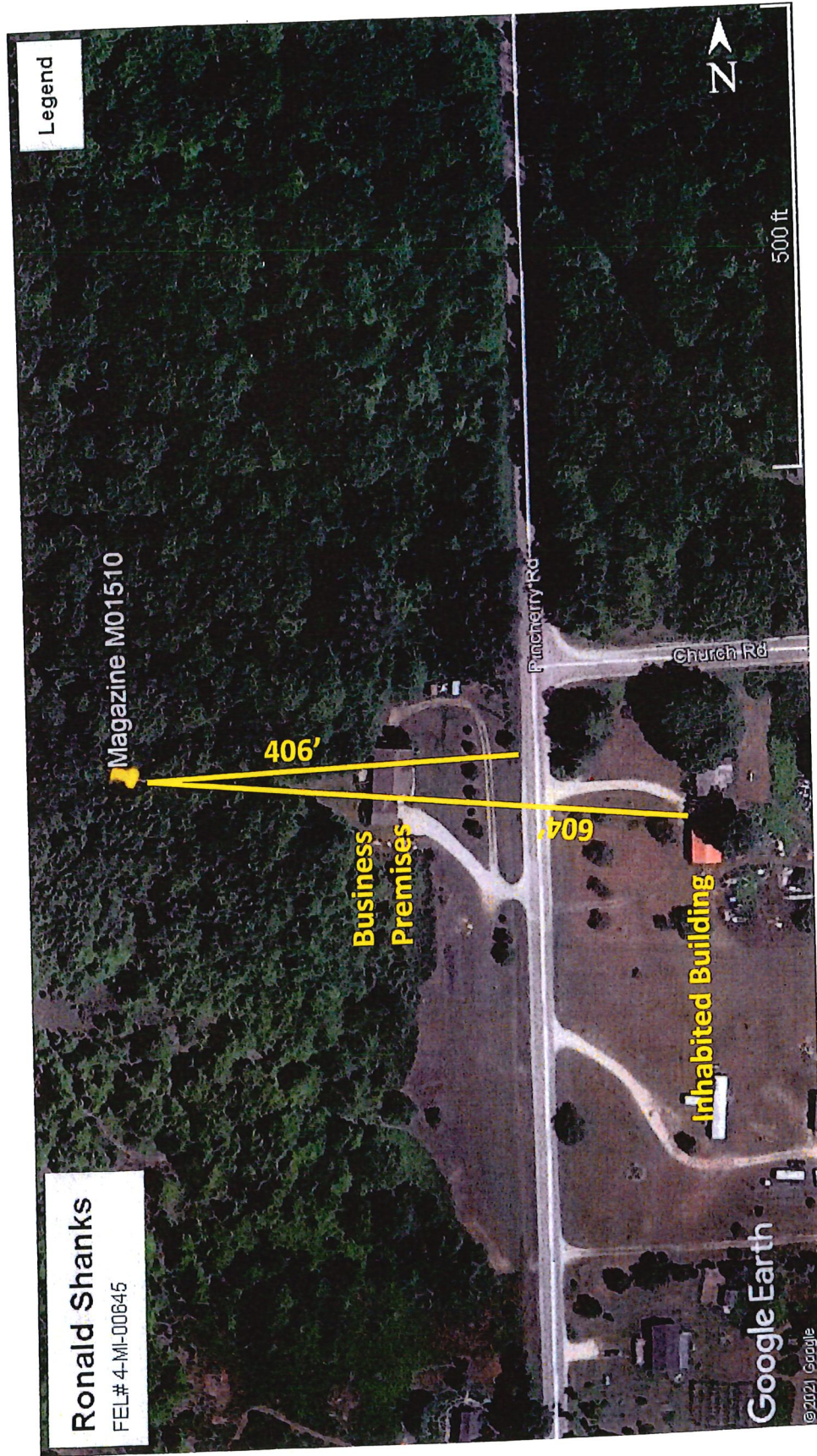


Feature Info

PIN: 007-125-009-00
Address: 7977 PINCHERRY RD
Parcel Link: 007-125-009-00
(<http://cms.revize.com/revize/apps/charlevoixcounty/pnum=007-125-009-00>)

CREATED WITH MANGO
(https://mangomap.com/?utm_source=mango&utm_medium=map&utm_campaign=map_created)

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The above is a true and accurate depiction of my property. _____ Date: _____

Ronald Shanks

Hayes Township Planning Commission

Public Hearing – Application to Rezone

The Hayes Township Planning Commission will hold a public hearing at their regularly scheduled meeting on Tuesday September 16th, 2025 at 7:00 p.m. at the Township Hall located at 09195 Major Douglas Sloan Road, Charlevoix, Michigan 49720.

The purpose of this hearing is to consider an application from Ronald and Sheryl Shanks for rezoning Property Tax ID number 15-007-125-009-00 as legally described as "N1/2 of NE ¼ of NW ¼ of section 25 T34N R7W 20A", commonly known as 7977 Pincherry Road, Hayes Township, Charlevoix, Michigan 49720, from Agricultural District (A) to Rural Residential District (RR).

Comments may be submitted to Ron VanZee, Zoning Administrator, email zoning@hayestownshipmi.gov, or mail to Hayes Township Planning Commission, 09195 Major Douglas Sloan Road, Charlevoix, Michigan 49720. Responses to be considered must be received no later than 4:00 p.m. September 15th, 2025. Questions may be directed to Ron VanZee, Zoning Administrator at zoning@hayestownshipmi.gov or (231) 547-6961.

8/27/25, 2:36 PM

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2 messages

Petoskey Legals <PetoskeyNRLegals@gannett.com>
To: clerkhayestownshipmi@gmail.com

Wed, Aug 27, 2025 at 2:20 PM

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We appreciate you using our online self-service ads portal, available 24/7. Please continue to visit Petoskey News-Review's online Classifieds [HERE](#) to place your legal notices in the future.

Deadlines vary by publication, changes and/or cancellations may not be honored due to deadline restrictions.

Job Details

Order Number: **LPET0361196**
Classification: **Govt Public Notices**
Package: **General Package**
Additional: **1 Affidavit \$10.00**
Options: Total payment: **\$100.24**

Schedule for ad number LPET03611960

Sat Aug 30, 2025
Petoskey News-Review All Zones

Account Details

Hayes Township
9195 Major Douglas Sloan RD
Charlevoix, MI 49720-9053
231-547-6961
clerkhayestownshipmi@gmail.com
Hayes Township

8/27/25, 2:36 PM

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Petoskey Legals <PetoskeyNRLegals@gannett.com>
To: clerk@hayestownshipmi.gov

Wed, Aug 27, 2025 at 2:22 PM

[Quoted text hidden]

Hayes Township Planning Commission
Public Hearing - Application to Rezone
The Hayes Township Planning Commission will hold a public hearing at their regularly scheduled meeting on Tuesday, September 16th, 2025 at 7:00 p.m. at the Township Hall located at 69155 Major Douglas Sloan Road, Charlevoix, Michigan 49720.
The purpose of this hearing is to consider an application from Ronald and Sheryl Shanks for rezoning Property Tax ID number 15-007-135-039-05 as legally described as "N 1/2 of SE 1/4 of NW 1/4 of Section 25 T34N 37W 26E", currently known as 7077 Pincherry Road, Hayes Township, Charlevoix, Michigan 49720, from Agricultural District (A) to Rural Residential District (RD).
Comments may be submitted to Ron VanZee, Zoning Administrator, email: zoning@hayestownshipmi.gov, or mail to Hayes Township Planning Commission, 69155 Major Douglas Sloan Road, Charlevoix, Michigan 49720. Responses to be considered must be received no later than 4:00 p.m. September 15th, 2025. Questions may be directed to Ron VanZee, Zoning Administrator at zoning@hayestownshipmi.gov or (231) 247-6961.
August 20, 2025
15710381196

noname
435K



Feature Info

PIN: 007-125-009-00
Address: 7977 PINCHERRY RD
Parcel Link: 007-125-009-00
(<http://cms.revize.com/revize/apps/charlevoixcount>
pnum=007-125-009-00)

CREATED WITH MANGO
([https://mangomap.com/?](https://mangomap.com/?utm_source=mango&utm_medium=map&utm_campaign=map_legend)
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Zoning Administrator Report

To: Zoning Board of Appeals Hayes Township
From: Ron VanZee Zoning Administrator
Date: 9/16/2025

CASE NO: 250916 (for office use only)

APPLICATION DATE: August 18th 2025

NOTICE POSTING DATE: August 27th 2025

PUBLICATION DATE: August 30th 2025 (Petoskey News Review)

300ft NOTICE SENT DATE: August 27th 2025

APPLICANT(S)/OWNERS: Ronald & Sheryl Shanks

SUBJECT ADDRESS: 7977 Pincherry Rd. Charlevoix MI 49720

MAILING ADDRESS: 7977 Pincherry Rd. Charlevoix MI 49720

PARCEL NO: 15-007-125-009-00

ZONING: Agricultural Zoning District

PARCEL SIZE: Approximately 19.923 acres (legal lot of record), Average Width is 663 feet,
Average Length is 1309 feet

REQUEST: Applicant is asking to rezone property from Agricultural to Rural Residential.

HISTORY: Special Use Permit to store fireworks, approved May 15th, 2018 as a Cottage Industry allowed both in the Agricultural Zoning District and Rural Residential District.

