

EXHIBIT A

ELMWOOD TOWNSHIP  
TOWNSHIP BOARD

ORDINANCE NO. 2024 - 0118

AN ORDINANCE TO IMPOSE A MORATORIUM ON  
COMMERCIAL WIND ENERGY CONVERSION SYSTEMS AND  
UTILITY-SCALE ENERGY STORAGE FACILITIES

ELMWOOD TOWNSHIP ORDAINS:

**Section 1. Title.** This Ordinance may be cited and referred to as the “Elmwood Township Wind Energy Conversion System and Battery Storage Facility Moratorium.”

**Section 2. Purpose and Findings.** The purpose of this moratorium is to provide sufficient time for Elmwood Township to fully explore, analyze, research, and make informed decisions regarding Commercial Wind Energy Conversion Systems and Energy Storage Facilities. In support of this Ordinance, the Elmwood Township Board has determined the following:

- A. The integration of Commercial Wind Energy Conversion Systems and Utility-Scale Energy Storage Facilities within the Township requires suitable regulations and controls for the protection of the health, safety and welfare of all of the Township’s residents.
- B. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Commercial Wind Energy Conversion Systems and Utility-Scale Energy Storage Facilities are reasonable and necessary in order to better protect the public health, safety, and welfare of Township residents. Moreover, with the passage of Act 233 of 2023, the Township desires additional sufficient time to consider the impact of the legislation on local control.
- C. Imposing a moratorium to allow the Township time and space to fully and thoughtfully explore, analyze, research, and develop any proposed zoning amendments to the Township’s Zoning Ordinance applicable to Commercial Wind Energy Conversion Systems and Utility-Scale Energy Storage Facilities, is in the best interests of the public’s health, safety, and welfare.

**Section 3. Definitions.** When used in this Ordinance:

- A. “Commercial Wind Energy Conversion Systems” means a Wind Energy Conversion System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- B. “Wind Energy Conversion System” means a system that uses 1 or more wind turbines to generate electricity.

- C. "Utility-Scale Energy Storage Facilities" means one or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy.
- D. "Township Board" shall mean the Elmwood Township Board or such committee or commission appointed by and to which the Elmwood Township Board's authority has been duly and properly delegated.

**Section 4. Regulation.** Pursuant to Public Act 246 of 1945, MCL 41.181, *et seq.*, the statutory powers vested in Elmwood Township to regulate activities within the Township for protection of the health, safety and welfare of its residents, the Township Board declares a moratorium, on a temporary basis, on the establishment, placement, construction, enlargement and/or erection of Commercial Wind Energy Conversion Systems and Utility-Scale Energy Storage Facilities within the Township and on the issuance of any and all permits, licenses or approvals for any property subject to the Township's Zoning Ordinance for the establishment or use of Commercial Wind Energy Conversion Systems and Utility-Scale Energy Storage Facilities, in order to allow time for review of and potential amendments to the Township's Zoning Ordinance.

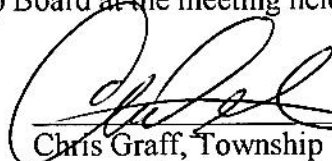
**Section 5. Duration of Ordinance.** The moratorium shall remain in effect for a period of six (6) months following the effective date of the Ordinance or until the Township Board adopts amendments to its zoning ordinance regulating Commercial Wind Energy Conversion Systems and Utility-Scale Energy Storage Facilities, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium for an additional period of six (6) months to allow sufficient time to complete amendments to its Zoning Ordinance. If an extension is adopted, the Township will publish notice of the extension.


**Section 6. Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

**Section 7. Repealer Clause.** Any ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 8. Effective Date.** This Ordinance takes effect the day following its publication.

The undersigned Supervisor and Clerk of the Township of Elmwood hereby certify that this Ordinance was duly adopted by the Township Board at the meeting held on the 17 day of January, 2024.

