

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## **Agricultural Advisory Committee Regular Meeting**

**February 17, 2026, 2:00 p.m.**

**Township Hall**

**Notice/Agenda**

1. Call to Order
2. Pledge
3. Roll Call
4. Brief Citizen Comments (for agenda items only)
5. Approve Agenda
6. Conflict of Interest
7. Consent Agenda
  - A. Approve meeting minutes:
    - Agricultural Advisory Committee Regular Meeting January 20, 2026
8. Business:
  - A. Planning Commission Updates
    - Farm Signage Recommendations
    - Amendment 201 Acreage Minimum Recommendation
    - Agritourism Memo sent September 18<sup>th</sup>
  - B. Town Board Updates
  - C. Continued discussion of small acreage subcommittee draft ordinance
  - D. Introduction of short term rental language
9. Citizen Comments
10. Board Comments
11. Adjournment

**\* If you would like to use a portable hearing device, please ask the recording secretary.**

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686  
Phone: 231.223.7322 Fax: 231.223.7117  
www.peninsulatownship.com

## AGRICULTURAL ADVISORY COMMITTEE

### Regular Meeting Minutes

January 20, 2026

2:00 p.m.

1. **Call to Order** by Kroupa at 2:00 p.m.
2. **Pledge**
3. **Roll Call**

**Present:** Kroupa, Hemming, Heller, Bramer, Baldyga, Johnson, Gomez; **Township Supervisor:** Sanders

**Absent:** Edmonson, Coggon

4. **Brief Citizen Comments (for agenda items only):** none
5. **Approve Agenda**

**Motion by Heller to approve as written with a second by Hemming.**

**Motion Passes**

6. **Conflict of Interest:** none
7. **Consent Agenda**
- A. **Approve meeting minutes:**

- **Agricultural Advisory Committee Regular Meeting November 18, 2025**

**Motion by Baldyga to approve consent agenda with second by Hemming.**

**Motion Passes**

8. **Business:**
  - A. **Committee Organization**
    - **Select Officers**

Members discussed committee organization and the selection or reaffirmation of officers. Kroupa indicated his willingness to continue serving as Chair, and Jed agreed to continue as Vice Chair. Committee discussed filling the Secretary position, noting that the role is limited in scope and supported by administrative staff. After discussion, Raul agreed to serve as Secretary.

**Motion by Heller to reaffirm the committee officers with Kroupa as Chair, Hemming as Vice Chair, and Gomez as Secretary with second by Baldyga.**

**Motion Passes**

- **Confirm Calendar**

Committee reviewed the proposed 2026–2027 regular meeting calendar, which mirrors the current schedule. Meetings will continue to be held on the third Tuesday of each month at 2:00 p.m., excluding July and October.

**Motion made by Heller to approve the 2026-2027 regular meeting calendar with second by Hemming.**

**Motion Passes**

### B. Introduction of Small Processor Draft Ordinance

The Small Grower Subcommittee (Molly Stretton and Amy Shaw presented and acknowledged members of the Old Mission Citizens Coalition and their hired planning consultant Doug Mansfield of Mansfield Land Use Consultants) presents proposed ordinance language intended to modernize and clarify agricultural land use regulations within the Ag District. Proposal is not a full ordinance rewrite but is designed to establish a clear, legally defensible framework centered on agricultural activity, with an emphasis on supporting small and emerging farms while remaining scalable to larger operations. Non-ag uses were intentionally excluded, as they will be addressed through the broader zoning rewrite process. Proposal is grounded in the Michigan Right to

Farm Act, GAAMPs, the Michigan Agricultural Processing Act, MDARD guidance, and a review of ordinances from other ag-focused communities. Goal: reducing regulatory barriers, improving clarity and predictability, and aligning local regulations with state law. Key discussion: updated and expanded agricultural definitions; clarification of uses permitted by right; revisions to farm market provisions; a tiered agritourism framework distinguishing low-intensity uses permitted by right from higher-intensity activities requiring administrative review; and significant revisions to on-farm processing provisions. Changes to on-farm processing remove prior treatment that reclassified GAAMPs-compliant farms as separate processing facilities and instead align local regulation more closely with state law for small- and mid-scale producers. Proposal also introduces a 2% percentage-based review trigger for public-facing agricultural buildings, intended to scale review appropriately, not prohibit GAAMPs-compliant farm markets, and allow reuse of existing buildings where feasible. Discussion on whether the proposal should move forward as a comprehensive package or be divided into smaller components, with some members advocating prioritization of on-farm processing and farm markets for near-term action to avoid delays, while others emphasized the importance of advancing an integrated framework reflective of modern agricultural practices. AAC agrees additional review and refinement are needed prior to forwarding recommendations and support holding a posted working session to further evaluate draft language, provide redlined comments, identify priority sections, and determine an appropriate path forward to the zoning rewrite committee.

### **C. Planning Commission Updates**

- **Farm Signage Recommendations**

No formal PC updates due to Beard's absence. Discussion focuses on farm signage provisions under review as part of the zoning rewrite, particularly concerns with the proposed 15-foot setback. AAC acknowledges that some setback may be appropriate but note that adding 15 feet beyond the existing right-of-way would push signs too far from the road, reduce visibility, and potentially create safety and practicality issues by necessitating larger signs. Notes that the existing right-of-way already places signs approximately 33 feet from the road centerline, making an additional setback unnecessary. Suggests that AAC representation at zoning rewrite meetings, especially by those with direct farm market experience, could help clarify concerns and streamline discussion. Agrees feedback on the sign setback issue should be communicated through written comments or participation in upcoming rewrite committee meetings, with several members expressing willingness to assist.

- **Amendment 201 Acreage Minimum Recommendation**

Introduction and initial review by the Planning Commission. Commissioner Shanafelt requests a table showing how many parcels of 40 acres or more would qualify if the minimum acreage is reduced from 60 to 40 acres. As Shanafelt is not present, discussion is limited, but members note PC caution around lowering the threshold and will continue to evaluate potential impacts, particularly related to the intensity of full-service processing facilities. AAC expresses disagreement with using acreage as the primary limiting factor, noting that reducing the requirement to 40 acres could improve farm viability, protect agricultural land, and support diversified revenue without significantly increasing processing facilities, which are costly and high-risk. Notes the PC appears to be interpreting the data as requiring a single contiguous 40-acre parcel, while the committee's intent is to allow a combined total of 40 acres, contiguous or not. Clarifying this distinction is identified as important, as parcel configurations change over time and restricting eligibility to existing contiguous parcels may be misleading. Overall, AAC supports allowing a total of 40 acres to qualify, consistent with the goal of preserving farmland through active agricultural use rather than parcel configuration.

- **Agritourism Memo sent September 18<sup>th</sup>**

The Agritourism Memo sent in September is still pending further review and development. No specific timeline is available, but it is expected to move forward once higher-priority items are addressed.

### **D. Town Board Updates**

No additional updates or questions raised. AAC is waiting for items to formally come forward. While signage and the potential change from 60 to 40 acres have been introduced and discussed at the PC level, the Board has not yet reviewed them. Procedurally, the items must go through a public hearing process before moving forward, including an additional public hearing at the appropriate stage.

## 9. Citizen Comments

**Fred Swaffer, 1045 Gray Rd:** Thanks AAC for its work, particularly on small farm processing, and emphasizes the importance of preserving farmland and rural character. Supports allowing flexibility in acreage requirements (such as combining smaller parcels to reach 40 acres) so smaller farms are not excluded from processing opportunities. Encourages moving the small farm processing work forward promptly given the upcoming growing season. Expresses support for agritourism, farm stays, and related uses as important supplemental income for farmers, noting these concepts align with the master plan and could be managed thoughtfully to address concerns like traffic and buffering.

**Fred Woodruff, 4824 Forest Ave:** Emphasizes the need for an education process to help the community better understand the township's history. Notes that historical postcards being cataloged at the local library show that the area once included several tourist attractions, reinforcing that change and visitor activity are not new. Encourages making this information accessible to the public and thanks committee for its work, acknowledging the difficulty of the task.

**Sanders:** notes that, in addition to the existing B&B ordinance, the PC is also looking at accessory dwelling units (ADUs). She explained that ADUs—such as a small apartment over a garage or a separate dwelling on the same property—could help support or facilitate farm-stay-type uses, though they are generally intended for long-term rentals or family care, not short-term rentals like Airbnb. Notes that restrictive HOAs may limit where ADUs are allowed.

## 10. Board Comments

**Heller:** Urges the AAC to concentrate narrowly on small farm processing in order to move quickly and stay ahead of the upcoming season.

**Baldyga:** Notes that common agritourism activities are not clearly permitted under current regulations and are difficult to approve due to ambiguity. Emphasizes the need to codify incidental farm uses with clear by-right or permit pathways and stresses urgency before the next season, while acknowledging some provisions will require further group discussion.

**Hemming:** Observes a shift toward permissive zoning, where uses must be explicitly listed to be allowed, and expresses concern that this approach places an unreasonable burden on landowners. Suggests reconsidering whether farms and private property should be subject to such restrictive enumeration.

**Bramer:** Shares experience operating a corn maze under Right to Farm protections despite township pushback and questions whether similar activities would be easier or harder to approve today. Also notes that the absence of clear processing standards significantly delays a prior project, highlighting the need for clearer regulations.

**Heller:** Adds that project timelines are influenced not only by township approvals but also by other non-township permitting requirements that should be considered.

**Gomez:** Thanks AA and emphasizes that collaborative work produces stronger, clearer ordinance language. Stresses the importance of quickly finalizing a narrowly defined small-scale processing ordinance before the upcoming season and cautions that expanding the scope to agritourism or farm markets could complicate approval, delay progress, and raise public concern.

**Woodruff, from audience:** Argues that permissive zoning is allowed but not required and noted there are multiple zoning approaches available. Cautions that zoning terminology and definitions can be complex, suggesting alternative constructs could be considered. Asserts that changes do not require action by the state legislature and could be addressed at the local level.

## 11. Adjournment

Peninsula Township  
Agricultural Advisory Committee Meeting  
Jenna Beattie, Recording Secretary

**Motion** by Hemming to adjourn, seconded by Baldyga.

**Motion Passes**

**Meeting adjourned at 3:52 p.m.**

DRAFT

# Article 10 Signs

## Section 10.01 Purpose (currently introductory paragraph of Section 7.11)

It is the intent of this Ordinance to limit the number and size of signs in order to prevent traffic hazards, promote safety for passersby, and to maintain the rural ambience and the environment of the Township. It is also the intent to allow signs that are appropriate, proportional, and in scale with adjacent uses and roadways, and which are compatible with the character of the community. The objectives of this article are:

- (A) **Traffic and Pedestrian Safety:** To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage. Also, to protect public safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.
- (B) **Old Mission Peninsula Scenic Heritage Route.** To allow Peninsula Township to regulate the size (including height and display area), lighting, and spacing (, and other regulatory powers pursuant to Act 153 of 1990 and the **Old Mission Peninsula Scenic Heritage Route Guidebook**, in order to control outdoor advertising along federal aid trunk line highways and encourage signage along M-37 to blend with the local character of the community.
- (C) **Free Speech.** To ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication.
- (D) **Effective Communication.** To allow signage of an appropriate design, scale, and placement for the purposes of communicating effectively in a manner that provides information, identification, or direction, without jeopardizing the beauty of the natural landscape or disrupting the environment of historically significant features or sites.
- (E) **Protection of Scenic Areas and Viewsheds.** To regulate outdoor advertising in such a way as to create land use patterns that are in concert with future land use objectives of the Master Plan and to prevent signs that would detract from scenic roadways and scenic views (including the preservation of historic and cultural resources, scenic areas and viewsheds, and the dark night sky).
- (F) **Compatibility with the Area and Protection of Property Values.** To insure compatibility with rural lands, neighborhoods, and business areas, in order to protect land values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views or property values of the community, thereby enhancing the image of the community for residents, tourists, and visitors.

- (G) **Economic Development.** To allow for adequate and effective signage for businesses to inform, identify, and communicate effectively.
- (H) **Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, businesses, tenants, and sign installers to understand and follow.

Section 10.02 Definitions (NEW SECTION, which includes existing definitions in Section 3.2 related to signs)

The following definitions relate to signs in Peninsula Township.