FUTURE LAND USE: Future land use map encourages Rural Residential, See Map in packet.

FIGURE 3: ZONING MAP

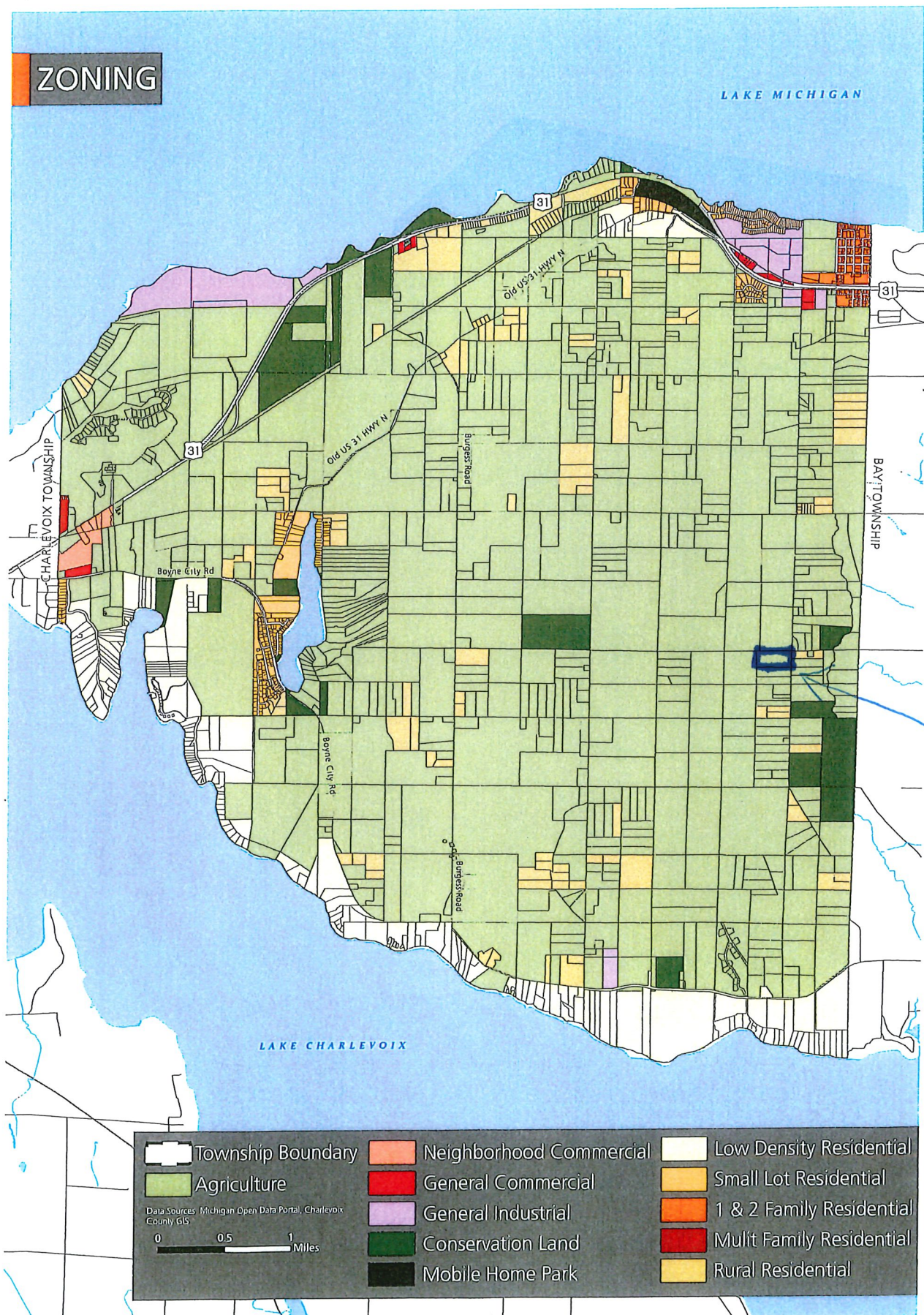
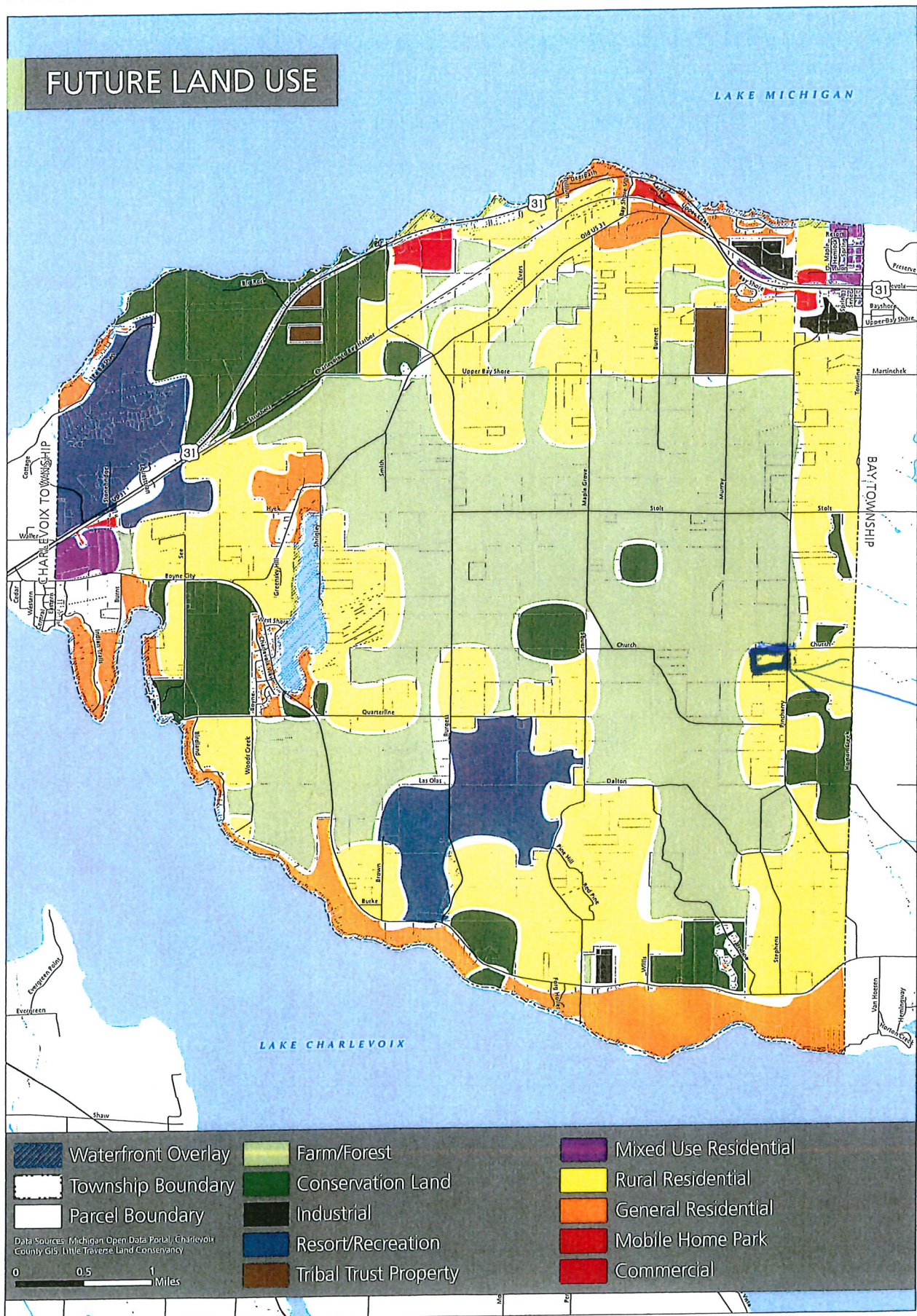


FIGURE 2: FUTURE LAND USE MAP



- 2) The time, date, and place the proposed Zoning Ordinance will be considered.
 - 3) The places and times at which the proposed Zoning Ordinance amendment may be examined.
 - 4) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.
- B. The notice shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days before the scheduled public hearing.
- C. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.

2. For a proposed Zoning Ordinance amendment rezoning an individual property, any number of non-adjacent properties, or ten (10) or fewer adjacent properties the notice shall comply with all of the following:

- A. The content of the notice shall include all of the following information:
- 1) A description of the nature of the proposed Zoning Ordinance amendment.
 - 2) A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - 3) The time, date, and place the proposed Zoning Ordinance amendment will be considered.
 - 4) The places and times at which the proposed Zoning Ordinance amendment may be examined.
 - 5) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.
- B. The notice shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days before the scheduled public hearing.
- C. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
- D. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

- A. Docks and launch ramp
- B. Recreation Camps
- C. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
- D. Accessory buildings and uses customarily incidental to the above special uses

4. Dimensional Regulations

Structures and uses in the Conservation Reserve District are subject to the area, height, bulk and placement requirements in **Section 4.13 Schedule of Regulations**.

Section 4.03 Agricultural District (A)

The following provisions shall apply to the Agricultural District (A).

1. Intent

The Agricultural District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The primary intent of the District is to hold the rural Township areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands. Residential uses are considered secondary in this district.