  
Chris Graff, Township Supervisor

  
Pam Brinkman, Township Clerk

**EXHIBIT A**

**ELMWOOD TOWNSHIP  
TOWNSHIP BOARD**

**ORDINANCE NO. 2024 - 0117**

**AN ORDINANCE TO IMPOSE A MORATORIUM ON COMMERCIAL ENERGY  
SOLAR SYSTEMS**

**ELMWOOD TOWNSHIP ORDAINS:**

**Section 1. Title.** This Ordinance may be cited and referred to as the “Elmwood Township Solar Energy Moratorium.”

**Section 2. Purpose and Findings.** The purpose of this moratorium is to provide sufficient time for Elmwood Township to fully explore, analyze, research, and make informed decisions regarding Commercial Energy Solar Systems. In support of this Ordinance, the Elmwood Township Board has determined the following:

- A. The integration of Commercial Energy Solar Systems within the Township requires suitable regulations and controls for the protection of the health, safety and welfare of all of the Township’s residents.
- B. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Commercial Energy Solar Systems are reasonable and necessary in order to better protect the public health, safety, and welfare of Township residents. Moreover, with the passage of Act 233 of 2023, the Township desires additional sufficient time to consider the impact of the legislation on local control, including siting of such facilities, whether its Zoning Ordinance regulating Commercial Energy Solar Systems is compatible with the Act, or whether further revisions are warranted or advisable.
- C. The Township has a draft Zoning Ordinance amendment regulating Commercial Energy Solar Systems as recommended by the Township Planning Commission, but the Tuscola County Planning Commission has expressed concerns over the amendment’s compatibility with PA 233 of 2023, and multiple property owners have requested hearings under the Michigan Zoning Enabling Act.
- D. Imposing a moratorium to allow the Township time and space to fully and thoughtfully explore, analyze, research, and develop any proposed zoning amendments to the Township's Zoning Ordinance applicable to Commercial Energy Solar Systems, is in the best interests of the public’s health, safety, and welfare.

**Section 3. Definitions.** When used in this Ordinance:

- A. “Commercial Energy Solar Systems” shall mean a Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- B. “Solar Energy System” shall mean any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means.
- C. “Township Board” shall mean the Elmwood Township Board or such committee or commission appointed by and to which the Elmwood Township Board’s authority has been duly and properly delegated.

**Section 4. Regulation.** Pursuant to Public Act 246 of 1945, MCL 41.181, et seq., the statutory powers vested in Elmwood Township to regulate activities within the Township for protection of the health, safety and welfare of its residents, the Township Board declares a moratorium, on a temporary basis, on the establishment, placement, construction, enlargement and/or erection of Commercial Energy Solar Systems within the Township and on the issuance of any and all permits, licenses or approvals for any property subject to the Township’s Zoning Ordinance for the establishment or use of Commercial Energy Solar Systems, in order to allow time for review of and potential amendments to the Township’s Zoning Ordinance.

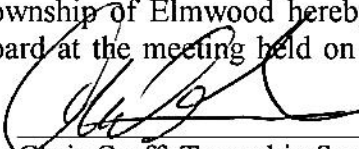
**Section 5. Duration of Ordinance.** The moratorium shall remain in effect for a period of six (6) months following the effective date of the Ordinance or until the Commercial Energy Solar Systems regulations in the Township’s Zoning Ordinance are amended, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium for an additional period of six (6) months to allow sufficient time to complete amendments to its Zoning Ordinance. If an extension is adopted, the Township will publish notice of the extension.


**Section 6. Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

**Section 7. Repealer Clause.** Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 8. Effective Date.** This Ordinance takes effect the day following its publication.

The undersigned Supervisor and Clerk of the Township of Elmwood hereby certify that this Ordinance was duly adopted by the Township Board at the meeting held on the 17 day of January, 2024.

  
Chris Graff, Township Supervisor

  
Pam Brinkman, Township Clerk

**ORDINANCE NO:** 091824

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED BY/FOR THE ELMWOOD TOWNSHIP FIRE DEPARTMENT.