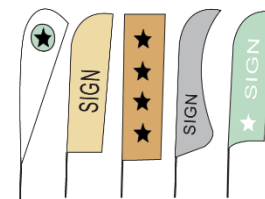
(A) **Sign Definitions, General.**

- (1) **Sign.** Any device, structure, fixture, or placard using graphics, symbols, or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good, or service, or any other message.
- (2) **Sign Face.** That part of a sign structure which is used to graphically communicate a message or announcement.

(B) **Sign Definitions, Sign Types.** The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

- (1) **Banner Sign.** A sign made of natural or synthetic fabric; however, not including pennants or flags, that is not attached to a flagpole.
- (2) **Entrance Way Sign.** A sign located near the public entrance of a permitted development.
- (3) **Electronic Message Sign.** Any illuminated sign that pulsates, flashes, scrolls, fades, dissolves, osculates, spins, twirls, sequentially reflectorizes, or contains any other type of motion, including electronic messaging or video.

- (4) **Feather Flags.** A free-standing, vertical banner sign constructed of flexible material and supported by a single pole or staff, typically shaped with a curved or tapered edge that resembles a feather.
- (5) **Flags.** A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole or attached flat to a wall.



**Feather Flags**

- (6) **Ground Monument Sign.** A base-mounted, freestanding sign placed in the ground and not attached to any building or other structure.
- (7) **Ground Pole Sign.** A freestanding sign supported by 1 or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

- (8) **Illuminated Sign.** A sign that utilizes artificial light internally or externally by either emission or reflection.
- (9) **Incidental Sign.** A small sign, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties, intended to be used by people on-site. Such signs include traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, or similar signs providing information to be read at close proximity.
- (10) **Ingress/Egress Sign.** A small sign located adjacent to the entrance or exit drives of a development, located nearby to points of vehicular ingress and egress, as well as other circulation elements within the site.

(11) **Marquee, Canopy, Awning Sign.** A sign attached to a marquee, canopy, or awning projecting from the building.

(12) **Pennant Sign.** A small, often triangular, tapering flag used in multiples as a device to call attention.



**Pennant Sign**

(13) **Portable Message Sign.** A freestanding sign not permanently anchored or secured to the ground, including trailers or similarly mounted signs, signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object, and signs on vehicles which because of the vehicle’s placement and regularity of position serves the same purpose as a "Portable Message Sign." "Portable Message Signs" do not include customary signs located on vehicles that are operating lawfully or parked in a manner where the vehicle does not serve the same purpose as a "Portable Message Sign."



**Portable Message Sign**

A freestanding sign not permanently anchored, including trailer-mounted signs and vehicles or objects used primarily as signage.



**Not a Portable Message Sign**

Customary signage on vehicles that are lawfully operating or normally parked.

## Portable Message Sign

- (14) **Sandwich Board Sign.** A portable sign, not affixed to the ground, with two sides arranged in an "A-Frame" or triangle such that they meet at the top.
- (15) **Roof Sign.** Any sign which is on or attached to the roof of a building.

**(16) Wall Sign.** A sign which is attached directly to, painted upon, or inscribed on a building wall.

**(17) Window Sign.** A sign that is painted on or attached to a window or glass door and is intended to be viewed from outside, including signs located inside a building but visible primarily from the outside of the building.

**(C) Sign Definitions, Sign Types Based on Location and Duration.**

**(1) Sign, Off-Premises.** A permanent or temporary sign that is located off of the premises of the owner or operator of the sign, or off the premises of the operation with which it is associated for commercial and noncommercial purposes. Sign, Off-Premises includes:

**(a) Sign, Permanent Off-Premises.** A sign designed to be permanently affixed to the ground, wall, or roof. Off-Premises Signs may only be placed or erected with permission the lot owner or lessee.

**(b) Sign, Temporary Off-Premises.** A sign that is not constructed or intended for long term use and that is not permanently attached to a building window or structure. Temporary Off-Premises Signs may only be placed or erected with permission the lot owner or lessee and may only be displayed for a maximum of 30 days.

**(c) Sign, Seasonal Off-Premises.** A sign that is constructed in such a manner as to allow its messages and artistic representations to change or be updated but is not permanently attached to the ground or a structure. Seasonal signs shall not be illuminated or electrified in any manner. Seasonal Off-Premises Signs may only be placed or erected with permission the lot owner or lessee and shall only be allowed during the following seasons:

**(i) Summer Season:** From April 1<sup>st</sup> through October 31<sup>st</sup> and shall be removed by November 8<sup>th</sup> of any given year.

**(ii) Holiday Season:** From November 15<sup>th</sup> through January 31<sup>st</sup> and shall be removed by February 8<sup>th</sup>.

**(2) Sign, On-Premises.** A permanent or temporary Sign that relates to the use or purposes of the real property where the sign is physically located. Sign, On-Premises includes, but are not limited to, the following:

**(a) Sign, Permanent On-Premises.** A sign designed to be permanently affixed to the ground, a wall, or a roof, and intended to advertise, identify, or provide information about an establishment, business, use, or activity located on the same lot or parcel where the sign is installed.

**(b) Sign, Temporary On-Premises** A sign that is not constructed or intended for long term use and that is not permanently attached to a building window or structure. Temporary On-Premises Signs may only be placed or erected with permission the lot owner or lessee and may only be displayed for a maximum of 30 days.

- (c) **Sign, Seasonal On-Premises.** A sign that is constructed in such a manner as to allow its messages and artistic representations to change or be updated but is not permanently attached to the ground or a structure. Seasonal signs shall not be illuminated or electrified in any manner. Seasonal On-Premises Signs may only be placed or erected with permission the lot owner or lessee and shall only be allowed during the following seasons:
  - (i) Summer Season: From April 1<sup>st</sup> through October 31<sup>st</sup> and shall be removed by November 8<sup>th</sup> of any given year.
  - (ii) Holiday Season: From November 15<sup>th</sup> through January 31<sup>st</sup> and shall be removed by February 8<sup>th</sup>.
  
- (d) **Sign, Short-Term “One-Time-Event” On-Premises.** A temporary sign relating to a single event or occurrence not to exceed (5) days in duration.

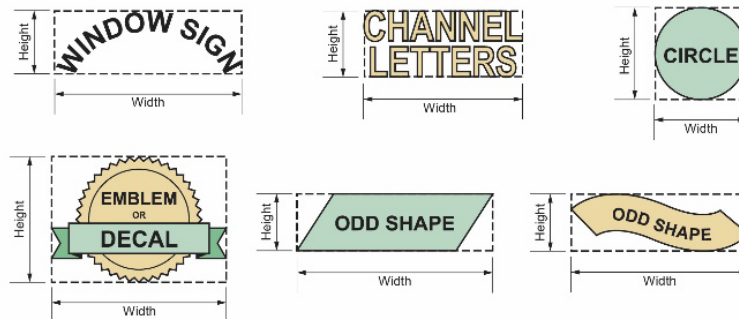
**Section 10.03 Substitution of Content Permitted (NEW SECTION)**

Any lawful sign permitted under the provisions of this Ordinance may contain non-commercial content.

**Section 10.04 Measurement of Sign Area and Height (currently part of Section 7.11.1)**

**(A) Sign Area.** Sign area shall be computed as follows:

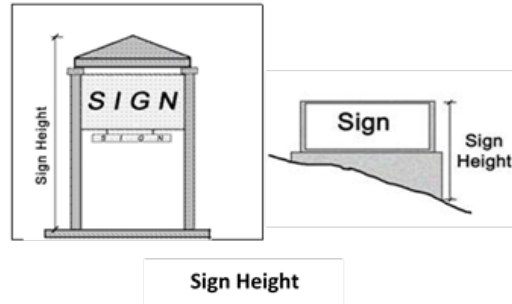
- (1) **General Requirements.** Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.
  
- (2) **Individual Letters, Logos, or Irregular Shapes.** For signs made of individual letters, logos, or shapes, the sign area shall be measured by drawing the smallest rectangle that fully encloses all parts of the letters, logo, or message. Irregularly shaped signs shall be measured the same way: by enclosing the outermost points of the sign within the smallest possible rectangle (see illustration below).



**Sign Height and Width**

(3) **Freestanding Sign.** The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.

(B) **Sign Height Measurement.** The height of a sign shall be measured from the lowest grade directly below the sign. The maximum sign height shall be measured to the top of the sign.



(1) **Additional Maximum Height Requirements.** In addition to the maximum height requirements of, the sign height, including support structures, shall not exceed one and one-half times the width of the sign and the support structures shall not extend more than one foot above the sign face.

(C) **Two or More Sides.** A two-sided sign (e.g., V-type sign or double-faced [back-to-back sign]) shall be considered as 1 sign when the angle between the sign faces does not exceed 15 degrees nor does the distance between the backs of each face exceed 3 feet.

## Section 10.05 Sign Placement and Design Requirements (currently part of Section 7.11.1)

All signs shall conform with this Article and all other provisions of this Ordinance.

(A) **On-Premises Location.** All signs shall be located on the same premises as the associated use, except for permitted Off-Premises signs as defined in Section 10.02 and regulated in Section 10.07-10.09.

(B) **Alterations, Repair, and Message Changes.** No sign shall be constructed, erected, moved, enlarged, illuminated, or substantially altered unless authorized in accordance with this Ordinance. Repainting or changing the message of a sign in accordance with this Ordinance shall not be considered a substantial alteration.

(C) **Wall Signs.** Wall signs shall meet the following requirements:

(1) The sign does not project more than 12 inches from the building wall;

(2) The exposed face of the sign is in a plane parallel to the building wall or structure; and

(3) The sign does not extend above the height of the building or wall.

**(D) Flags**

(1) Each lot may display up to six (6) flags , not to exceed 150 square feet total. No more than one (1) flag may be attached to the principal building. No more than two (2) flags may be displayed per freestanding flagpole.

(2) For all flags, if the flags hang over a sidewalk or other pedestrian walkway, the bottom of the flag shall be no less than seven (7') feet from grade directly below the flag.

(3) For all flags, any illumination shall not shine into neighboring structures, onto other signs, or have a light source that is visible from the public right-of-way.

(4) All freestanding flagpoles must receive a zoning permit from the Zoning Administrator prior to installation. Applications shall specify the proposed location, setback, and height of the freestanding flagpole as well as any additional information requested by the Township to determine compliance with the Township Code. Freestanding flagpoles shall not exceed a height of twenty-five (25) feet or the maximum height of structures within the underlying zoning district, whichever is less. Freestanding flagpoles must be set back at least ten (10) feet from all property lines.

**(E) Materials.** Materials, supports, frames, letters, and sign surfaces may be any commonly used material, however, the use of natural or natural appearing materials is required along M-37 and highly encouraged elsewhere in the township.

**(F) Freestanding Sign Width.** The sign width, including supporting structures and base, shall not be more than 1.5 times the width of the sign face alone.

**(G) Setbacks.** Setbacks shall be measured from the lot line to the leading edge of the sign or support structure whichever is less.

**(H) Maintenance.** Signs shall be properly maintained, including keeping the sign secured and/or anchored, and replacing or repairing materials that are faded, discolored, torn, or deteriorated.

**(I) Review by Zoning Administrator, Planning Commission, and Township Board.** All plans for construction, design, and appearance of signs associated with a development for which site plan review is required shall be reviewed by the Planning Commission and Township Board as part of the site plan approval process. Changes to existing signs shall be reviewed by the Zoning Administrator in accordance with this Ordinance. In addition to any other consideration, the Zoning Administrator, Planning Commission, and/or Township Board, as applicable, shall consider the following content-neutral provisions in reviewing and approving signs:

(1) Compatibility of the sign with the character of the neighborhood;

- (2) The sign does not unreasonably block views from other properties;
  - (3) Materials and colors used are natural looking and consistent with surrounding structures in the vicinity, and with the intent of the Ordinance; and
  - (4) Where the Zoning Administrator, Planning Commission, or Township Board has discretion on the number and location of certain signs, the number and location of signs shall be reasonably necessary to meet the intent of this Ordinance.
- (J) Signs approved in association with a Special Use Permit.** In approving a Special Use Permit, the Township Board may approve any or all signs allowed in this Ordinance provided that the approved signs meet the following content-neutral provisions:
- (1) Are related to an approved use in the Special Use Permit;
  - (2) The design, size, setback and lighting are shown on a scale drawing;
  - (3) The number and location of all signs is reasonably necessary to meet the intent of this Ordinance.