2. Permitted Uses

- A. Single family dwellings.
- B. Agriculture, including both general and specialized farming, tree farms and forestry.
- C. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.
- D. Agricultural warehouses and non-animal agricultural processing plants.
- E. Plant nurseries and greenhouses.
- F. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section 3.22 Antenna Co-location on an Existing Tower or Structure**.
- G. Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.15 Home Businesses**.
- H. Accessory buildings and uses customarily incidental to the above permitted uses.

3. Uses Subject to Special Use Permit

- A. Bed and breakfast facilities.
- B. Clustered residential development (Open Space Preservation Option), subject to the provisions of **Section 7.01 Supplemental Site Development Standards**
- C. Public buildings and facilities.
- D. Places of worship and related religious buildings.
- E. Cemeteries.
- F. Golf courses and country clubs.
- G. Public and private campgrounds.

- H. Private airports and landing strips.
 - I. Fire control structures.
 - J. Kennels, veterinary clinics and animal hospitals.
 - K. Non-domestic furbearing animals when confined in cages not less than two hundred (200) feet from any property line.
 - L. Planned Unit Developments
 - M. Additional farm employee dwellings, provided the property is at least 20 acres in size. The additional dwellings must be sited such that the property could be split in the future with all setbacks met for all parcels created.
 - N. Migratory labor dwellings, provided the property is at least 20 acres in size and subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
 - O. Forest product processing and sales.
 - P. Sand and gravel excavation, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
 - Q. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
 - R. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section 3.15 Home Businesses**.
 - S. Accessory buildings and uses customarily incidental to the above special approval uses.
4. Dimensional Regulations
- Structures and uses in the Agricultural District are subject to the area, height, bulk and placement requirements in **Section 4.13 Schedule of Regulations**

Section 4.04 Rural Residential District (RR)

The following provisions shall apply to the Rural Residential District (RR).

1. Intent

It is the intent of the Rural Residential District to provide for a variety of comparatively low density residential lifestyles in a manner which preserves open spaces and natural resources of the Township and the Township's rural character. The expanses of open spaces and natural resources, including woodlands, wetlands, hillsides, fields, and farmland comprise the fundamental rural character of the Township which residents wish to protect for future generations. This District includes limited existing farms and it is not the intent of this District to encourage the conversion of these agricultural lands to more intensive land uses, but to provide opportunities for residential development in a manner more compatible with the continuation of agricultural activities than traditionally provided for. However, neither is it the intent of this District to encourage the establishment of more intensive agricultural uses, such as confined livestock operations, which are incompatible with residential use of adjoining lands. Permitted land uses within this District are established based upon, in part, the limited public services available and accompanying natural constraints. The Rural Residential District is intended to implement, in part, the Rural Residential portion of the Future Land Use Plan in the Hayes Township Master Plan.

2. Permitted Uses

- A. Single family dwellings

- B. Agriculture, including both general and specialized farming, tree farms and forestry.
 - C. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section 3.22 Antenna Co-location on an Existing Tower or Structure**.
 - D. Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.15 Home Businesses**.
 - E. Accessory buildings and uses customarily incidental to the above permitted uses.
3. Uses Subject to Special Use Permit
- A. Bed and breakfast facilities.
 - B. Clustered residential development (Open Space Preservation Option), subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
 - C. Public buildings and facilities.
 - D. Places of worship and related religious buildings.
 - E. Cemeteries.
 - F. Kennels, veterinary clinics and animal hospitals.
 - G. Planned Unit Developments
 - H. Sand and gravel excavation, subject to the provisions of **Section 7.01 Supplemental Site Development Standards**.
 - I. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section 3.15 Home Businesses**.
 - J. Accessory buildings and uses customarily incidental to the above special approval uses.
4. Dimensional Regulations
- Structures and uses in the Rural Residential District are subject to the area, height, bulk and placement requirements in **Section 4.13 Schedule of Regulations**

Section 4.05 Low Density Residential District (R-1)

The following provisions shall apply to the Low Density Residential District (R-1).

1. Intent
- The Low Density Residential District is designed to accommodate and encourage single family residential development and associated uses, in keeping with the residential goals and policies specified in the Hayes Township Master Plan. The permitted uses are intended to provide for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.
2. Permitted Uses
- A. Single family dwellings
 - B. Parks, playgrounds, recreational areas and community centers
 - C. Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.15 Home Businesses**.
 - D. Accessory buildings and uses customarily incidental to the above permitted uses.

125.009.00

R. Shanks

Hayes Township Planning Commission

Public hearing on a request for a Special Use Permit

May 15, 2018

Mr. Ron Shanks, 7977 Pincherry Rd. Charlevoix, MI 49720, Property Tax ID 125-009-00, requested a Special Use Permit (SUP) for the establishment of a Fireworks storage magazine on his property. This would serve his Cottage Industry which is conducted outside of the residence. Mr. Sullivan, Zoning Administrator, distributed the packet of information to the PC for review. The chair asked for a five minute period to review the documents. At the conclusion of the review period, Ms. Morehead asked Mr. Sullivan to present an overview of the application and his review of the materials to date.

Mr. Sullivan stated that this request was made to facilitate the Mr. Shanks home based business which takes place in an area that is not attached to the residence and as such it requires a SUP. The property is zoned agricultural and home based businesses are allowed in the district and as a cottage industry it is allowed in this zoning under the SUP provisions. All necessary paperwork was submitted and proper public notice of the meeting was given by the Township as well as letters mailed to those whose property lies within 330 feet of the applicant's property. The applicant also provided a list of responses to the criteria that is used to evaluate the SUP.

Mr. Shanks gave a brief overview of his proposed fireworks storage container and the location of it on his property. He explained the types of fireworks to be stored and the requirements of The Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) for storage facilities. Mr. Shanks has a federal explosives permit issued by the BATFE and has been conducting fireworks displays for over 20 years, he is not engaged in retailing of fireworks. The proposed site was inspected by the BATFE and the 8' x 20' shipping container meets the criteria for a type 4 magazine (storage container). The site meets all the required distances from roads and structures. Given the distance from the wholesale suppliers of the fireworks to Mr. Shanks, the storage facility would greatly ease the burden of maintaining a supply of firework for his shows especially in the event of there being dud or misfired charges which are required to be kept in legal storage containers until such time as they can be returned to the supplier.

Mr. Sullivan commented that he had been contacted by BATFE regarding the application for a magazine and they indicated that they would need approval from the local community and the local fire chief of the department that services the location. He then described the terrain of the proposed location and how it might mitigate damage from an accident should it happen. The Cottage industry classification, that this application is filed under, is an allowed use in the Ag district.

Ms. Morehead next called for public comment from the audience. Gene Foley, neighbor, spoke in favor of the application. Kim Marchewitz, neighbor, spoke in favor of the application. Mike Marchewitz, neighbor, spoke in favor of the application.

Michael Shumway, neighbor, asked about the quantity of the materials to be stored and whether there was a disaster plan prepared in the event of an accident? Mr. Shanks replied that although the container would be licensed to hold up to 10,000 pounds, he does not anticipate keeping that large a supply. He also prepared the site in accordance with BATFE criteria which specifies clear space areas surrounding the magazine to mitigate fire spread. He is also allowed to only keep "low explosive" charges in the magazine with no storage of "bulk salutes". The container is ¼" corrugated steel and should withstand a fire. Mr. Shumway asked if it was a typical used shipping container and if it was subject to rust issues. Mr. Shanks replied that it was a brand new container and that a maintenance schedule was required for the permit. Mr. Shumway then asked further about the setbacks and the distances from his property? Mr. Shanks replied that the proposed site exceeded all the required setbacks. The other neighbors spoke up claiming that they would all act as a fire brigade to respond in the event of an accident. Jodi Bunting, neighbor, spoke in favor of the application. Mr. Shumway asked again for clarification on the distances from which brush and combustibles are required to be cleared from around the magazine? Mr. Shanks replied that the brush has been cleared back for a 25' radius of the magazine.

At this point, Ms. Morehead closed the public comments and called for the PC to begin deliberations. Mr. Griffiths asked for clarification on the storage of "salutes"? Mr. Shanks answered that the criteria was based on the size of the salute and the 50 % ratio of other types of fireworks to salutes stored is considered safe as long as they are no greater than 1.3 rated shells. Mr. Biddick asked for clarification on the rating of this type of magazine. Mr. Shanks replied it was a type 4 rating.

Ms. Morehead then explained that there are there groups of standards that must be evaluated in the process to grant a SUP in a cottage industry that is not attached to the residence. The first is on page VI,2 Standards for granting special use permit, number 4 A through H. Ms. Morehead read aloud each of the following and a determination of compliance with the standard was made, decision in **Bold Type**.

Standards for granting Special Use Permit

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed. **Yes this is an allowed use in the Ag zoning.**

B. Compatibility with Adjacent Land Uses

- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.
- 3) If deemed necessary by the Planning Commission, the hours of operation

that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses. **Yes this complies with the standard.**

C. Public Services

1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services. **Yes this complies with the standard.**

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. **Yes this meets the standard.**

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. **Yes this meets the standard.**

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance. **Yes this meets the standard.**

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to **Section 9.03** of this Ordinance. **No conditions attached.**

H. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to **Section 9.06** of this Ordinance. **The use does not require a performance guarantee by the Planning Commission.**

Next Ms. Morehead led the PC through the review of the Cottage Industry determination contained in Section III pages 13-14, as follows, decision in **Bold Type**.