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the fire department services; and

WHEREAS, the fire department has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the fire department decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party(s) should be held accountable for their actions; and

WHEREAS, the Township Board of the ELMWOOD TOWNSHIP FIRE DEPARTMENT desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations and guidelines; Now, Therefore

**BE IT ORDAINED BY THE TOWNSHIP BOARD OF THE ELMWOOD TOWNSHIP FIRE DEPARTMENT:**

SECTION 1: The ELMWOOD TOWNSHIP FIRE DEPARTMENT shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in "EXHIBIT A". The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in "EXHIBIT A", which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

SECTION 2: A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

SECTION 3: The fire department's Township Board may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with

this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

SECTION 4: It is found and determined that all formal actions of this Township Board concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Township Board, and that all deliberations of this Township Board and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the Township Board.

SECTION 5: This Ordinance shall take effect thirty days (30) from the date of adoption as permitted by law.

**SECTION 6: The Mitigation Rates lists in Exhibit A will increase annually based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor. Rate adjustments will occur on the anniversary date of this ordinance/resolution to keep the fire department's cost recovery program in conformity with increasing operating expenses.**

THE ABOVE WAS PASSED

Yea 5

Nay 0

Certified by the Clerk: Pam Brinkman

Signature: Pam Brinkman

Name (printed): Pam Brinkman

Title: Clerk

Date: 9-18-24

## EXHIBIT A

### **MITIGATION RATES BASED ON PER HOUR**

The mitigation rates below are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average department's actual burdened labor costs and not just a firefighter's wage. These include wages, retirement, benefits, workers comp, etc.

#### **MOTOR VEHICLE INCIDENTS**

##### **Level 1 - \$602.00**

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

##### **Level 2 - \$687.00**

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

##### **Level 3 – CAR FIRE - \$838.00**

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

#### **ADD-ON SERVICES:**

##### **Extrication - \$1,811.00**

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

##### **Creating a Landing Zone - \$553.00**

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

**Itemized Response:** You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual,

customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

## **HAZMAT**

### **Level 1 - \$972.00**

**Basic Response:** Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

### **Level 2 - \$3,473.00**

**Intermediate Response:** Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

### **Level 3 – \$8,199.00**

**Advanced Response:** Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - **each additional hour @ \$381.00 per HAZMAT team.**

## **FIRES**

**Assignment - \$554.00 per hour, per engine / \$693.00 per hour, per truck**

### **Includes:**

- Scene Safety
- Investigation
- Fire / Hazard Control

This will be the most common "billing level". This occurs almost every time the fire department responds to an incident.

**OPTIONAL: A fire department has the option to bill each fire as an independent event with custom mitigation rates.**

**Itemized, per person, at various pay levels and for itemized products use.**



## **ILLEGAL FIRES**

### **Assignment - \$554.00 per hour, per engine / \$693.00 per hour, per truck**

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

## **WATER INCIDENTS**

### **Level 1**

**Basic Response:** Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

**Billed at \$554 plus \$68 per hour, per rescue person.**

### **Level 2**

**Intermediate Response:** Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

**Billed at \$1,110 plus \$68 per hour, per rescue person.**

### **Level 3**

**Advanced Response:** Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

**Billed at \$2,747 plus \$68 per hour per rescue person, plus \$134 per hour per HAZMAT team member.**

### **Level 4**

**Itemized Response:** You have the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

### **BACK COUNTRY OR SPECIAL RESCUE**

**Itemized Response:** Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

**Minimum billed \$554 plus \$68 per hour, per rescue person. Additional rates of \$554 per hour per response vehicle and \$68 per hour per rescue person.**

### **CHIEF RESPONSE**

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

**Billed at \$347 per hour.**

### **MISCELLANEOUS / ADDITIONAL TIME ON-SCENE**

#### **ADDITIONAL TIME ON-SCENE (for all levels of service)**

Engine billed at \$554 per hour.

Truck billed at \$693 per hour.

Miscellaneous equipment billed at \$416.

### **MITIGATION RATE NOTES**

The mitigation rates above are average "billing levels" for one hour of service, and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.