**Section 10.06 Prohibited Signs (currently Section 7.11.2 and parts of Section 7.11.1)**

The following signs shall be prohibited in the township unless explicitly permitted elsewhere in this Ordinance:

- (A) Signs that are illegal under applicable Federal, State, or local laws, regulations and/or ordinance.
- (B) Signs that are not clean and in good repair or that have become unsafe or not secure.
- (C) Signs that violate the building code or electrical code.
- (D) Signs not securely fastened to a substantial structure.
- (E) Signs that interfere with or resemble any official traffic sign, signal, or device.
- (F) Signs deemed hazardous or dangerous by the local road agency or public safety department.
- (G) Signs that do not comply with the standards in this Ordinance.
- (H) Electronic Message Signs.
- (I) Portable Message Signs or signs utilizing vehicles, trucks, vans, or other wheeled devices.
- (J) Roof Signs.
- (K) Pennant Signs.

- (L) Feather Flags.
- (M) Any sign that revolves, rotates, moves, or is animated.
- (N) Signs with automated changes in sign appearance.
- (O) Pennants, streamers, festoons, and airborne or air-activated devices attached to the ground or buildings except where otherwise specifically permitted by this Ordinance.
- (P) Tripods or sandwich boards
- (Q) Automated changeable message boards.
- (R) Wall signs extending perpendicularly from a building wall.
- (S) Signs within a road right-of-way except traffic direction and control signs placed by the County Road Commission or Michigan Department of Transportation.
- (T) Signs attached to trees and other vegetation.
- (U) Signs attached to utility structures or poles, including light poles, except by the utility company.
- (V) Signs located in a Clear Vision Area unless permitted in Section 7.09.
- (W) Signs attached to street furniture, such as benches and trash cans.
- (X) Projected image signs.

### Section 10.07 Signs Permitted in All Districts (currently Section 7.11.3)

The following signs shall be allowed in all zoning districts ([Section 10.07](#) and [Section 10.08](#) may apply):

- (A) Memorial/Historical Markers when the site is recognized for its historical significance by a Federal or State agency.
- (B) All signage required to be posted by a Township, County, State, or Federal ordinance, law, or order, including, but not limited to, the address of the building. Such signs shall not exceed four square feet unless they are explicitly required to be larger.
- (C) Official signs of a non-commercial nature erected by a public utility.
- (D) Public notice signs placed by public agencies.
- (E) Signs placed by any governmental agency for traffic control in accordance with the Michigan Manual of Uniform Traffic Control Devices.

(F) Incidental Signs. See [Section 10.02\(B\)\(8\)](#).

(G) Flags as allowed under Section 10.05(D).

**Section 10.08 Sign Regulations for Specific Zoning Districts (currently Sections 7.11.4 – 7.11.6, including part of Table 7.11.6)**

In addition to signs permitted in [Section 10.07](#), the following standards apply (all areas are in square feet and all setbacks are from any lot line):

**(A) Signs Permitted in the A-1 Agricultural District.** In addition to the signs permitted in [Section 10.07](#), the following signs shall be permitted in the Agricultural District:

Sign Type		Maximum Number	Maximum Area	Maximum Height	Minimum Setback	Illumination	Permit Required?
<b>On-Premises</b>							
Short Term		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Temporary		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Seasonal		No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
Permanent	Entranceway Sign	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	Wall Sign	1 per building	30 sq. ft. each	N/A	N/A	Yes	Yes
	Ingress/Egress	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	Incidental	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	Ground Pole	1 per lot	20 sq. ft. each	8 ft.	15 ft.**	Yes	Yes
	Ground Monument	1 per lot	20 sq. ft. each	8 ft.	15 ft.**	Yes	Yes
	Window	1 per window	3 sq. ft. each	N/A	N/A	No	No
<b>Off-Premises*</b>							
Short Term		Not Permitted					
Temporary		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Seasonal		No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
Permanent		Not Permitted					

**(B) Signs Permitted in the C-1 Commercial District.** In addition to the signs permitted in [Section 10.07](#), the following signs shall be permitted in the Commercial District:

Sign Type		Maximum Number	Maximum Area	Maximum Height	Minimum Setback	Illumination	Permit Required?
<b>On-Premises</b>							
Short Term		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Temporary		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Seasonal		Not Permitted					
Permanent	Entranceway Sign	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	Wall Sign	1 per building	30 sq. ft. each	N/A	N/A	Yes	Yes
	Ingress/Egress	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	Incidental	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	Ground Pole	Not Permitted					
	Ground Monument	1 per lot	30 sq. ft. each	10 ft.	15 ft.**	Yes	Yes
	Window	1 per window	3 sq. ft. each	N/A	N/A	No	No
<b>Off-Premises*</b>							

<b>Short Term</b>	Not Permitted					
<b>Temporary</b>	1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>	No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
<b>Permanent</b>	Not Permitted					

**(C) Signs Permitted in the R-1 Residential Districts.** In addition to the signs permitted in [Section 10.07](#), the following signs shall be permitted in the R-1 Districts:

Sign Type		Maximum Number	Maximum Area	Maximum Height	Minimum Setback	Illumination	Permit Required?
<b>On-Premises</b>							
<b>Short Term</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Temporary</b>		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		Not Permitted					
<b>Permanent</b>	Entranceway Sign	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	Wall Sign or Freestanding Sign	1 per building	6 sq. ft. each	N/A	15 ft.**	Yes	Yes
	Ingress/Egress	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	Incidental	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	Ground Pole	Not Permitted					
	Ground Monument	Not Permitted					
	Window	Not Permitted					
<b>Off-Premises*</b>							
<b>Short Term</b>		Not Permitted					
<b>Temporary</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		Not Permitted					
<b>Permanent</b>		Not Permitted					

\*Requires permission letter indicating approval of sign details and location from landowner

\*\* Must be located outside of road/intersection clear vision area as set forth in Section 7.09 (Clear Vision Area)

### Section 10.09 Illumination Standards (currently part of Section 7.14.3(5) and part of Section 7.11.1)

- (A) General Lighting.** If illumination is allowed by this Ordinance, such illumination shall conform to the requirements of Section 7.14, Exterior Lighting Regulations.
- (B) Hours of Illumination.** Illuminated signs must be turned off no more than 1 hour after the close of business and may be turned on no earlier than 1 hour before the opening of business except by special permission granted as a condition of site plan approval or special land use approval.
- (C) External Illumination.** External illumination of signs shall be mounted at the top of the sign or sign structure and be fully shielded;
- (D) Internal Illumination.** Internally illuminated signs shall have a dark background with lighter-colored translucent (not transparent) lettering, logos, or designs. The maximum luminance level of an internally illuminated sign shall not exceed 0.3 footcandles over ambient light levels

measured at the distance specified in [Figure 10-1](#). All electronic message center signs and other internally illuminated signs shall be equipped with a photocell and automatic dimmer, and a cut sheet for the sign must be submitted to the Township at the time of permit application showing compliance with these requirements.

**Figure 10-1. Distance for Measurement of Sign Illumination Based on Sign Area**

Area of Internally Illuminated Sign	Distance for Measurement of Sign Illumination from the Sign Face
10 square feet or less	32 feet
Between 10.1 and 15 square feet	39 feet
Between 15.1 and 20 square feet	45 feet
Between 20.1 and 25 square feet	50 feet
Between 25.1 and 30 square feet	55 feet
Greater than 30	= square root of (display area in sq. ft. X 100)

**Section 10.10 Nonconforming Signs (NEW SECTION)**

- (A) Removal of Nonconforming Signs.** If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of the land or building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.
- (B) Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community.
- (C) Continuance.** A nonconforming sign shall not be:
  - (1)** Expanded or changed to another nonconforming sign.
  - (2)** Relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement or design of the sign.
  - (3)** Repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.
- (D) Alteration.**
  - (1) General Rule.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this Article.
  - (2) Actions Not Considered Alterations.** For the purpose of this Article only, the term “altered” or “reconstructed” shall not include
    - (a)** normal maintenance;

- (b) reduction or maintenance of the existing surface sign area;
  - (c) addition of ornamental molding, frames, trellises or ornamental features or landscaping below the sign's base;
  - (d) or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments.
- (3) Removal After Use Ends. Nonconforming signs and sign structures shall be removed or made to conform within 90 days of the termination of the use to which they are accessory.

## Section 10.11 Appeals and Variances (currently part of Table 7.11.6)

- (A) Any person aggrieved by any decision, ruling or order may make an appeal to the Zoning Board Appeals in accordance with [Article 5](#) of this Ordinance. Variance from the requirements of this Article shall be required to meet the following conditions:
- (1) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
  - (2) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the ZBA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
  - (3) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
  - (4) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
  - (5) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

For your consideration, the Small Growers and Producers Subcommittee of the Agricultural Advisory Committee submits the following proposed ordinance language for the Agricultural Section of the Peninsula Township Zoning Ordinance.

The Subcommittee's goal is straightforward: the long-term preservation of farmland on Old Mission Peninsula depends on acknowledging that the future of farming is evolving. Available data and regional trends demonstrate that small-scale, experiential, and direct-to-consumer agricultural operations are increasingly central to agricultural viability. Removing unnecessary barriers for new entrants, while providing a clear and proportional pathway for small growers to expand over time, is essential to preserving active farmland and sustaining the local agricultural economy.

The intent of this document is not only to **modernize and clarify agricultural land-use regulations**, but also to produce a framework that is **clear, legally defensible, and understandable to voters**. This proposal prioritizes the elimination of ambiguity, alignment with applicable state and federal law, and the creation of scalable standards that support agricultural vitality without encouraging unchecked development or sprawl. While not a comprehensive ordinance for the Agricultural District, this document serves as a practical starting point for modernizing existing regulations through actionable provisions that may be adopted immediately.

The Subcommittee's core focus included the following objectives:

- **Define agricultural uses by right**, particularly with respect to tasting rooms, on-farm processing, and limited retail, in order to reduce administrative burden and regulatory uncertainty.
- **Acknowledge the role of agriculture-related tourism** as a necessary component of farm viability, while maintaining the rural character and working-landscape identity of Old Mission Peninsula.
- **Eliminate subjective terminology** by replacing terms such as "view lot," "appropriate," or "compatible" with quantifiable, performance-based standards.
- **Reduce future legal exposure** by clearly identifying where local regulatory authority ends and higher jurisdictional authority begins.
- **Clearly distinguish agricultural practices and facilities protected** under the Michigan Right to Farm Act and applicable Generally Accepted Agricultural and Management Practices (GAAMPs) from activities that fall outside those protections.

The Subcommittee thanks the Agricultural Advisory Committee for its patience, and ongoing member collaboration throughout this process. We are proud to present a document we believe is fair, carefully considered, and inclusive of the diverse growers and agricultural operations that make Old Mission Peninsula unique.

## **DEFINITIONS**

---

**AGRICULTURE** The act or business of cultivating, tilling, or otherwise using land and soil for the production of crops or livestock for human or animal use. Agriculture includes, but is not limited to, farming, grazing, pasturage, horticulture, floriculture, viticulture, aquaculture, and animal or poultry husbandry.

**ACCESSORY BUILDING** A subordinate structure that is incidental to, and reasonably necessary, for the operation of a farm. An accessory farm building supports the principal agricultural use of the property and may include, but is not limited to, barns, equipment or implement sheds, storage structures, greenhouses, hoop houses, farm stands, or similar buildings used for the housing of livestock, storage of crops or machinery, processing or handling of farm products, or other activities directly related to the commercial production of agricultural goods. Accessory farm buildings may not be for residential use and are located on the same parcel as the principal farm operation. New or existing buildings should not preclude a new farmer from utilizing existing structures.

**AGRICULTURAL PRODUCTS** Agricultural Products include those plants and animals useful to human beings produced by agriculture and include, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Department of Agriculture and Rural Development.

**AGRICULTURALLY RELATED PRODUCTS** Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agriculture products, baked goods, ice cream and ice cream based desserts and beverages, jams, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan, and value-added agriculture products and on-site production.