Cottage Industries:

A. Cottage industries may be permitted as a special use in any zoning district in which single-family dwellings are permitted, subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

5. Standards for Granting Site Plan Approval:

A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance. **Yes this meets the standard.**

2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. **Yes this meets the standard.**

3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. **Yes this meets the standard.**

4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants. **Yes this meets the standard.**

5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **Yes this meets the standard.**

6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **Yes this meets the standard.**

7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height. **Yes this meets the standard.**

8) Exterior lighting shall be arranged as follows: **Not applicable, no lighting planned.**

- a) It is deflected away from adjacent properties.
- b) It does not impede the vision of traffic along adjacent streets.
- c) It does not unnecessarily illuminate night skies.

B. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry. **Yes this meets the standard.**

C. The floor area of such buildings used for a Cottage Industry shall not exceed twenty four hundred (2400) square feet. **Yes this meets the standard.**

D. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission. **Yes this meets the standard.**

E. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition in excess of that typically associated with the use of the premises for residential purposes. **Yes this meets the standard.**

F. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses. **Yes this meets the standard.**

G. Cottage industries shall be conducted only by the person or persons residing on the premises. However, if the Planning Commission finds that additional employees or assistants are necessary to conduct the cottage industry, it may allow up to three such additional employees or assistants. **At most there would be one employee due to Federal licensing requirements, Yes this meets the standard.**

H. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process. **Yes this meets the standard.**

I. To reduce the any adverse impacts from the cottage industry on adjoining properties, the Planning Commission shall approve the hours of operation for the cottage industry. **Yes this meets the standard.**

Ms. Morehead then called for a vote on meeting the approvals of a cottage industry application and the special use permit. Mr. Biddick – yes, Mr. Cunningham – yes, Ms. Morehead – yes, Mr. Bajos – yes, Mr. Griffiths -yes.

Ms. Morehead then directed the PC to the Site Plan Review approval process, Section V pages 4-5 as follows: (Decisions in **Bold Type.**)

9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way. **Not applicable to this project.**

10) All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications. **Not applicable.**

11) Site plans shall conform to all applicable requirements of state and federal statutes and the Hayes Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted. **BATFE approval and local Fire Chief approval granted.**

B. The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable. **Yes meets the standard.**

Ms. Morehead then moved for a vote on granting the site plan approval, Mr. Bajos seconded the motion. Mr. Biddick-yes, Mr. Cunningham-yes, Ms. Morehead-yes, Mr. Bajos-yes, Mr. Griffiths-yes. Motion passed. The Public hearing was adjourned at 7:50 pm.

Approved as submitted, June 19, 2018

A handwritten signature in black ink, appearing to read "Ms. Morehead", written in a cursive style.



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Ronald Sidney Shanks - User of Fireworks (Display) Federal Explosives Permittee

1 message

Christodoulo.Y.Santafianos@usdoj.gov <Christodoulo.Y.Santafianos@usdoj.gov>

Wed, Dec 20, 2017 at 3:57 PM

To: zoning@hayestownshipmi.gov

Good afternoon Mr. Sullivan,

Rodney Shanks
7977 Bircherry Road
Charlton MI 49720

As promised, I have attached documentation and information that you may require for your research into Mr. Shank's zoning approval for his Federal Explosives Business.

Page 58, Table 555.124 of the attached Federal Explosives Regulation Guide refers to the distance required to be kept between an explosives storage magazine (display fireworks only) and a public road/inhabited building.

Please contact me if you need any further information or clarification on the issue.

Have a Merry Christmas and a Happy, Healthy and Blessed New Year.

Respectfully,

Christodoulos Y. Santafianos

Industry Operations Investigator

Bureau of Alcohol, Tobacco, Firearms and Explosives

Detroit Field Division

Grand Rapids II Field Office

(616) 301-6100 (Main office line)

(616) 301-6115 (Direct line)

(616) 490-4454 (Cell phone)

(616) 732-2783 (Fax number)

property is zoned Agriculture
by Right - Single family homes
Home Occupation (in home)
Special Use - Cottage Industry (outside home)



Subpart K—Storage

§ 555.201 General.

(a) Section 842(j) of the Act and § 555.29 of this part require that the storage of explosive materials by any person must be in accordance with the regulations in this part. Further, section 846 of this Act authorizes regulations to prevent the recurrence of accidental explosions in which explosive materials were involved. The storage standards prescribed by this subpart confer no right or privileges to store explosive materials in a manner contrary to State or local law.

(b) The Director may authorize alternate construction for explosives storage magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any alternate explosive magazine construction approved by the Director prior to August 9, 1982, will continue as approved unless notified in writing by the Director. Any person intending to use alternate magazine construction shall submit a letter application to the Director, Industry Operations for transmittal to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified that the application has been approved.

(c) A licensee or permittee who intends to make changes in his magazines, or who intends to construct or acquire additional magazines, shall comply with § 555.63.

(d) The regulations set forth in §§ 555.221 through 555.224 pertain to the storage of display fireworks, pyrotechnic compositions, and explosive materials used in assembling fireworks and articles pyrotechnic.

(e) The provisions of § 555.202(a) classifying flash powder and bulk salutes as high explosives are mandatory after March 7, 1990: Provided, that those persons who hold licenses or permits under this part on that date shall, with respect to the premises covered by such licenses or permits, comply with the high explosives storage requirements for flash powder and bulk salutes by March 7, 1991.

(f) Any person who stores explosive materials shall notify the authority having jurisdiction for fire safety in the locality in which the explosive materials are being stored of the type, magazine capacity, and location of each site where such explosive materials are stored. Such notification shall be made orally before the end of the day on which storage of the explosive materials commenced and in writing within 48 hours from the time such storage commenced.

(Paragraph (f) approved by the Office of Management and Budget under control number 1140–0071)

[T.D. ATF–87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF–293, 55 FR 3722, Feb. 5, 1990; T.D. ATF–400, 63 FR 45003, Aug. 24, 1998; ATF–11F, 73 FR 57242, Oct. 2, 2008]

§ 555.202 Classes of explosive materials.

For purposes of this part, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

(a) **High explosives.** Explosive materials which can be caused to detonate by means of a blasting cap when unconfined, (for example, dynamite, flash powders, and bulk salutes). See also § 555.201(e).

(b) **Low explosives.** Explosive materials which can be caused to deflagrate when confined (for example, black powder, safety fuses, igniters, igniter cords, fuse lighters, and “display fireworks” classified as UN0333, UN0334, or UN0335 by the U.S. Department of Transportation regulations at 49 CFR 172.101, except for bulk salutes).

(c) **Blasting agents.** (For example, ammonium nitrate-fuel oil and certain water-gels (see also § 555.11).

[T.D. ATF–87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF–293, 55 FR 3722, Feb. 5, 1990; T.D. ATF–400, 63 FR 45003, Aug. 24, 1998]

§ 555.203 Types of magazines.

For purposes of this part, there are five types of magazines. These types, together with the classes of explosive materials, as defined in § 555.202, which will be stored in them, are as follows:

(a) **Type 1 magazines.** Permanent magazines for the storage of high explosives, subject to the limitations prescribed by §§ 555.206 and 555.213. Other classes of explosive materials may also be stored in type 1 magazines.

(b) **Type 2 magazines.** Mobile and portable indoor and outdoor magazines for the storage of high explosives, subject to the limitations prescribed by §§ 555.206, 555.208(b), and 555.213. Other classes of explosive materials may also be stored in type 2 magazines.

(c) **Type 3 magazines.** Portable outdoor magazines for the temporary storage of high explosives while attended (for example, a “day-box”), subject to the limitations prescribed by §§ 555.206 and 555.213. Other classes of explosives materials may also be stored in type 3 magazines.

(d) **Type 4 magazines.** Magazines for the storage of low explosives, subject to the limitations prescribed by §§ 555.206(b), 555.210(b), and 555.213. Blasting agents may be stored in type 4 magazines, subject to the limitations prescribed by §§ 555.206(c), 555.211(b), and 555.213. Detonators that will not mass detonate may also be stored in type 4 magazines, subject to the limitations prescribed by §§ 555.206(a), 555.210(b), and 555.213.

(e) **Type 5 magazines.** Magazines for the storage of blasting agents, subject to the limitations prescribed by §§ 555.206(c), 555.211(b), and 555.213.

§ 555.204 Inspection of magazines.

Any person storing explosive materials shall inspect his magazines at least every seven days. This inspection need not be an inventory, but must be sufficient to determine whether there has been unauthorized entry or attempted entry into the magazines, or unauthorized removal of the contents of the magazines.

§ 555.205 Movement of explosive materials.

All explosive materials must be kept in locked magazines meeting the standards in this subpart unless they are:

- (a) In the process of manufacture;
- (b) Being physically handled in the operating process of a licensee or user;
- (c) Being used; or
- (d) Being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired explosive materials under § 555.106.

§ 555.206 Location of magazines.

(a) Outdoor magazines in which high explosives are stored must be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which high explosives are stored, than the minimum distances specified in the table of distances for storage of explosive materials in § 555.218.

(b) Outdoor magazines in which low explosives are stored must be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which explosive materials are stored, than the minimum distances specified in the table of distances for storage of low explosives in § 555.219, except that the table of distances in § 555.224 shall apply to the storage of display fireworks. The distances shown in § 555.219 may not be reduced by the presence of barricades.