**AGRITOURISM** An activity conducted on a working farm or agricultural property that is intended to involve members of the public. Agritourism activities, including but not limited to, U-pick operations, harvest festivals, farm tours, educational workshops, experiences utilizing on-site farm products including processed products, on-farm sales, roadside stands, farm markets, farmers markets, farm-to-table gatherings, cooking classes using farm products, corn mazes, hay rides, nightly rental farm stays, classes and tours, horseback riding, small farm animal

**Proposed Ordinance Amendments  
Peninsula Township: Agricultural District  
January 2026**

meet-and-greets, wildlife viewing, farmland art and photography, and food or beverage service related to on-site products including processed products.<sup>1</sup>

**BREWERY, DISTILLERY** A facility licensed by the Michigan Liquor Control Commission and the TTB for the manufacture of, beer or distilled spirits from fruit, grain or other agricultural products. A brewery, distillery may include buildings and structures used for the crushing, fermenting, aging, blending, bottling, storage, and distribution of finished product. A brewery, distillery may include, by right, a tasting room as an accessory use, subject to permit approval by the Township and the Michigan Liquor Control Commission. The tasting room shall be incidental and subordinate to the principal agricultural use.

**COTTAGE FOOD OPERATION** A home-based food business permitted under the Michigan Cottage Food Law, Public Act 113 of 2010, as amended, that prepares and sells non-potentially hazardous food products from a residential kitchen directly to consumers. Cottage food operations do not require a state food license and are limited to the sale of approved products through direct-to-consumer channels, including but not limited to farm markets, farm stands, roadside stands, internet, mail-order, and third-party delivery sales.<sup>2</sup>

**FARM** A parcel of land used, whether as a principal or accessory use, for the commercial production of farm products. A Farm includes a farm operation conducted in compliance with the Generally Accepted Agricultural and Management Practices (GAAMPs), and encompasses land, plants, animals, buildings, structures (including ponds used for agricultural or aquacultural purposes), machinery, equipment, and all other appurtenances necessary for the commercial production of farm products.

**FARM MARKET** A Farm Market is part of a farm operation where transactions between operator and customers take place seasonally or year-round. A farm market may include, but is not limited to, a farm stand, u-pick operation, CSA distribution site, tasting room, tasting kitchen, where agricultural products produced on the affiliated farm are sold to the public.

**FARM OPERATION** All activities necessary for the commercial production, harvesting, storage, and marketing of farm products. This includes selling produce at roadside stands or farm markets; generating normal farm-related noise, odors, dust, and other conditions; operating farm machinery and equipment; preparing fields, planting, and spraying; applying fertilizers and pesticides; using alternative pest management techniques; caring for and managing livestock; handling and applying manure or other agricultural by-products; shifting between different types of farm activities; and employing labor needed to carry out these functions.<sup>3</sup>

---

<sup>1</sup> As adopted by the Agricultural Advisory Committee in September 2025.

<sup>2</sup> Michigan Cottage Food Law, Public Act 113 of 2010

<sup>3</sup> Michigan Right to Farm Act, Act 93 of 1981, 'Farm Operation definition'

**Proposed Ordinance Amendments  
Peninsula Township: Agricultural District  
January 2026**

**FARM STAY** A paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option and focus for guests to participate in such activities. Farm Stay accommodations may include: guest rooms within the primary dwelling, guest dwellings on the subject property, campsites on the subject property meeting the requirements of the State Campground Division. Farm Stays may also include meals for guests. The owner, or tenant farmer, must reside on the property.

**GROSS ACREAGE** The total area of a parcel of land as shown on the most recent recorded deed or survey, measured to the exterior property lines, and on which all building size, coverage, density, and related zoning calculations shall be based, exclusive of any public rights-of-way but inclusive of all other land area, regardless of topography, wetlands, floodplains, or other physical constraints.

**NON-AGRUCULTURAL-RELATED PRODUCTS** Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts, knick-knacks imported from other states or countries.

**PROCESSING** The handling, transformation, preservation, packaging, or preparation of agricultural products produced on an affiliated farm intended for direct-to-consumer or wholesale sales. Processing may include, but is not limited to, packing, washing, cleaning, sorting, pitting, pressing, fermenting, distilling, packaging, cutting, cooling, curing, storage, canning, drying, freezing, or otherwise preparing an agricultural product for market. On-farm processing is an accessory and subordinate activity intended to support agricultural production and direct marketing.<sup>4</sup>

**STRUCTURE** Any man-made object or improvement that is constructed, erected, placed, or installed on land and that requires, or would ordinarily require, a building permit or other construction approval under applicable state or local codes, including but not limited to buildings, building additions, decks, platforms, pavilions, roofs, walls, tents, canopies, containers, or similar facilities, whether permanent or temporary, and whether enclosed or unenclosed.

**TASTING ROOM** A licensed area located on the premises of a manufacturer (e.g., winery, brewery, cidery, distillery) where alcoholic beverages produced by that manufacturer may be sampled, tasted, and sold for on-premises consumption, subject to state license type and rule limitations. A tasting room is an accessory use for the purposes of direct-to-consumer marketing of products produced on the farm or at the facility and shall be subject to the same regulations for Farm Markets.

---

<sup>4</sup> Michigan Agricultural Processing Act 381 of 1998.

**Proposed Ordinance Amendments  
Peninsula Township: Agricultural District  
January 2026**

**VALUE-ADDED AGRICULTURAL PRODUCT** A farm product that has been enhanced or improved, on or by the Farm Operator, to make the product more attractive or readily usable to the buyer. Such enhancement or improvement may include processing, addition of other ingredients, transformation, or packaging.

**U-PICK** A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from that farm.

**USE BY RIGHT** A land use that is permitted outright in a zoning district and may be established, conducted, and continued without discretionary review, special land use approval, or public hearing, provided the use complies with the applicable standards and requirements of this ordinance and all other relevant local, state, and federal regulations.

**WINERY, CIDERY** A facility licensed by the Michigan Liquor Control Commission (MLCC) and the TTB for the manufacture of wine or cider. A winery/cidery may include buildings and structures used for the crushing, fermenting, aging, blending, bottling, storage, and distribution of wine or cider. A winery/ cidery may include, by right, a tasting room as an accessory use, subject to permit approval by the Township and the Michigan Liquor Control Commission. The tasting room shall be incidental and subordinate to the principal agricultural and wine production use.

## **SECTION A-1 DISTRICT: AGRICULTURAL**

### **PURPOSE**

---

The agricultural district is characterized by parcels of farmland interspersed with rural residential properties. The purpose of this ordinance is to establish a clear and comprehensive regulatory framework that supports the continued viability of agriculture within Peninsula Township. These provisions are intended to enable farms to diversify operations, participate in agritourism opportunities, and maintain economic stability while preserving farmland, protecting the Township's rural landscape, and ensuring that agriculture remains a central and enduring component of the Township's identity and economy.

### **USES PERMITTED BY RIGHT**

---

#### **GENERAL USES**

General and specialized agricultural uses and normal farm operations, as defined by the current Michigan Right to Farm Act and current GAAMPs, are permitted by right. Such uses include the raising, growing, and production of crops, livestock, poultry, bees, fish, and other farm animals, and the production of agricultural products and foodstuffs. Buildings and structures may be erected and used by right for normal farm operations, including the storage, preservation, processing, collection, and distribution of agricultural products.

#### **1. SALE OF PRODUCTS**

The sale of agricultural products grown or produced on the parcel, including direct-to-consumer and farm-to-processor sales, as well as value-added agricultural products produced on site.

#### **2. FARM MARKET**

As defined above and in compliance with the following<sup>5</sup>.

##### **a. Form and Structure**

A farm market may operate within a permanent or temporary structure, including a building or tent, or as a designated outdoor area where direct transactions occur between a farmer and consumers.

---

<sup>5</sup> As defined by GAAMPs Farm Market, 2026

**Proposed Ordinance Amendments  
Peninsula Township: Agricultural District  
January 2026**

**b. Setbacks**

Any farm stand or farm market structure exceeding one hundred twenty (120) square feet in floor area shall be setback a minimum of one hundred sixty-five feet (165') from all non-farm residences.

**c. Products Offered for Sale**

A farm market may sell fresh agricultural products and processed or value-added agricultural products. At least 50 percent of the farm products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, cherries in cherry jam, etc.

**d. Retail and finished spaces for the public**

The aggregate area of all structures as defined above used for sampling, sales, tasting, retail, or other similar public-facing activities shall not occupy more than two percent (2%) of the gross parcel area. Where the aggregate area of buildings or structures used for these purposes exceeds two percent (2%) of the gross parcel area, such use may be subject to a site-plan review of physical impacts to infrastructure in accordance with the procedures and standards set forth in this ordinance. To encourage the use of existing structures, this (2%) allowance shall not apply to existing nonconforming structures or uses, which shall remain subject to all applicable provisions of this ordinance.

**e. Ownership and Location**

The farm market shall be located on property owned or controlled by the producer of the products offered for sale, including property held under lease.

**f. Tastings**

Tastings incidental to the sale of farm products are permitted where otherwise allowed by state law.

**g. Signage**

A minimum of one (1) sign shall be permitted shall in accordance with Section\_\_\_\_\_.

**3. INCIDENTAL FARM ENGAGEMENT AND AGRITOURISM ACTIVITIES**

Low-intensity, customary farm engagement and agritourism activities that generate minimal off-site impacts may occur as accessory uses in conjunction with the agricultural uses permitted in Sections 1 through 2 above. Such activities are intended to support and promote the sale of farm products and shall maintain the general agricultural character of the farm.<sup>6</sup>

**a. Permitted Activities**

Incidental farm engagement and agritourism activities may include, but are not limited to:

- i. Guided farm tours and farm walks
- ii. School visits and educational programming
- iii. Hayrides
- iv. Seasonal demonstrations
- v. Corn mazes and pumpkin patches with associated activities
- vi. Instructional classes or workshops with on-site demonstrations

**b. Relationship to Agricultural Production**

All activities permitted under this section shall be clearly accessory and subordinate to active agricultural production and shall not displace farming as the principal use of the parcel.

**c. Kitchens and Processing Facilities**

Kitchens and processing facilities used in conjunction with incidental agritourism activities may be utilized for the preparation, cooking, processing, or preservation of agricultural products produced on the affiliated farm. Products prepared or processed under this subsection may be sold on-site or through other lawful distribution channels.

**d. Operational Standards**

Incidental farm engagement and agritourism activities shall comply with the following standards:

**i. Sound**

All sound and noise generated by activities shall comply with Section \_\_\_\_\_.

---

<sup>6</sup> As defined under GAAMPs Farm Market definition of 'marketing' activities.

**Proposed Ordinance Amendments  
Peninsula Township: Agricultural District  
January 2026**

- ii. **Parking**  
All parking shall be accommodated on-site in a manner that minimizes impacts to neighboring properties and public roads.
- iii. **Hours of Operation**  
Activities shall be limited to daylight hours or customary farm operating hours.

**4. ON-FARM PROCESSING**

On-farm processing shall be permitted by right as an accessory use to a principal agricultural use or normal farm operation within the Agricultural District for parcels with gross acreage of at least five (5) acres.

**a. Processing Activities**

Activities may include, but are not limited to:

- i. Cleaning, washing, grading, sorting, and packing of agricultural products.
- ii. Cold storage, dry storage, and controlled-atmosphere storage.
- iii. Preservation activities such as freezing, drying, curing, fermenting, aging, or barreling.
- iv. Processing of agricultural products into value-added products, including baked goods, preserves, cider, wine, vinegar, cheese, syrups, sauces, beer, distilled spirits, and similar products.
- v. Preparation of agricultural and value-added products for direct-to-consumer sale, wholesale distribution, or off-site retail sale, where otherwise lawful.

**b. Structures and Facilities**

- i. Buildings or portions of buildings used for on-farm processing may be permanent or temporary and may include barns, sheds, outbuildings, farmhouses, or purpose-built processing structures.
- ii. Structures used for on-farm processing shall remain accessory and subordinate to the principal agricultural use of the parcel.
- iii. Set backs for the processing facility shall be 200 feet from a residential or dwelling unit on an adjacent property.
- iv. Processing activities may be conducted seven days a week, 24-hours per day as needed. The operator must comply with all Federal, State, and local laws and regulations applicable to the type of processing facility proposed and obtain and or comply with all permit, license, approval, and operational requirements.

**Proposed Ordinance Amendments  
Peninsula Township: Agricultural District  
January 2026**

**5. FARM STAY**

As defined above, Farm Stays shall be permitted by right as an accessory use to a principal agricultural use or normal farm operation within the Agricultural District for parcels with gross acreage of at least five (5) acres in compliance with the following.

**a. Guest Room Limitations**

A maximum of three (3) guest rooms shall be permitted for each five (5) acres of parcel area. A site review may be necessary for more than (9) rooms.

**b. Location and Structures**

A Farm Stay may include lodging within an existing dwelling, farmhouse, or agricultural structure converted for overnight accommodation, or within detached accessory structures approved for such use, provided that the primary use of the parcel remains agricultural and all structures meet required setbacks, local, and state regulations.

**c. Food Service**

A Farm Stay may serve food only to registered guests. Meals may be served at any time, provided that the cost of food is included in the lodging price. A Farm Stay shall maintain any food service permits required by the applicable health department or regulatory authority.

**d. Events and Non-Agricultural Activities**

Non-agricultural activities or special events involving individuals other than registered guests are not permitted.

**e. Use Limitations**

A Farm Stay shall offer temporary lodging only up to a maximum of (10) days, and shall not permit permanent residency. A Farm Stay shall not operate as a hotel, motel, or stand-alone short-term rental unrelated to agricultural use.

## **USES REQUIRING ADMINISTRATIVE APPROVAL**

---

### **1. SPECIAL EVENTS AND ACTIVITIES**

Special events and activities not directly related to the production, harvesting, processing, or sale of agricultural products grown on the parcel, and which attract members of the public primarily for events, gatherings, or entertainment.

#### **a. Applicability**

Special events and activities regulated under this section may occur in conjunction with a licensed winery, cidery, brewery, distillery tasting room, or farm market, where otherwise permitted. Such activities are distinct from accessory farm-based marketing and agritourism uses and may require additional review due to their scale and intensity.

#### **b. Activities Subject to Review**

Activities subject to this section that are non-agricultural include, but are not limited to:

- i. Weddings, receptions, and private celebrations
- ii. Corporate retreats and special events
- iii. Concerts or events with amplified entertainment
- iv. Ticketed or large-scale harvest festivals not directly tied to on-site crop sales
- v. Event venues or multipurpose gathering facilities

#### **c. Review and Approval**

Special events and activities shall be subject to:

- i. Abbreviated site plan review by the Zoning Administrator.
- ii. Events that exceed thresholds established in this section or that generate significant off-site impacts may be required to obtain Special Land Use approval.

#### **d. Licensing and Regulatory Compliance**

All special events and activities shall be conducted in compliance with applicable local, state, and federal licensing and permitting requirements, including those related to alcohol service, food service, and public gatherings.

#### **e. Parking and Traffic Management**

- i. All parking shall be provided on-site.

**Proposed Ordinance Amendments  
Peninsula Township: Agricultural District  
January 2026**

- ii. Parking on any state, county, or private road is prohibited.
  - iii. Parked vehicles shall not obstruct fire lanes or emergency access routes.
- f. **Occupancy and Attendance**  
Attendance shall be limited based on contiguous parcel size, calculated at twenty-five (25) attendees per five (5) acres, not to exceed two hundred (200) attendees.  
Attendance shall also comply with the maximum occupant load permitted under applicable building, fire, and safety codes, or as determined by the appropriate regulatory authority.
- g. **Sanitation Facilities**  
Sanitary facilities shall be provided as required by the applicable construction code or appropriate regulatory agency. Additional portable restroom facilities shall be provided when attendance exceeds the capacity of existing permanent facilities.
- h. **Hours of Operation**
  - i. Indoor events and activities may extend beyond posted operating hours.
  - ii. Outdoor events and activities may extend beyond posted operating hours not to exceed 10:00 p.m.
- i. **Sound, Music, and Amplification**  
Sound, music, and amplification shall comply with Section \_\_\_\_\_ .
- j. **Event Record Reporting**  
The operator shall maintain a log of special events, including the date, type of event, and number of attendees, and shall make such records available upon request by the Zoning Administrator within (3) business days of such a request. The operator shall also provide a current contact phone number for the on-site event manager to enforcement officers, the Zoning Administrator, and neighboring property owners upon request.
- k. **Lighting**  
Exterior lighting shall comply with Section \_\_\_\_\_ of this Ordinance (Outdoor Lighting Standards) and shall be designed to minimize glare and light spillover onto adjacent properties.

## MICHIGAN RIGHT TO FARM ACT

### Act 93 of 1981

AN ACT to define certain farm uses, operations, practices, and products; to provide certain disclosures; to provide for circumstances under which a farm shall not be found to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

**History:** 1981, Act 93, Imd. Eff. July 11, 1981 ;-- Am. 1995, Act 94, Eff. Sept. 30, 1995

*The People of the State of Michigan enact:*

#### 286.471 Short title.

Sec. 1.

This act shall be known and may be cited as the "Michigan right to farm act".

**History:** 1981, Act 93, Imd. Eff. July 11, 1981

#### 286.472 Definitions.

Sec. 2.

As used in this act:

- (a) "Farm" means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- (b) "Farm operation" means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:
  - (i) Marketing produce at roadside stands or farm markets.
  - (ii) The generation of noise, odors, dust, fumes, and other associated conditions.
  - (iii) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
  - (iv) Field preparation and ground and aerial seeding and spraying.
  - (v) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
  - (vi) Use of alternative pest management techniques.
  - (vii) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
  - (viii) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
  - (ix) The conversion from a farm operation activity to other farm operation activities.
  - (x) The employment and use of labor.
- (c) "Farm product" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

(d) "Generally accepted agricultural and management practices" means those practices as defined by the Michigan commission of agriculture. The commission shall give due consideration to available Michigan department of agriculture information and written recommendations from the Michigan state university college of agriculture and natural resources extension and the agricultural experiment station in cooperation with the United States department of agriculture natural resources conservation service and the consolidated farm service agency, the Michigan department of natural resources, and other professional and industry organizations.

(e) "Person" means an individual, corporation, partnership, association, or other legal entity.

**History:** 1981, Act 93, Imd. Eff. July 11, 1981 ;-- Am. 1987, Act 240, Imd. Eff. Dec. 28, 1987 ;-- Am. 1995, Act 94, Eff. Sept. 30, 1995

**286.473 Farm or farm operation as public or private nuisance; review and revision of practices; finding; conditions.**

Sec. 3.

(1) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural and management practices according to policy determined by the Michigan commission of agriculture. Generally accepted agricultural and management practices shall be reviewed annually by the Michigan commission of agriculture and revised as considered necessary.

(2) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within 1 mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

(3) A farm or farm operation that is in conformance with subsection (1) shall not be found to be a public or private nuisance as a result of any of the following:

- (a) A change in ownership or size.
- (b) Temporary cessation or interruption of farming.
- (c) Enrollment in governmental programs.
- (d) Adoption of new technology.
- (e) A change in type of farm product being produced.

**History:** 1981, Act 93, Imd. Eff. July 11, 1981 ;-- Am. 1987, Act 240, Imd. Eff. Dec. 28, 1987 ;-- Am. 1995, Act 94, Eff. Sept. 30, 1995

**286.473a Repealed. 1999, Act 261, Eff. Mar. 10, 2000.**

**Compiler's Notes:** The repealed section pertained to complaints generally.

**286.473b Recovery of costs and expenses.**

Sec. 3b.

In any nuisance action brought in which a farm or farm operation is alleged to be a nuisance, if the defendant farm or farm operation prevails, the farm or farm operation may recover from the plaintiff the actual amount of costs and expenses determined by the court to have been reasonably incurred by the farm or farm operation in connection with the defense of the action, together with reasonable and actual attorney fees.

**History:** Add. 1995, Act 94, Eff. Sept. 30, 1995

**286.473c Property subject to disclosure; contents of statement.**

Sec. 3c.

(1) Certain real property is subject to those disclosures described in section 7 of the seller disclosure act, Act No. 92 of the Public Acts of 1993, being section 565.957 of the Michigan Compiled Laws. A seller of real property located within 1 mile of the property boundary of a farm or farm operation may voluntarily make available to the buyer the following statement: "This notice is to inform prospective residents that the real property they are about to acquire lies within 1 mile of the property boundary of a farm or farm operation. Generally accepted agricultural and management practices may be utilized by the farm or farm operation and may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Michigan right to farm act."

(2) Certain subdivided land is subject to those disclosures described in section 8 of the land sales act, Act No. 286 of the Public Acts of 1972, being section 565.808 of the Michigan Compiled Laws.

**History:** Add. 1995, Act 94, Eff. Sept. 30, 1995

**286.474 Investigation of complaints involving farm or farm operation; memorandum of understanding; generally accepted agricultural and management practices; unverified complaints; applicability of other statutes; preemption of local ordinance, regulation, or resolution; ordinance proposed by local unit of government; generally accepted agricultural and management practices for site selection and odor controls at new or expanding animal livestock facilities; advisory committee; manure management plan; duties of department; definitions.**

Sec. 4.

(1) Subject to subsection (2), the director shall investigate all complaints involving a farm or farm operation, including, but not limited to, complaints involving the use of manure and other nutrients, agricultural waste products, dust, noise, odor, fumes, air pollution, surface water or groundwater pollution, food and agricultural processing by-products, care of farm animals, and pest infestations. Within 7 business days of receipt of the complaint, the director shall conduct an on-site inspection of the farm or farm operation. The director shall notify, in writing, the city, village, or township and the county in which the farm or farm operation is located of the complaint.

(2) The commission and the director shall enter into a memorandum of understanding with the director of the department of environmental quality. The investigation and resolution of environmental complaints concerning farms or farm operations must be conducted in accordance with the memorandum of understanding. However, the director shall notify the department of environmental quality of any potential violation of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, or a rule promulgated under that act. Activities at a farm or farm operation are subject to applicable provisions of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, and the rules promulgated under that act. The commission and the director shall develop procedures for the investigation and resolution for other farm-related complaints.

(3) If the director finds upon investigation under subsection (1) that the person responsible for a farm or farm operation is using generally accepted agricultural and management practices, the director shall notify, in writing, that person, the complainant, and the city, village, or township and the county in which the farm or farm operation is located of this finding. If the director identifies that the source or potential sources of the problem were caused by the use of other than generally accepted agricultural and management practices, the director shall advise the person responsible for the farm or farm operation that necessary changes should be made to resolve or abate the problem and to conform with generally accepted agricultural and management practices and that if those changes cannot be implemented within 30 days, the person responsible for the farm or farm operation shall submit to the director an implementation plan including a schedule for completion of the necessary changes. When the director conducts a follow-up on-site inspection to verify whether those changes have been implemented, the director shall notify, in writing, the city, village, or township and the county in which the farm or farm operation is located of the time and date of the follow-up on-site inspection and shall allow a representative of the city, village, or township and the county to be present during the follow-up on-site inspection. If the changes have been implemented, the director shall notify, in writing, the person responsible for the farm or farm operation, the complainant, and the city,

village, or township and the county in which the farm or farm operation is located of this determination. If the changes have not been implemented, the director shall notify, in writing, the complainant and the city, village, or township and the county in which the farm or farm operation is located that the changes have not been implemented and whether a plan for implementation has been submitted. Upon request, the director shall provide a copy of the implementation plan to the city, village, or township and the county in which the farm or farm operation is located.

(4) A complainant who brings more than 3 unverified complaints against the same farm or farm operation within 3 years may be ordered, by the director, to pay to the department the full costs of investigation of any fourth or subsequent unverified complaint against the same farm or farm operation. As used in this subsection, "unverified complaint" means a complaint in response to which the director determines that the farm or farm operation is using generally accepted agricultural and management practices.

(5) Except as provided in subsection (6), this act does not affect the application of state statutes and federal statutes.

(6) Beginning June 1, 2000, except as otherwise provided in this section, it is the express legislative intent that this act preempt any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of this act or generally accepted agricultural and management practices developed under this act. Except as otherwise provided in this section, a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with this act or generally accepted agricultural and management practices developed under this act.