(c) (1) Outdoor magazines in which blasting agents in quantities of more than 50 pounds are stored must be located no closer to inhabited buildings, passenger railways, or public highways than the minimum distances specified in the table of distances for storage of explosive materials in § 555.218.

(2) Ammonium nitrate and magazines in which blasting agents are stored must be located no closer to magazines in which high explosives or other blasting agents are stored than the minimum distances specified in the table of distances for the separation of ammonium nitrate and blasting agents in § 555.220. However, the minimum distances for magazines in which explosives and blasting agents are stored from inhabited buildings, etc., may not be less than the distances specified in the table of distances for storage of explosives materials in § 555.218.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF-293, 55 FR 3722, Feb. 5, 1990; T.D. ATF-400, 63 FR 45003, Aug. 24, 1998]

§ 555.207 Construction of type 1 magazines.

A type 1 magazine is a permanent structure: a building, an igloo or "Army-type structure", a tunnel, or a dugout. It is to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated.

(a) **Buildings.** All building type magazines are to be constructed of masonry, wood, metal, or a combination of these materials, and have no openings except for entrances and ventilation. The ground around building magazines must slope away for drainage or other adequate drainage provided.

(1) **Masonry wall construction.** Masonry wall construction is to consist of brick, concrete, tile, cement block, or cinder block and be not less than 6" in thickness. Hollow masonry units used in construction must have all hollow spaces filled with well-tamped, coarse, dry sand or weak concrete (at least a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior walls are to be constructed of, or covered with, a nonsparking material.

(2) **Fabricated metal wall construction.** Metal wall construction is to consist of sectional sheets of steel or aluminum not less than number 14-gauge, securely fastened to a metal framework. Metal wall construction is either lined inside with brick, solid cement blocks, hardwood not less than four inches thick, or will have at least a six inch sand fill between interior and exterior walls. Interior walls are to be constructed of, or covered with, a nonsparking material.

(3) **Wood frame wall construction.** The exterior of outer wood walls is to be covered with iron or aluminum not less than number 26-gauge. An inner wall of, or covered with nonsparking material will be constructed so as to provide a space of not less than six inches between the outer and inner walls. The space is to be filled with coarse, dry sand or weak concrete.

(4) **Floors.** Floors are to be constructed of, or covered with, a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored. Use of pallets covered with a nonsparking material is considered equivalent to a floor constructed of or covered with a nonsparking material.

(5) **Foundations.** Foundations are to be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings is to be enclosed with metal.

(6) **Roof.** Except for buildings with fabricated metal roofs, the outer roof is to be covered with no less than number 26-gauge iron or aluminum, fastened to at least 7/8" sheathing.

(7) **Bullet-resistant ceilings or roofs.** Where it is possible for a bullet to be fired directly through the roof and into the magazine at such an angle that the bullet would strike the explosives within, the magazine is to be protected by one of the following methods:

(i) A sand tray lined with a layer of building paper, plastic, or other nonporous material, and filled with not less than four inches of coarse, dry sand, and located at the tops of inner walls covering the entire ceiling area, except that portion necessary for ventilation.

(ii) A fabricated metal roof constructed of $\frac{3}{16}$ " plate steel lined with four inches of hardwood. (For each additional $\frac{1}{16}$ " of plate steel, the hardwood lining may be decreased one inch.)

(8) **Doors.** All doors are to be constructed of not less than $\frac{1}{4}$ " plate steel and lined with at least two inches of hardwood. Hinges and hasps are to be attached to the doors by welding, riveting or bolting (nuts on inside of door). They are to be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(9) **Locks.** Each door is to be equipped with (i) two mortise locks; (ii) two padlock fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a casehardened shackle of at least $\frac{3}{8}$ " diameter. Padlocks must be protected with not less than $\frac{1}{4}$ " steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(10) **Ventilation.** Ventilation is to be provided to prevent dampness and heating of stored explosive materials. Ventilation openings must be screened to prevent the entrance of sparks. Ventilation openings in side walls and foundations must be offset or shielded for bullet-resistant purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling must have a wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.

(11) **Exposed metal.** No sparking material is to be exposed to contact with the stored explosive materials. All ferrous metal nails in the floor and side walls, which might be exposed to contact with explosive materials, must be blind nailed, counter-sunk, or covered with a nonsparking lattice work or other non-sparking material.

(b) **Igloos, "Army-type structures", tunnels, and dugouts.** Igloo, "Army-type structure", tunnel, and dugout magazines are to be constructed of reinforced concrete, masonry, metal, or a combination of these materials. They must have an earthmound covering of not less than 24" on the top, sides and rear unless the magazine meets the requirements of paragraph (a)(7) of this section. Interior walls and floors must be constructed of, or covered with, a nonsparking material. Magazines of this type are also to be constructed in conformity with the requirements of paragraph (a)(4) and paragraphs (a)(8) through (11) of this section.

§ 555.208 Construction of type 2 magazines.

A type 2 magazine is a box, trailer, semitrailer, or other mobile facility.

(a) Outdoor magazines—

(1) **General.** Outdoor magazines are to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. They are to be supported to prevent direct contact with the ground and, if less than one cubic yard in size, must be securely fastened to a fixed object. The ground around outdoor magazines must slope away for drainage or other adequate drainage provided. When unattended, vehicular magazines must have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) **Exterior construction.** The exterior and doors are to be constructed of not less than $\frac{1}{4}$ " steel and lined with at least two inches of hardwood. Magazines with top openings will have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position.

(3) **Hinges and hasps.** Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) **Locks.** Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter. Padlocks must be protected with not less than $\frac{1}{4}$ " steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) Indoor magazines—

(1) **General.** Indoor magazines are to be fire-resistant and theft-resistant. They need not be bullet-resistant and weather-resistant if the buildings in which they are stored provide protection from the weather and from bullet penetration. No indoor magazine is to be located in a residence or dwelling. The indoor storage of high explosives must not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of explosive materials stored does not exceed 50 pounds. Detonators must be stored in a separate magazine (except as provided in § 555.213) and the total quantity of detonators must not exceed 5,000.

(2) **Exterior construction.** Indoor magazines are to be constructed of wood or metal according to one of the following specifications:

(i) Wood indoor magazines are to have sides, bottoms and doors constructed of at least two inches of hardwood and are to be well braced at the corners. They are to be covered with sheet metal of not less than number 26-gauge (.0179 inches).

Nails exposed to the interior of magazines must be countersunk.

(ii) Metal indoor magazines are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and be lined inside with a nonsparking material. Edges of metal covers must overlap sides at least one inch.

(3) **Hinges and hasps.** Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) **Locks.** Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter. Padlocks must be protected with not less than $\frac{1}{4}$ " steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter, if the door hinges and lock hasp are securely fastened to the magazine.

These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(c) **Detonator boxes.** Magazines for detonators in quantities of 100 or less are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and lined with a nonsparking material. Hinges and hasps must be attached so they cannot be removed from the outside. One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter is sufficient for locking purposes.

§555.209 Construction of type 3 magazines.

A type 3 magazine is a "day-box" or other portable magazine. It must be fire-resistant, weather-resistant, and theft-resistant. A type 3 magazine is to be constructed of not less than number 12-gauge (.1046 inches) steel, lined with at least either $\frac{1}{2}$ " plywood or $\frac{1}{2}$ " Masonite-type hardboard. Doors must overlap sides by at least one inch. Hinges and hasps are to be attached by welding, riveting or bolting (nuts on inside). One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter is sufficient for locking purposes. Explosive materials are not to be left unattended in type 3 magazines and must be removed to type 1 or 2 magazines for unattended storage.

§555.210 Construction of type 4 magazines.

A type 4 magazine is a building, igloo or "Army-type structure", tunnel, dugout, box, trailer, or a semitrailer or other mobile magazine.

(a) Outdoor magazines—

(1) **General.** Outdoor magazines are to be fire-resistant, weather-resistant, and theft-resistant. The ground around outdoor magazines must slope away for drainage or other adequate drainage be provided. When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) **Construction.** Outdoor magazines are to be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. Foundations are to be constructed of brick, concrete, cement block, stone, or metal or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the building is to be enclosed with fire-resistant material. The walls and floors are to be constructed of, or covered with, a nonsparking material or lattice work. The doors must be metal or solid wood covered with metal.

(3) **Hinges and hasps.** Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) **Locks.** Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and case-hardened shackle of at least $\frac{3}{8}$ " diameter. Padlocks must be protected with not less than $\frac{1}{4}$ " steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) Indoor magazine—

(1) **General.** Indoor magazines are to be fire-resistant and theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather. No indoor magazine is to be located in a residence or dwelling. The indoor storage of low explosives must not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of explosive materials stored does not exceed 50 pounds. Detonators that will not mass detonate must be stored in a separate magazine and the total number of electric detonators must not exceed 5,000.

(2) **Construction.** Indoor magazines are to be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors are to be constructed of, or covered with, a nonsparking material. The doors must be metal or solid wood covered with metal.

(3) **Hinges and hasps.** Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) **Locks.** Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter. Padlocks must be protected with not less than $\frac{1}{4}$ " steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter, if the door hinges and lock hasp are securely fastened to the magazine. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

§555.211 Construction of type 5 magazines.

A type 5 magazine is a building, igloo or "Army-type structure", tunnel, dugout, bin, box, trailer, or a semitrailer or other mobile facility.