(7) A local unit of government may submit to the director a proposed ordinance prescribing standards different from those contained in generally accepted agricultural and management practices if adverse effects on the environment or public health will exist within the local unit of government. A proposed ordinance under this subsection must not conflict with existing state laws or federal laws. At least 45 days prior to enactment of the proposed ordinance, the local unit of government shall submit a copy of the proposed ordinance to the director. Upon receipt of the proposed ordinance, the director shall hold a public meeting in that local unit of government to review the proposed ordinance. In conducting its review, the director shall consult with the departments of environmental quality and health and human services and shall consider any recommendations of the county health department of the county where the adverse effects on the environment or public health will allegedly exist. Within 30 days after the public meeting, the director shall make a recommendation to the commission on whether the ordinance should be approved. An ordinance enacted under this subsection must not be enforced by a local unit of government until approved by the commission.

(8) By May 1, 2000, the commission shall issue proposed generally accepted agricultural and management practices for site selection and odor controls at new and expanding animal livestock facilities. The commission shall adopt such generally accepted agricultural and management practices by June 1, 2000. In developing these generally accepted agricultural and management practices, the commission shall do both of the following:

(a) Establish an advisory committee to provide recommendations to the commission. The advisory committee must include the entities listed in section 2(d), 2 individuals representing townships, 1 individual representing counties, and 2 individuals representing agricultural industry organizations.

(b) For the generally accepted agricultural and management practices for site selection, consider groundwater protection, soil permeability, and other factors determined necessary or appropriate by the commission.

(9) If generally accepted agricultural and management practices require the person responsible for the operation of a farm or farm operation to prepare a manure management plan, the person responsible for the operation of the farm or farm operation shall provide a copy of that manure management plan to the city, village, or township or the county in which the farm or farm operation is located, upon request. A manure management plan provided under this subsection is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(10) The department shall do both of the following:

(a) Make available on the department's website current generally accepted agricultural and management practices.

(b) Establish a toll-free telephone number for receipt of information on noncompliance with generally accepted agricultural and management practices.

(11) As used in this section:

(a) "Adverse effects on the environment or public health" means any unreasonable risk to human beings or the environment, based on scientific evidence and taking into account the economic, social, and environmental costs and benefits and specific populations whose health may be adversely affected.

(b) "Commission" means the commission of agriculture and rural development.

(c) "Department" means the department of agriculture and rural development.

(d) "Director" means the director of the department or his or her designee.

**History:** 1981, Act 93, Imd. Eff. July 11, 1981 ;-- Am. 1995, Act 94, Eff. Sept. 30, 1995 ;-- Am. 1999, Act 261, Eff. Mar. 10, 2000 ;-- Am. 2018, Act 292, Eff. Sept. 27, 2018



# Generally Accepted Agricultural and Management Practices for Farm Markets

2026

---

Michigan Commission of Agriculture  
& Rural Development  
P.O. BOX 30017  
Lansing, MI 48909

---



**In the event of an agricultural pollution emergency such as a chemical or fertilizer spill, manure lagoon breach, etc., the Michigan Department of Agriculture & Rural Development and/or Michigan Department of Environment, Great Lakes, and Energy should be contacted at the following emergency telephone numbers:**

**Michigan Department of Agriculture & Rural Development: 800-405-0101  
Michigan Department of Environment, Great Lakes, and Energy's Pollution  
Emergency Alert System: 800-292-4706**

For non-emergency questions or concerns regarding the Michigan Right to Farm Act, or items concerning a farm operation, please contact the:

**Michigan Department of Agriculture & Rural Development  
Right to Farm Program  
P.O. Box 30017  
Lansing, Michigan 48909  
517-284-5619  
877-632-1783  
517-335-3329 FAX**

## Table of Contents

<b>PREFACE.....</b>	<b>iii</b>
<b>INTRODUCTION .....</b>	<b>1</b>
<b>DEFINITIONS.....</b>	<b>2</b>
<b>PHYSICAL CHARACTERISTICS OF A FARM MARKET.....</b>	<b>3</b>
<b>Location.....</b>	<b>3</b>
<b>Buildings.....</b>	<b>3</b>
<b>Parking and Driveways .....</b>	<b>3</b>
<b>Vehicle Ingress and Egress .....</b>	<b>3</b>
<b>Signage .....</b>	<b>3</b>
<b>APPENDICES .....</b>	<b>4</b>
<b>REFERENCES .....</b>	<b>6</b>
<b>ADVISORY COMMITTEE .....</b>	<b>7</b>

## PREFACE

The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981, as amended) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). These practices are written to provide uniform, statewide standards and acceptable management practices based on sound science.

These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of the practices.

The GAAMPs that have been developed are as follows:

- 1) 1988 Manure Management and Utilization
- 2) 1991 Pesticide Utilization and Pest Control
- 3) 1993 Nutrient Utilization
- 4) 1995 Care of Farm Animals
- 5) 1996 Cranberry Production
- 6) 2000 Site Selection and Odor Control for New and Expanding Livestock Facilities
- 7) 2003 Irrigation Water Use
- 8) 2010 Farm Markets

These practices were developed with industry, university, and multi-governmental agency input. As agricultural operations continue to change, new practices may be developed to address the concerns of the neighboring community. Agricultural producers who voluntarily follow these practices provide protection from public or private nuisance litigation under Michigan's Right to Farm Act.

The website for the GAAMPs is <http://www.michigan.gov/righttofarm>.

## INTRODUCTION

As farmers look for ways to keep their businesses economically viable, many have chosen to shift their operations from a farmer-to-processor to a direct market business model. This includes selling raw and value-added products directly to the consumer through on-farm establishments, farmers markets, and other agricultural outlets. This allows farms to take advantage of consumer interest in agritourism, the “buy local” movement, and a desire for a connection with farmers and food production. These activities have far-reaching economic impacts. Many regions have capitalized on the growth of farm markets by developing regional farm markets and culinary trails, and tourism promotion based on authentic culinary experiences offered by local farm markets. Farm markets provide the opportunity for visitors to meet a farmer, learn about modern agricultural practices, and gain access to fresh, local, nutritious food. Finally, farm markets and the associated farm help maintain green space adding to the quality of life. Thriving farmland enhances the beauty of communities, retains residents, and attracts visitors. As farm operations engage in direct sales and on-farm activities, conflicts have arisen regarding the oversight of these businesses.

Michigan is a Right to Farm (RTF) state and the Michigan RTF Act defines a “farm operation” as meaning the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. This definition includes, but is not limited to, marketing produce at roadside stands or farm markets. Farm markets offer farm related experiences and farm products through a variety of agritourism activities. The experience in turn promotes sale of more farm products and provides an added income stream to support the farm business, the farm family, and surrounding communities; and keeps farmland in production.

Although the Michigan RTF Act includes farm markets in the definition of farm operation, this definition does not define a farm market or describe specific marketing activities. These Generally Accepted Agricultural and Management Practices (GAAMPs) for Farm Markets were developed to provide guidance as to what constitutes an on-farm market and farm market activities.

## DEFINITIONS

**Affiliated** – “Affiliated” means a farm under the same ownership or control (e.g., leased) as the farm and does not need to be on the same parcel of land.

**Expanding Farm Market** – An addition to an existing farm market that increases the square footage of the farm market.

**Farm** – A “farm” means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**Farm Market** – A farm market is a year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place.

A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market does not have to be a physical structure. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale on the market. Fresh products as well as processed products may be sold at the farm market. At least 50 percent of the farm products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product’s primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

**Farm Product** – A “farm product” means those plants and animals useful to humans produced by agriculture and includes, but is not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, Cervidae, livestock (including breeding and grazing), equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture & Rural Development.

**Marketing** – Promotional and educational activities at the farm market incidental to farm products with the intention of selling more farm products. These activities include, but are not limited to, farm tours (walking or motorized), demonstrations, cooking and other classes utilizing farm products, and farm-to-table dinners.

**Processed** – A farm product or commodity that has been converted into a product for direct sales. Processing may include, but is not limited to, packing, washing, cleaning, grading, sorting, pitting, pressing, distilling, packaging, cutting, cooling, storage, canning,

drying, freezing, or otherwise preparing the product for sale.

## **PHYSICAL CHARACTERISTICS OF A FARM MARKET**

### **Location**

A new or expanding farm market that is greater than 120 square feet must meet a minimum setback of 165 feet from all non-farm residences.

New or expanding farm markets are not authorized under this GAAMP on platted lots within a subdivision created under the Michigan Land Division Act (Act 288 of 1967, MCL 560.101, *et seq.*) or preceding statutes and on condominium units within a condominium (sometimes referred to as “site-condos”) created under the Michigan Condominium Act (Act 59 of 1978, MCL 559.101, *et seq.*). However, farm markets are permitted in such areas if authorized by association rules or pursuant to a local ordinance designed for that purpose, unless prohibited by association rules.

A farm market should have a written site plan for potential Michigan Department of Agriculture and Rural Development (MDARD) review that preempts local government regulations.

### **Buildings**

If the farm market is housed in a physical structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), the structure must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), including road right-of-way areas and ingress and egress points.

### **Parking and Driveways**

Parking and driveway surfaces may be paved, vegetative, ground, gravel, or other unpaved material.

### **Vehicle Ingress and Egress**

Any farm market and affiliated parking operating along a public road must obtain all appropriate ingress and egress permits.

### **Signage**

A minimum of one roadside sign is allowed.

For further information concerning this GAAMP you may contact MDARD or Michigan State University Extension.

## **APPENDICES**

### **Appendix A: Considerations for Farm Markets**

#### **Statement of Intent**

Appendix A is explicitly intended as a reference for informational and educational purposes only. Information contained in Appendix A is not intended to be utilized by Michigan Department of Agriculture and Rural Development (MDARD) Right to Farm Program as part of any Generally Accepted Agricultural and Management Practices (GAAMPs) conformance determination process.

#### **GAAMPs Conformance and Other Regulatory Permits**

Depending on the nature and location of a GAAMPs conformant farm market operation, other local, state and/or federal regulations may still apply. It is the responsibility of the farm market owner or their representative acting on the owner's behalf to contact the appropriate regulatory authorities to determine if additional permits for compliance are required prior to beginning any activity or construction.

MDARD Right to Farm Program does not have authority to determine applicability of, or compliance with, any regulation other than conformance to the management practices described within the GAAMPs.

#### **Non-Farm Product Sales, Processing and Miscellaneous Activities**

Michigan Right to Farm Act provides nuisance protection for farms and farm operations in conformance with GAAMPs including the production of farm products and the marketing and sales of farm products at farm markets. This protection may not extend to sales of non-farm products (e.g., hats, t-shirts, jewelry, etc.), on-site processing of farm products (e.g., baking pies, brewing hard cider, etc.) or other on-farm activities (e.g., wedding or event barns, bed and breakfast/lodging, restaurants, glamping, etc.). A GAAMPs-conformant farm market operation may still be subject to other local, state and/or federal regulations (see "*GAAMPs Conformance and Other Regulatory Permits*" above).

#### **Signage**

Farm Markets GAAMPs allow for a minimum of one roadside sign; however, this sign (and any additional signs, if permitted) may be subject to other local ordinance requirements (e.g., setbacks, lighting, height, and size)

#### **Agritourism**

'Agritourism' currently has no legal definition or recognition in Michigan law. Activities commonly identified as, and/or associated with, agritourism may or may not comply with GAAMPs. These activities must be assessed on a case-by-case basis and may be subject to additional local, state

and/or federal regulations (see “*GAAMPs Conformance and Other Regulatory Permits*” above).

### **Resources**

There are many professional resources available to assist farmers, government officials and others navigating Michigan’s Right to Farm Act and GAAMP-related issues. Resources include, but are not limited to, MDARD Right to Farm Program, Michigan State University Extension, Michigan Townships Association, Michigan Farm Bureau, and Michigan Agritourism Association.

## REFERENCES

State of Michigan. *Report on Recommendations*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January 2007.

State of Michigan. *Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provisions*. Report of the Michigan Agricultural Tourism Advisory Commission. Commission report of Governor Granholm. January 2007.

Michigan Commission of Agriculture & Rural Development. *Final Report to the Michigan Commission of Agriculture & Rural Development*. Report on the Michigan Farm Market Task Force. Task Force report to the Michigan Commission of Agriculture & Rural Development. September 2008.

State of Michigan. Michigan Department of Transportation. Directory of Offices by Region.

<https://www.michigan.gov/mdot/about/regions> (Accessed 7.26.2022).

## ADVISORY COMMITTEE

Listed below are the advisory committee members for the Generally Accepted Agricultural and Management Practices for Farm Markets.

Ryan Coffey Hoag - Chair  
MSU Extension  
4747 W. 48<sup>th</sup> Street, Suite  
107 Fremont, MI 49412  
231-924-9677  
[coffeyry@msu.edu](mailto:coffeyry@msu.edu)

Robert Beckon  
Michigan Dept. of Transportation  
517-335-2211  
[beckonr2@michigan.gov](mailto:beckonr2@michigan.gov)

John Behrens  
Farmhaus Cider  
5025 Stanton Street  
Hudsonville, MI 49426  
616-723-7087 – Cell  
[john@farmhauscider.com](mailto:john@farmhauscider.com)

Janice Benson, Ex. Dir.  
Michigan Agritourism Assoc.  
P.O. Box 303  
Traverse City, MI 49685  
616-952-1151  
[executivedirector@michiganfarmfun.com](mailto:executivedirector@michiganfarmfun.com)

Violet Currier  
Michigan Dept. of Agriculture  
and Rural Development  
Food Safety and Inspection  
Program  
Northwest Region  
231-384-1874

Jeanne Hausler  
MDARD  
Food and Dairy Communications  
P.O. Box 30017  
Lansing, MI 48909  
517-256-8614  
[hauslerj@michigan.gov](mailto:hauslerj@michigan.gov)

Matt Kapp  
Michigan Farm Bureau  
Government Relations Specialist  
7373 West Saginaw Highway  
Lansing, MI 48917  
517-679-5338  
[mkapp@michfb.com](mailto:mkapp@michfb.com)

Vikki Papesh  
Walnut Hill Farm  
54180 Dequindre Road  
Shelby Chtr. Township, MI  
48316  
[farmer@walnuthillfarmmi.com](mailto:farmer@walnuthillfarmmi.com)

Garrett Ziegler  
MSU Extension  
109 Logan Street SW, Suit B102  
Grand Rapids, MI 49503  
814-777-3562  
[zieglerg@msu.edu](mailto:zieglerg@msu.edu)

Allan Robinette  
Robinette's Apple Haus and  
Winery  
3142 4 Mile Rd. NE  
Grand Rapids, MI 49505  
616-304-9068  
[allan@robinettes.com](mailto:allan@robinettes.com)

Catherine A. Mullhaupt  
Staff Attorney  
Member Information Services  
Michigan Township Association  
517-321-6467  
[catherine@michigantownships.org](mailto:catherine@michigantownships.org)

Jenn Cram, ACIP  
Associate Planner  
Beckett and Raeder, Inc.  
[jcram@briaz.com](mailto:jcram@briaz.com)

### **MDARD Facilitators**

Erica Rogers  
Right to Farm Program Manager  
Michigan Dept. of Agriculture  
and Rural Development  
P.O. Box 30017  
Lansing, MI 48909  
C: 517-245-5488  
517-335-3329 - FAX  
[RogersE5@michigan.gov](mailto:RogersE5@michigan.gov)

Kyle McCarty  
Michigan Dept. of Agriculture  
and Rural Development  
P.O. Box 30017  
Lansing, MI 48909  
C: 517-285-2506  
[MccartyK@michigan.gov](mailto:MccartyK@michigan.gov)

## MICHIGAN AGRICULTURAL PROCESSING ACT

### Act 381 of 1998

AN ACT to define certain fruit, vegetable, dairy product, meat, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

**History:** 1998, Act 381, Imd. Eff. Oct. 23, 1998 ;-- Am. 2005, Act 282, Imd. Eff. Dec. 19, 2005

*The People of the State of Michigan enact:*

#### **289.821 Short title.**

Sec. 1.

This act shall be known and may be cited as the "Michigan agricultural processing act".

**History:** 1998, Act 381, Imd. Eff. Oct. 23, 1998

#### **289.822 Definitions.**

Sec. 2.

As used in this act:

(a) "Dairy product" means all of the following:

(i) Dairy product as that term is defined in section 12 of the manufacturing milk law of 2001, 2001 PA 267, MCL 288.572.

(ii) Milk product as that term is defined in section 4 of the grade A milk law of 2001, 2001 PA 266, MCL 288.474.

(b) "Fruit and vegetable product" means those plant items used by human beings for human food consumption including, but not limited to, field crops, root crops, berries, herbs, fruits, vegetables, flowers, seeds, grasses, tree products, mushrooms, and other similar products, or any other fruit and vegetable product processed for human consumption as determined by the Michigan commission of agriculture.

(c) "Generally accepted fruit, vegetable, dairy product, meat, and grain processing practices" means those practices as defined by the Michigan commission of agriculture. The Michigan commission of agriculture shall give due consideration to available Michigan department of agriculture information and written recommendations from the Michigan state university college of agriculture and natural resources extension and the agricultural experiment station in cooperation with the United States department of agriculture, the United States food and drug administration, the Michigan department of environmental quality, and other professional and industry organizations.

(d) "Grain" means dry edible beans, soy beans, small grains, cereal grains, corn, grass seeds, hay, and legume seeds in a raw or natural state.

(e) "Person" means an individual, corporation, partnership, association, limited liability company, or other legal entity.

(f) "Processing" means the commercial processing or handling of fruit, vegetable, dairy, meat, and grain products for human food consumption and animal feed including, but not limited to, the following:

(i) The generation of noise, odors, waste water, dust, fumes, and other associated conditions.

(ii) The operation of machinery and equipment necessary for a processing operation including, but not limited to, irrigation and drainage systems and pumps and the movement of vehicles, machinery, equipment, and fruit and vegetable products, dairy products, meat, and grain products and associated inputs necessary for fruit and vegetable, dairy, and grain, food, meat, or feed processing operations on the roadway as authorized by the

Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(iii) The management, storage, transport, utilization, and land application of fruit, vegetable, dairy product, meat, and grain processing by-products consistent with generally accepted agricultural and management practices as established under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

(iv) The conversion from 1 processing operation activity to another processing operation activity.

(v) The employment and use of labor engaged in a processing operation.

(g) "Processing operation" means the operation and management of a business engaged in processing.

**History:** 1998, Act 381, Imd. Eff. Oct. 23, 1998 ;-- Am. 2005, Act 282, Imd. Eff. Dec. 19, 2005

### **289.823 Processing operation as public or private nuisance.**

Sec. 3.

(1) A processing operation shall not be found to be a public or private nuisance if the processing operation alleged to be a nuisance conforms to generally accepted fruit, vegetable, dairy product, meat, and grain processing practices as determined by the Michigan commission of agriculture. The Michigan commission of agriculture shall annually review and revise, as determined necessary, the generally accepted fruit, vegetable, dairy product, meat, and grain processing practices.

(2) Until the Michigan commission of agriculture establishes the generally accepted fruit, vegetable, dairy product, meat, and grain processing practices, a processing operation shall not be found to be a public or private nuisance in an action brought in a court of competent jurisdiction if the director of the department of agriculture has determined that the processing operation is in compliance with this act as described in section 4(3).

(3) A processing operation shall not be found to be a public or private nuisance if the processing operation existed before a change in the use or occupancy of land within 1 mile of the boundaries of the land upon which the processing operation is located and, before that change in use or occupancy of land, the processing operation would not have been found to be a nuisance. The determination of the circumstances described in this subsection or subsection (1) or (2) is considered to be a finding as a matter of law and creates a rebuttable presumption that the processing operation is operating under generally accepted practices or that the processing operation is not a public or private nuisance.

(4) A processing operation that is in conformance with subsection (1) or (2) shall not be found to be a public or private nuisance as a result of any of the following:

(a) A change in ownership or size.

(b) Temporary cessation or interruption of processing.

(c) Adoption of new technology.

(d) A change in type of fruit, vegetable, dairy, meat, or grain product being processed.

**History:** 1998, Act 381, Imd. Eff. Oct. 23, 1998 ;-- Am. 2005, Act 282, Imd. Eff. Dec. 19, 2005

### **289.824 Nuisance complaints; exhaustion of administrative remedies; investigation; memorandum of understanding with department of environmental quality; resolution; notice of finding; determination; costs; "unverified nuisance complaint" defined.**

Sec. 4.

(1) The Michigan commission of agriculture shall request the director of the Michigan department of agriculture or his or her designee to investigate all nuisance complaints under this act involving a processing operation. If a person is granted a determination by the director of the department of agriculture under this act, the person is considered to have exhausted his or her administrative remedies with regard to that matter. A court shall not proceed with an action for nuisance brought against a processing operation until it finds that the complainant exhausted all administrative remedies.

(2) The Michigan commission of agriculture and the director of the Michigan department of agriculture may enter into a memorandum of understanding with the Michigan department of environmental quality. The

investigation and resolution of nuisance complaints shall be conducted pursuant to the memorandum of understanding. In the case where no generally accepted fruit, vegetable, dairy product, meat, and grain processing practices have been established, any nuisance complaint received by either the department of environmental quality or the department of agriculture shall be resolved under section 3 in the following manner:

(a) The department of environmental quality shall assess compliance of an operation or practice with the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, and shall conduct an inspection within 10 working days of receipt of the complaint.

(b) The department of agriculture shall assess the processing operation or practice under federal good manufacturing practices as adopted under the food law of 2000, 2000 PA 92, MCL 289.1101 to 289.8111, and shall conduct an inspection within 10 working days of receipt of the complaint.

(3) Based upon the determinations made in subsection (2), the department of agriculture shall make a finding as to whether a processing operation is in compliance with this act.

(4) If the director of the Michigan department of agriculture or his or her designee finds upon investigation that the person responsible for the processing operation is using generally accepted fruit, vegetable, dairy product, meat, and grain processing practices or otherwise in compliance with law as described in section 3(2), the director of the Michigan department of agriculture or his or her designee shall notify that person and the complainant of this finding in writing. If the director of the Michigan department of agriculture or his or her designee identifies the source or potential sources of the problem caused by the use of other than generally accepted fruit, vegetable, dairy product, meat, and grain processing practices or other than compliance with law as described in section 3(2), the director of the Michigan department of agriculture or his or her designee shall advise the person responsible for the processing operation that necessary changes should be made to resolve or abate the problem and to conform with generally accepted fruit, vegetable, dairy product, meat, and grain processing practices or with applicable law as described in section 3(2). The director of the Michigan department of agriculture or his or her designee shall determine if those changes are implemented and shall notify the person responsible for the processing operation and the complainant of this determination in writing.

(5) A complainant who brings more than 3 unverified nuisance complaints against the same processing operation within 3 years may be ordered by the director of the Michigan department of agriculture to pay to the Michigan department of agriculture the full costs of investigation of any fourth or subsequent unverified nuisance complaint against the same processing operation. As used in this subsection, "unverified nuisance complaint" means a nuisance complaint in which the director of the department of agriculture or his or her designee determines that the processing operation is using generally accepted fruit, vegetable, dairy product, meat, and grain processing practices.

**History:** 1998, Act 381, Imd. Eff. Oct. 23, 1998 ;-- Am. 2005, Act 283, Imd. Eff. Dec. 19, 2005

### **289.825 Applicability of state and federal statutes.**

#### Sec. 5.

(1) This act does not affect the application of state statutes and federal statutes.

(2) For purposes of this section, "state statutes" includes, but is not limited to, any of the following:

(a) The county zoning act, 1943 PA 183, MCL 125.201 to 125.240.

(b) The township zoning act, 1943 PA 184, MCL 125.271 to 125.310.

(c) The city and village zoning act, 1921 PA 207, MCL 125.581 to 125.600.

(d) The natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

**History:** 1998, Act 381, Imd. Eff. Oct. 23, 1998

Act No. 113  
Public Acts of 2010  
Approved by the Governor  
July 12, 2010  
Filed with the Secretary of State  
July 12, 2010  
EFFECTIVE DATE: July 12, 2010

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2010**

Introduced by Rep. Byrnes

# **ENROLLED HOUSE BILL No. 5837**

AN ACT to amend 2000 PA 92, entitled “An act to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts,” by amending section 1105 (MCL 289.1105), as amended by 2008 PA 338.

*The People of the State of Michigan enact:*

Sec. 1105. As used in this act:

(a) “Adulterated” means food to which any of the following apply:

(i) It bears or contains any poisonous or deleterious substance that may render it injurious to health except that, if the substance is not an added substance, the food is not considered adulterated if the quantity of that substance in the food does not ordinarily render it injurious to health.