(a) Outdoor magazines—

(1) **General.** Outdoor magazines are to be weather-resistant and theft-resistant. The ground around magazines must slope away for drainage or other adequate drainage be provided. When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) **Construction.** The doors are to be constructed of solid wood or metal.

(3) **Hinges and hasps.** Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) **Locks.** Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter. Padlocks must be protected with not less than $\frac{1}{4}$ " steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Trailers, semitrailers, and similar vehicular magazines may, for each door, be locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter, if the door hinges and lock hasp are securely fastened to the magazine and to the door frame.

These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(5) **Placards.** The placards required by Department of Transportation regulations at 49 CFR part 172, subpart F, for the transportation of blasting agents shall be displayed on all magazines.

(b) Indoor magazines—

(1) **General.** Indoor magazines are to be theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather. No indoor magazine is to be located in a residence or dwelling. Indoor magazines containing quantities of blasting agents in excess of 50 pounds are subject to the requirements of § 555.206 of this subpart.

(2) **Construction.** The doors are to be constructed of wood or metal.

(3) **Hinges and hasps.** Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) **Locks.** Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter. Padlocks must be protected with not less than $\frac{1}{4}$ " steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ " diameter, if the door hinges and lock hasps are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF-298, 55 FR 21863, May 30, 1990]

§555.212 Smoking and open flames.

Smoking, matches, open flames, and spark producing devices are not permitted:

- (a) In any magazine;
- (b) Within 50 feet of any outdoor magazine; or
- (c) Within any room containing an indoor magazine.

§555.213 Quantity and storage restrictions.

(a) Explosive materials in excess of 300,000 pounds or detonators in excess of 20 million are not to be stored in one magazine unless approved by the Director.

(b) Detonators are not to be stored in the same magazine with other explosive materials, except under the following circumstances:

(1) In a type 4 magazine, detonators that will not mass detonate may be stored with electric squibs, safety fuse, shock tube, igniters, and igniter cord.

(2) In a type 1 or type 2 magazine, detonators may be stored with delay devices and any of the items listed in paragraph (b)(1) of this section.

[T.D. ATF-487, 68 FR 3748, Jan. 24, 2003, as amended by ATF 15F, 75 FR 3163, Jan. 20, 2010]

§ 555.214 Storage within types 1, 2, 3, and 4 magazines.

(a) Explosive materials within a magazine are not to be placed directly against interior walls and must be stored so as not to interfere with ventilation. To prevent contact of stored explosive materials with walls, a nonsparking lattice work or other nonsparking material may be used.

(b) Containers of explosive materials are to be stored so that marks are visible. Stocks of explosive materials are to be stored so they can be easily counted and checked upon inspection.

(c) Except with respect to fiberboard or other nonmetal containers, containers of explosive materials are not to be unpacked or repacked inside a magazine or within 50 feet of a magazine, and must not be unpacked or repacked close to other explosive materials. Containers of explosive materials must be closed while being stored.

(d) Tools used for opening or closing containers of explosive materials are to be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet are to be used for opening or closing wood containers of explosive materials. Metal tools other than nonsparking transfer conveyors are not to be stored in any magazine containing high explosives.

§ 555.215 Housekeeping.

Magazines are to be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors are to be regularly swept. Brooms and other utensils used in the cleaning

and maintenance of magazines must have no spark-producing metal parts, and may be kept in magazines. Floors stained by leakage from explosive materials are to be cleaned according to instructions of the explosives manufacturer. When any explosive material has deteriorated it is to be destroyed in accordance with the advice or instructions of the manufacturer. The area surrounding magazines is to be kept clear of rubbish, brush, dry grass, or trees (except live trees more than 10 feet tall), for not less than 25 feet in all directions. Volatile materials are to be kept a distance of not less than 50 feet from outdoor magazines. Living foliage which is used to stabilize the earthen covering of a magazine need not be removed.

§ 555.216 Repair of magazines.

Before repairing the interior of magazines, all explosive materials are to be removed and the interior cleaned. Before repairing the exterior of magazines, all explosive materials must be removed if there exists any possibility that repairs may produce sparks or flame. Explosive materials removed from magazines under repair must be (a) placed in other magazines appropriate for the storage of those explosive materials under this subpart, or (b) placed a safe distance from the magazines under repair where they are to be properly guarded and protected until the repairs have been completed.

§ 555.217 Lighting.

(a) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines.

(b) Electric lighting used in any explosives storage magazine must meet the standards prescribed by the "National Electrical Code," (National Fire Protection Association, NFPA 70-81), for the conditions present in the magazine at any time. All electrical switches are to be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.

(c) Copies of invoices, work orders or similar documents which indicate the lighting complies with the National Electrical Code must be available for inspection by ATF officers.

§555.218 Table of distances for storage of explosive materials.

Quantity of Explosives		Distances in feet							
Pounds over	Pounds not over	Inhabited buildings		Public highways with traffic volume 3000 or fewer vehicles/day		Passenger railways-public highways with traffic volume more than 3,000 vehicles/day		Separation of magazines	
		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
0	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

Table: American Table of Distances for Storage of Explosives (December 1910), as Revised and Approved by the Institute of Makers of Explosives—July, 1991.

Notes to the Table of Distances for Storage of Explosives

(1) Terms found in the table of distances for storage of explosive materials are defined in § 555.11.

(2) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be

considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

(3) All types of blasting caps in strengths through No. 8 cap should be rated at 1 ½ lbs. (1.5 lbs.) of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

(4) For quantity and distance purposes, detonating cord of 50 or 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF-400, 63 FR 45003, Aug. 24, 1998; T.D. ATF-446, 66 FR 16602, Mar. 27, 2001; T.D. ATF-446a, 66 FR 19089, Apr. 13, 2001]

§ 555.219 Table of distances for storage of low explosives.

Pounds		From Inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over	Not over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

Table: Department of Defense Ammunition and Explosives Standards, Table 5-4.1 Extract; 4145.27 M, March 1969

§ 555.220 Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Donor weight (pounds)		Minimum separation distance of acceptor from donor when barricaded (feet)		Minimum thickness of artificial barricades (inches)
Over	Not over	Ammonium nitrate	Blasting agent	
0	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Table: National Fire Protection Association (NFPA) Official Standard No. 492, 1968

Notes of Table of Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents

(1) This table specifies separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate is to be included in the mass of the donor.

(2) When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table must be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where explosives storage is in bullet-

resistant magazines or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the table in § 555.218 are not required.

(3) These distances apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer issued by the Fertilizer Institute. ¹Ammonium nitrate failing to pass the test must be stored at separation distances in accordance with the table in § 555.218.

¹Definition and Test Procedures for Ammonium Nitrate Fertilizer, Fertilizer Institute 425 Third Street, SW, Suite 950, Washington, D.C. 20024.

(4) These distances apply to blasting agents which pass the insensitivity test prescribed in regulations of the U.S. Department of Transportation (49 CFR part 173).

(5) Earth or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of

sufficient density that the surrounding exposures which require protection cannot be seen from the “donor” when the trees are bare of leaves, are also acceptable.

(6) For determining the distances to be maintained from inhabited buildings, passenger railways, and public highways, use the table in § 555.218.

§ 555.221 Requirements for display fireworks, pyrotechnic compositions, and explosive materials used in assembling fireworks or articles pyrotechnic.

(a) Display fireworks, pyrotechnic compositions, and explosive materials used to assemble fireworks and articles pyrotechnic shall be stored at all times as required by this Subpart unless they are in the process of manufacture, assembly, packaging, or are being transported.

(b) No more than 500 pounds (227 kg) of pyrotechnic compositions or explosive materials are permitted at one time in any fireworks mixing building, any building or area in which the pyrotechnic compositions or explosive materials are pressed or otherwise prepared for finishing or assembly, or any finishing or assembly building. All pyrotechnic compositions or explosive materials not in immediate use will be stored in covered, non-ferrous containers.

(c) The maximum quantity of flash powder permitted in any fireworks process building is 10 pounds (4.5 kg).

(d) All dry explosive powders and mixtures, partially assembled display fireworks, and finished display fireworks shall be removed from fireworks process buildings at the conclusion of a day's operations and placed in approved magazines.

[T.D. ATF–293, 55 FR 3722, Feb. 5, 1990, as amended by T.D. ATF–400, 63 FR 45004, Aug. 24, 1998]

§ 555.222 Table of distances between fireworks process buildings and between fireworks process and fireworks nonprocess buildings.

Net weight of fireworks ¹ (pounds)	Display fireworks ² (feet)	Consumer fireworks ³ (feet)
0-100	57	37
101-200	69	37
201-300	77	37
301-400	85	37
401-500	91	37
Above 500	Not permitted ⁴ ⁵	Not permitted ⁴ ⁵

¹Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

²The distances in this column apply only with natural or artificial barricades. If such barricades are not used, the distances must be doubled.

³While consumer fireworks or articles pyrotechnic in a finished state are not subject to regulation, explosive materials used to manufacture or assemble such fireworks or articles are subject to regulation. Thus, fireworks process buildings where consumer fireworks or articles pyrotechnic are being processed shall meet these requirements.

⁴A maximum of 500 pounds of in-process pyrotechnic compositions, either loose or in partially-assembled fireworks, is permitted in any fireworks process building. Finished display fireworks may not be stored in a fireworks process building.

⁵A maximum of 10 pounds of flash powder, either in loose form or in assembled units, is permitted in any fireworks process building. Quantities in excess of 10 pounds must be kept in an approved magazine.

[T.D. ATF–293, 55 FR 3723, Feb. 5, 1990, as amended by T.D. ATF–400, 63 FR 45004, Aug. 24, 1998]

§ 555.223 Table of distances between fireworks process buildings and other specified areas.

Net weight of fireworks ¹ (pounds)	Display fireworks ¹ (feet)	Consumer fireworks ² (feet)
0-100	200	25
101-200	200	50
201-300	200	50
301-400	200	50
401-500	200	50
Above 500	Not permitted	Not permitted

Distance from Passenger Railways, Public Highways, Fireworks Plant Buildings used to Store Consumer Fireworks and Articles Pyrotechnic, Magazines and Fireworks Shipping Buildings, and Inhabited Buildings.^{3,4,5}

¹Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

²While consumer fireworks or articles pyrotechnic in a finished state are not subject to regulation, explosive materials used to manufacture or assemble such fireworks or articles are subject to regulation. Thus, fireworks process buildings where consumer fireworks or articles pyrotechnic are being processed shall meet these requirements.

³This table does not apply to the separation distances between fireworks process buildings (see § 555.222) and between magazines (see §§ 555.218 and 555.224).

⁴The distances in this table apply with or without artificial or natural barricades or screen barricades. However, the use of barricades is highly recommended.

⁵No work of any kind, except to place or move items other than explosive materials from storage, shall be conducted in any building designated as a warehouse. A fireworks plant warehouse is not subject to § 555.222 or this section, tables of distances.

[T.D. ATF–293, 55 FR 3723, Feb. 5, 1990, as amended by T.D. ATF–400, 63 FR 45004, Aug. 24, 1998]

§ 555.224 Table of distances for the storage of display fireworks (except bulk salutes).

Net weight of fireworks ¹ (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway ³ ⁴ (feet)	Distance between magazines ² ³ (feet)
0-1000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table § 555.218	

¹Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

²For the purposes of applying this table, the term “magazine” also includes fireworks shipping buildings for display fireworks.

³For fireworks storage magazines in use prior to (30 days from the date of publication of the final rule in the Federal Register), the distances in this table may be halved if properly barricaded between the magazine and potential receptor sites.

⁴This table does not apply to the storage of bulk salutes. Use table at § 555.218.

[T.D. ATF–293, 55 FR 3723, Feb. 5, 1990, as amended by T.D. ATF–400, 63 FR 45004, Aug. 24, 1998]

**HAYES
TOWNSHIP
SHORT TERM
RENTAL
ORDINANCE**

EFFECTIVE TBD

HAYES TOWNSHIP SHORT TERM RENTAL ORDINANCE

Ordinance No. 031113 of 2013

AN ORDINANCE PURSUANT ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PERMIT AND REGULATE SHORT TERM RESIDENTIAL RENTALS WITHIN THE TOWNSHIP, TO **ENSURE** THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

The primary purpose of this Short-Term ordinance is to balance the economic benefits of tourism with the townships need to preserve it's character, ensure the privacy of neighboring properties and ensure public safety. Short-term rentals are allowed in all zoning areas except Light Industrial, Conservation Reserve, Government and Utility.

THE TOWNSHIP OF HAYES ORDAINS:

Section 1. Definitions (As used in this Ordinance)

"Bedroom" means a separate room or space with a door, a closet and a window, used or intended to be used specifically for sleeping purposes. **Each bedroom shall meet minimum building code requirements.**

"Dwelling unit" means a single-family building or portion thereof, providing complete, independent living facilities for family for residential purposes. Including permanent provisions for living, sleeping, heating, cooking and sanitation.

"Habitable space" means space in a structure for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

"Lease" ---see Rental

"Occupancy" means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

"Occupant" means any individual living or sleeping in a dwelling unit or having possession of a space within a dwelling unit.

"Operator" or "Owner" means any person who owns or has charge, care or control of a dwelling unit which is offered for rent.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity or their agents

"Rent" or "Rental" means to permit, provide for, or offer possession or occupancy of a dwelling unit in which the owner does not reside for a period of less than thirty (30) days to a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license.

"Short Term Rental" means any dwelling or condominium or **portions** thereof, in which the owner does not reside, that is available for use or is used for

accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days **and the owner is not currently in residence.**

"Tenant" means a person who is not the legal owner of record and who is occupying a dwelling unit pursuant to a written or unwritten rental lease, agreement or license.

Section 2. License Required.

No person shall rent or cause to be rented a dwelling unit or efficiency dwelling unit within Hayes Township for a period less than thirty (30) days without first obtaining a license from the Township Zoning Administrator pursuant to the requirements of this Ordinance. **License shall be renewed every two years and will include inspection at that time.**

Section 3. Application and Fee Requirements.

An operator seeking a license under this Ordinance shall submit a complete application to the Zoning Administrator and pay the required fee, which shall be determined from time to time by resolution of the Township Board. The application shall include proof of ownership of, or the legal right to rent, a dwelling unit or and all information reasonably necessary for the zoning administrator to determine whether the applicable standards for approval provided in Section 4 have been met.

Section 4. Standards for Approval

The zoning administrator shall approve, or approve with conditions, an application for a short-term rental license only upon finding that the application complies with all the following applicable standards:

- 1) Maximum occupancy will be based on two (2) adult people per bedroom. **An adult is defined as a person aged 13 years and older.**
- 2) The dwelling unit must meet all residential building, health department, and safety codes. **As documented by the Zoning Administrator and by a certified third-party property inspection, conducted every other year after the initial application / inspection. Inspection shall be completed every two years before the license can be renewed.**
- 3) The operator shall provide ample off-street parking to accommodate occupant's vehicles **per the Hayes Township Zoning Ordinance to accommodate lessee/ renters' vehicles at a rate of one parking space per rented bedroom on site.**
- 4) The appearance of the dwelling shall not conflict with the residential character of the neighborhood. The structures shall be properly maintained, and kept in good repair, in order that the use in no way detracts from the general appearance of the neighborhood. Garbage must be kept in a closed container located out of sight from the public and disposed of on a regular weekly schedule. **Garbage containers must not be put out by the road more than 24 hours prior to the scheduled collection day.**
- 5) No sign shall be posted to advertise the availability of the short-term residential

rental unit to the public.

6) The owner shall keep on file with the Township the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls on a 24-hour basis at all times that the short-term rental is rented and occupied. The contact person must have a key to the rental unit and be able to respond to the short-term rental within **sixty (60)** minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short-term rental. The owner shall notify neighboring dwelling units within 300 feet from the rental dwelling unit in writing that the property is a permitted short-term rental and shall provide a telephone number of the rental agency, if any, or other local contact person.

7) The Owner or a Managing Agency shall provide the tenant or lessees of a Short-term Residential Rental with the following information prior to occupancy of the Premises and post such information in a conspicuous place within the dwelling on the Premises:

- (a) The name of the **designated** Contact Person, and a telephone number at which they may be reached on a 24-hour basis.
- (b) Notification of the maximum number of overnight occupants permitted on the Premises pursuant to this Ordinance.
- (c) Notification of the parking standards of this Ordinance.
- (d) A copy of this Ordinance, as may be amended from time to time.
- (e) Notification that an occupant may be cited or fined by the Township, in addition to any other remedies available by law, for violating any provisions of this Ordinance.

8) All land-based recreational activities to be limited to rented premises and shall not encroach on neighboring properties.

9) Campfires in designated 'fire pit' areas away from water's edge, trees, and property lines. Fires must be always attended and properly extinguished after use.

10) **The use of fireworks at rented premises shall coincide with all existing ordinances.**

11) Tenants of a property used for Short-Term Rental use shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any of the following:

- a). Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
- b). Yelling, shouting, hooting, singing, or making other noise that because of its volume, frequency, or shrillness unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
- c). Sounding or using any horn, siren, whistle, bell or other warning device so as to unreasonably disturb the quiet, comfort or repose of another person.

Section 5. Duration of License, Re-application.

A license issued under this Ordinance shall remain in effect until the happening of one or more of the following events:

- (1) The dwelling unit is physically altered in such a way that the habitable space within the unit is increased, decreased, or re-distributed among living, sleeping, eating, or cooking areas.
- (2) This Ordinance is amended to alter the standards for approval contained in Section 4.
 - (a) If a license is no longer in effect as a result of subsection above, the operator shall re-apply for a new license following the same procedures for a new license.
 - (b) A Short-Term Rental Use license may not be transferred or assigned to any third party except heirs and assigns, and the license shall be void upon transfer of ownership of the property where the Short-Term Rental Use is located. Upon change of ownership, the new owner must apply for a new Short-Term Rental Use License in order for Short-Term Rental Use activity to be authorized.

Section 6. Inspections and Conditions.

Upon written complaint, the zoning administrator may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in Section 4 of this Ordinance. In addition, the zoning administrator may impose reasonable conditions on a license issued under this Ordinance which are reasonably necessary to ensure compliance with the approval standards provided in Section 4 of this Ordinance.

Section 7. Suspension or Revocation of Short-Term Rental License.

Grounds for Suspension or Revocation. In addition to any other penalty authorized by law, a short term rental license may be suspended or revoked if the Zoning Administrator finds by competent, material, and substantial evidence and after written notice of the charges to the owner and an opportunity to be heard, that the licensee or his or her agents or employees has or have violated, or failed to fulfill, the requirements of this Ordinance, including the approval standards specified in Section 4 of this Ordinance. The written notice of the charges and the notice of the hearing shall be personally served on the owner or served on the owner by certified mail, restricted delivery, no less than 21 days before the hearing before the Zoning Administrator.

- 1) Upon a finding by the Zoning Administrator of a First violation within any twelve (12) month period, the short-term rental license may be suspended for up to thirty (30) days and during said time the premises shall not be utilized for a **short-term** rental.
- 2) Upon a finding by the Zoning Administrator of a Second violation within any twelve (12) month period, the short-term rental license shall be suspended for thirty (30) days and during said time the premises shall not be utilized for a short-term rental.
- 3) Upon a finding by the Zoning Administrator of a Third violation within any twelve (12) month period, the short-term rental license shall be revoked and the owner or Managing agency or Agent who had been issued the short- term rental license shall not again be issued a short term rental license for a period of twenty-four (24) months and during said time the premises shall not be utilized for a short-term rental. Appeal from denial or suspension or revocation of a short-term rental license is allowed.

Section 8. Appeal.

Any applicant for short term rental license whose application was denied by the Zoning Administrator, and any licensee whose short term rental license is suspended or revoked by the Zoning Administrator, may, within **thirty (30) days** following such decision, appeal such decision to the Zoning Board of Appeals, in which event the decision of the Zoning Administrator shall be vacated the Zoning Board of Appeals shall determine whether to affirm, reverse, or modify the decision of the Zoning Administrator in accordance with the requirements for short term rentals set **forth** in this section. At least **fifteen (15) days** prior to the Zoning Board of Appeals meeting to consider the appeal of the applicant or licensee, the Zoning Administrator or authorized designee, shall send, by United States mail, certified, written notice to the applicant or licensee of the time and place at which the Zoning Board of Appeals will consider the application, suspension or revocation, and the applicant or licensee shall be provided an

opportunity to be heard by the Zoning Board of Appeals prior to its decision being made. All neighbors within 300 feet must also be notified by United States mail the date, time and location of the Zoning Board of Appeals meeting. The decision of the Zoning Board of Appeals shall be final. The Zoning Board of Appeals Secretary shall notify the applicant or licensee, as applicable, in writing of the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals affirms the decision of the Zoning Administrator denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision to the circuit court. The decision of the Zoning Board of Appeals shall not be vacated during the pendency of any appeal to Circuit Court. The applicant for a short-term rental license has the right to seek a stay in Circuit Court.

Section 9. Prohibited Activities.

A tenant shall not violate any of the approval standards specified in Section 4 of this Ordinance.

Section 10. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

Section 11. Violations.

A person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation.

Section 12. Enforcement Officials.

The Zoning Administrator and other persons designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

Section 13. Civil Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 14. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 15. Effective Date

This Ordinance shall become effective thirty (30) after being published in a newspaper of general circulation within the township.

TOWNSHIP OF HAYES 

Date: J_J_J2_, (

By: _____

Date: ³ - / *r* / 3

By: _____



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

FW: Document for Tuesday Planning Commisision meeting

1 message

David M Kemme (dmkemme) <dmkemme@memphis.edu>

Sun, Sep 14, 2025 at 2:49 PM

To: "clerk@hayestownshipmi.gov" <clerk@hayestownshipmi.gov>

Kristen,

Hope all is going well. I reviewed several local ordinances related to short term rentals. Attached is a word doc that lists common characteristics of the ordinances. I did look at the proposed ordinance as well. I'd like to present or distribute this so everyone has a broader understanding of issues and solutions.

In another email I sent this to Roy so he is aware.

Dave



Common Characteristics of local Short Term Rental regulations and policies.docx

17K



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Planning Commission: Short Term Rental Ordinance

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Sun, Sep 14, 2025 at 4:00 PM

To: Roy Griffiths <rwgriffitts3@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, "C. T. Martin" <ctmagnetics@aol.com>, Rex Greenslade <greensladerex@gmail.com>, Carey Cuddeback <clcuddebackpc@gmail.com>, Alexander Curley <acurley.pc@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>

Cc: Bill Conklin <supervisor@hayestownshipmi.gov>, Julie Collard <treasurer@hayestownshipmi.gov>, Doug Kuebler <hayestrustee5@gmail.com>, Ron VanZee <zoning@hayestownshipmi.gov>

Dear Planning Commission Members,

Because of scheduled medical appointments in Traverse City on Wednesday morning, I am unable to attend your September 16 meeting. Thank you for your development of a Short Term Rental Ordinance in Hayes Township. It is sorely needed. Diane and I have experienced the negatives of regular short term rentals throughout the past 50 years of owning a home in Hayes Township. We absolutely know the downsides of uncontrolled rentals.

Here are some basic observations regarding many short term rentals:

1. The Charlevoix County Sheriff does not have the resources to respond in a timely way to complaints.
2. Most short term rentals are located in residential neighborhoods where residents expect peace and quiet, without frequent comings and goings, parties, car parking overload, unsightly trash containers, and commercial-like disruptions.
3. Most renters are unaware of fire dangers with nearby wooded areas, especially when there are state-issued "no-burn" conditions. Common sense is a lot less common than you think. Good judgement may be lacking.
4. Some people leave their best manners at home when they move into a short term rental. There is a shortage of common neighborly, courtesy.

Many Hayes Township residents absolutely dread the appearance of a nearby short term rental (i.e., AirBnB, VRBO, etc.). A well-enforced short term rental ordinance can make a meaningful difference in mitigating the downsides. Contrary to some rental agents' opinions, **visitors will not be deterred from short term renting because of a strong, well-worded and well-enforced ordinance in our beautiful, peaceful township.** Below are some suggested edits for the Hayes Township ordinance that was included with PC meeting pre-packet information. Again, thank you for developing a good short term rental ordinance.

1. 1st sentence of 1st (introductory) paragraph:
 - a. Use an apostrophe: township's
 - b. Remove the apostrophe: its
 - c. Add the words "and tranquility" after the word "privacy"
 - d. Insert a comma after the word "properties"
2. Definition of "Dwelling unit":
 - a. Remove the word "for" following the word "family"

- b. Insert a comma after the word "purposes" and use lower case with the next word "including"
3. Definition of "Person": Put a period at the end of the sentence.
4. Section 2, last sentence: Insert the word "an" after the word "include".
5. Section 3, last sentence: Remove the word "or" following the words "dwelling unit".
6. Section 4, item #1: It would be helpful to include a typical example of how maximum occupancy is calculated.
7. Section 4, item #2: Perhaps, use these sentences following the "safety codes" wording: "Along with the completed application, the rental property must undergo an inspection performed by a township-approved, certified, inspector. The license must be renewed every two years. An additional inspection is required with each license renewal."
8. Section 4, item #3: Add the following sentence: "There shall be no parking in the road right-of-way for more than a three hour period of time."
9. Section 4, item #4: Add the sentence: "Garbage containers must be retrieved on the morning following the scheduled collection day."
10. Section 4, item #9:
 - a. Insert the words "shall be" following the word "Campfires".
 - b. Insert the words **"with water"** in bold following the word "extinguished".
11. Section 4, item #10: Replace the entire sentence with the following wording "The use of all fireworks are prohibited at the rented premises." (Reason: The Charlevoix County fireworks regulations are too liberal and most people are unaware of them. Again, common sense is a lot less common than you think and good judgement is not displayed. My subdivision could easily catch fire with carelessness.)
12. Section, item #11: Add an item "d). There shall be no outside gatherings after 10 pm at the rental property.
13. Section 7, items #1 and #2: At the end of each paragraph, insert the sentence "Following the 30-day suspension period, the Zoning Administrator must approve the corrective actions, prior to the resumption of the short term rental."

Thank you for the opportunity to make suggested edits to the township's draft of the Short Term Rental Ordinance. Please remember that many Hayes Township residents absolutely dread the onset of a nearby short term rental (i.e., AirBnB, VRBO, etc.). Thank you.

Jim McMahon
phone: 231-347-9829

Rezone request 7977 Pincherry Rd, Charlevoix MI 49720

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request. Sec 10.01 C5

- a) Is the proposed rezoning consistent with the Hayes Township Master Plan?
- b) Is the proposed rezoning reasonably consistent with surrounding uses?
- c) Will there be an adverse physical impact on surrounding properties?
- d) Will there be an adverse effect on property values in the adjacent area?
- e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
- i) Is the rezoning in conflict with the planned use for the property as reflected in the Land Use Plan?
- j) Is the site served by adequate public facilities or is the petitioner able to provide them?
- k) Are there sites nearby already properly zoned that can be used for the intended purposes?
- l) Are other local remedies available?

HAYES TOWNSHIP PLANNING COMMISSION MEETING

Meeting Date: September 16, 2025

Location:

Hayes Township Hall

Name	Would you like to be called on to speak during public comment?	
KEVIN WILLIS	✓ YES	NO
	YES	NO
David Kemmer	✓ YES	NO
	YES	NO
RON SHAWKS	✓ YES	NO
	YES	NO
Mel Geheuser	YES ?	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO
	YES	NO
<u>Zoom:</u>	YES	NO
Gillian Lazor	YES	NO
Donelle Hutcherson	YES	NO
Carol Umlor	YES	NO
Anne Fialko	YES	NO
	YES	NO
	YES	NO