(ii) It bears or contains any added poisonous or added deleterious substance, other than a substance that is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive considered unsafe within the meaning of subparagraph (v).

(iii) It is a raw agricultural commodity that bears or contains a pesticide chemical considered unsafe within the meaning of subparagraph (v).

(iv) It bears or contains any food additive considered unsafe within the meaning of subparagraph (v) provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under subparagraph (v) and the raw agricultural commodity has been subjected to processing the residue of that pesticide chemical remaining in or on that processed food is, notwithstanding the provisions of subparagraph (v) and this subdivision, not be considered unsafe if that residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and if the concentration of that residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity.

(v) Any added poisonous or deleterious substance, any food additive, and pesticide chemical in or on a raw agricultural commodity, or any color additive is considered unsafe for the purpose of application of this definition, unless there is in effect a federal regulation or exemption from regulation under the federal act, meat inspection act, poultry product inspection act, or other federal acts, or a rule adopted under this act limiting the quantity of the substance, and the use or intended use of the substance, and the use or intended use of the substance conforms to the terms prescribed by the rule.

(vi) It is or contains a new animal drug or conversion product of a new animal drug that is unsafe within the meaning of section 360b of the federal act, 21 USC 360b.

(vii) It consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance or it is otherwise unfit for food.

(viii) It has been produced, prepared, packed, or held under insanitary conditions in which it may have become contaminated with filth or in which it may have been rendered diseased, unwholesome, or injurious to health.

(ix) It is the product of a diseased animal or an animal that has died other than by slaughter or that has been fed uncooked garbage or uncooked offal from a slaughterhouse.

(x) Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

(xi) A valuable constituent has been in whole or in part omitted or abstracted from the food; a substance has been substituted wholly or in part for the food; damage or inferiority has been concealed in any manner; or a substance has been added to the food or mixed or packed with the food so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is.

(xii) It is confectionery and has partially or completely imbedded in it any nonnutritive object except in the case of any nonnutritive object if, as provided by rules, the object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to health; it bears or contains any alcohol other than alcohol not in excess of 1/2 of 1% by volume derived solely from the use of flavoring extracts; or it bears or contains any nonnutritive substance except a nonnutritive substance such as harmless coloring, harmless flavoring, harmless resinous glaze not in excess of 4/10 of 1%, harmless natural wax not in excess of 4/10 of 1%, harmless natural gum and pectin or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storage of such confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of the provisions of this act. For the purpose of avoiding or resolving uncertainty as to the application of this subdivision, the director may issue rules allowing or prohibiting the use of particular nonnutritive substances.

(xiii) It is or bears or contains any color additive that is unsafe within the meaning of subparagraph (v).

(xiv) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a rule or exemption under this act or a regulation or exemption under the federal act.

(xv) It is bottled water that contains a substance at a level higher than allowed under this act.

(b) "Advertisement" means a representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food.

(c) "Agricultural use operation" means a maple syrup production facility or similar food establishment that finishes a raw commodity and is integral to the agricultural production of, and is located at, a farm. An agricultural use operation is not considered a food processing plant or retail processing operation for purposes of personal or real property but must meet those same standards and licensing requirements as prescribed in this act.

(d) "Bed and breakfast" means a private residence that offers sleeping accommodations to transient tenants in 14 or fewer rooms for rent, is the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, and serves breakfasts, or other meals in the case of a bed and breakfast described in section 1107(n)(ii), at no extra cost to its transient tenants. A bed and breakfast is not considered a food service establishment if exempt under section 1107(n)(ii) or (iii).

(e) "Color additive" means a dye, pigment, or other substance made by process of synthesis or similar artifice or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity from a vegetable, animal, mineral, or other source, or when added or applied to a food or any part of a food is capable alone or through reaction with other substance of imparting color to the food. Color additive does not include any material that is exempt or hereafter is exempted under the federal act. This subdivision does not apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth of other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest. Color includes black, white, and intermediate grays.

(f) "Contaminated with filth" means contamination applicable to any food not securely protected from dust, dirt, and, as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(g) "Continental breakfast" means the serving of only non-potentially-hazardous food such as a roll, pastry or doughnut, fruit juice, or hot beverage, but may also include individual portions of milk and other items incidental to those foods.

(h) "Cottage food operation" means a person who produces or packages cottage food products only in a kitchen of that person's primary domestic residence within this state.

(i) "Cottage food product" means a food that is not potentially hazardous food as that term is defined in the food code. Examples of cottage food product include, but are not limited to, jams, jellies, dried fruit, candy, cereal, granola, dry mixes, vinegar, dried herbs, and baked goods that do not require temperature control for safety. Cottage food product does not include all potentially hazardous food regulated under 21 CFR 113 and 114, examples of which include, but are not limited to, meat and poultry products; salsa; milk products; bottled water and other beverages; and home-produced ice products. Cottage food product also does not include canned low-acid fruits or acidified vegetables and other canned foods except for jams, jellies, and preserves as defined in 21 CFR 150.

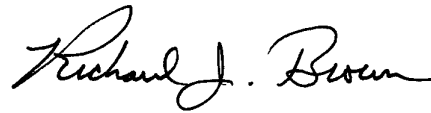
(j) "Critical violation" or "critical item" means a violation of the food code that the director determines is more likely than other violations to contribute to food contamination, illness to humans, or environmental health hazard.

(k) "Domestic residence" means a single-family dwelling or an area within a rental unit where a single person or family actually resides. Domestic residence does not include either of the following:

- (i) A group or communal residential setting within any type of structure.
- (ii) An outbuilding, shed, barn, or other similar structure.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5280 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



-----  
Clerk of the House of Representatives



-----  
Secretary of the Senate

Approved .....

-----  
Governor

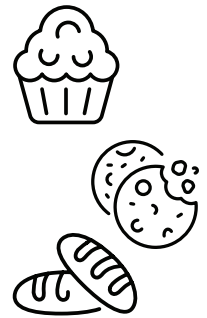
# Michigan's Cottage Foods

## A Guide for Cottage Food Businesses



**What's Allowed:** Up to \$25,000 yearly in gross sales of certain foods with no license, registration, or inspection. Cottage foods businesses may advertise online and collect payments in-person or through a pay app.

**What's Required:** Cottage foods must be made, packaged, and labeled in your primary residence (home). The label is required to include the statement, "Made in a home kitchen not inspected by the Michigan Department of Agriculture and Rural Development." Cottage food products must be transferred from producer to consumer in-person by the producer. Mail-orders, shipping, selling to businesses, or having a business sell products for you is not allowed. Only low-risk foods that do not require refrigeration after preparation may be considered for cottage food businesses.



<span style="font-size: 2em; font-weight: bold;">X</span> <b>Cannot Be Cottage Foods</b>	<span style="font-size: 2em; font-weight: bold;">✓</span> <b>May Be Considered for Cottage Foods</b>
<ul style="list-style-type: none"> <li>✗ Bread with fresh vegetables or chunks of cheese</li> <li>✗ Custard or cream-based pies</li> <li>✗ Cakes requiring refrigeration (e.g., cheesecake)</li> <li>✗ Frosting or glaze made from ingredients requiring refrigeration (e.g., cream cheese frosting)</li> <li>✗ Freeze-dried products made from temperature-controlled foods (e.g., ice cream, cheesecake)</li> <li>✗ Tinctures</li> <li>✗ Other jams/jellies (e.g., vegetable, hot pepper, low/no-sugar) or fruit/vegetable butters</li> <li>✗ Garlic in oil mixtures</li> <li>✗ Salad dressings, sauces, or condiments</li> <li>✗ Cut melon, tomato, or leafy greens products</li> <li>✗ Fresh pasta</li> <li>✗ Caramel apples</li> </ul>	<ul style="list-style-type: none"> <li>✓ Breads, quick breads, muffins, cookies</li> <li>✓ Pies – shelf-stable</li> <li>✓ Cakes – cupcakes, birthday, wedding, etc.</li> <li>✓ Frosting or glaze made with shelf-stable ingredients or from tested recipes</li> <li>✓ Freeze-dried products from shelf-stable foods (e.g., candy, herbs, some fruits, raw vegetables)</li> <li>✓ Extracts (e.g., vanilla extract)</li> <li>✓ Fruit jams or jellies (as defined in 21 CFR part 150) in glass jars</li> <li>✓ Vinegar and flavored vinegar</li> <li>✓ Mixes - dry baking, dips, soup, dry herbs, or herbs</li> <li>✓ Dried pasta with or without egg</li> <li>✓ Snacks - popcorn, granola, nuts, or chocolate covered pretzels, bananas, strawberries, apple slices, etc.</li> <li>✓ Roasted coffee beans</li> <li>✓ Whole and sliced dehydrated fruits or vegetables</li> </ul>
<p>See our website for more examples: <a href="http://www.michigan.gov/cottagefood">www.michigan.gov/cottagefood</a></p>	

<b>These Categories Are NOT Allowed:</b>
<ul style="list-style-type: none"> <li>✗ Beverages</li> <li>✗ CBD, cannabis, or foods containing these products</li> <li>✗ Dairy or dairy products</li> <li>✗ Dietary supplements</li> <li>✗ Fish or fish products</li> <li>✗ Canned fruit or vegetables</li> <li>✗ Ice or ice products</li> <li>✗ Meat or meat products</li> <li>✗ Pet food or treats</li> <li>✗ Pickled products</li> </ul>

## Questions?

Visit MDARD's website by scanning the QR code.



Call **800-292-3939** or email [MDARD-CottageFood@michigan.gov](mailto:MDARD-CottageFood@michigan.gov) to connect with a food inspector in your area.

**TOWNSHIP OF ACME  
GRAND TRAVERSE COUNTY, MICHIGAN**

**SHORT-TERM RENTAL ORDINANCE  
ORDINANCE NO: 2017-01**

**ARTICLE 1: OVERVIEW**

**Section 1.1: Title**

This Ordinance shall be known as the Acme Township Short-Term Rental Ordinance, referenced within as “Ordinance”.

**Section 1.2: Findings**

The Acme Township Board of Trustees declares the following findings:

- a. The Township staff, elected and appointed officials have received complaints involving excess noise, litter, disorderly conduct, overcrowding, traffic, congestion, parking, and safety associated with short-term rentals.
- b. The transitory nature of occupants of short-term rentals makes continued enforcement and administration of existing ordinances against the occupants difficult.
- c. Short-term rentals provide a community benefit by contributing to a variety of lodging facilities for guests to utilize, supporting the local economy by increasing the number of visitors to the area, and assisting owners of short-term rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- d. The Township wishes to preserve and maintain the residential character of the community and quality of life for all residents.
- e. The provisions of this Ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residents posed by short-term rentals.

**Section 1.3: Purpose**

This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of Acme Township by requiring the registration and permitting of short-term renting of single-family and duplex dwelling units.

**Section 1.4: Applicability**

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Acme Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, associations or rental agreements.

## Section 1.5: Definitions

**Bedroom:** A separate room with a door, closet, and window that is used or intended to be used specifically for sleeping purposes. A bedroom must be a habitable space not be less than seventy (70) square feet, not less than seven (7) feet in one dimension, not located in an attic or basement without egress meeting standards in applicable building, residential and fire codes, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms or living rooms.

**Dwelling Unit:** A building or portion thereof designed exclusively for residential occupancy by one family, and having cooking facilities.

**Dwelling, Duplex:** A single building with two dwelling units designed for or occupied exclusively by two families living independent of each other.

**Dwelling, Single-Family:** A detached dwelling unit designed for the exclusive occupancy by a single family.

**Extenuating Circumstances:** Conditions under which a violation of this Ordinance has occurred that may include a) committed by a non-renter and the renter(s) attempted to prevent or halt the violation, b) resulted from an act of nature, c) other circumstances that the property owner or local agent could not reasonably anticipate and prevent, and could not reasonably control.

**Good Visitor Guidelines:** A document prepared by the Township Zoning Administrator that includes:

1. A summary of the following Acme Township Ordinances and all applicable penalties:
  - a. Consumer Fireworks Ordinance [2016-01]
  - b. Fire Prevention Ordinance [2015-01]
  - c. Refuse Collection Ordinance [2011-01]
  - d. Junk Ordinance [2005-04]
  - e. Noise Ordinance [2005-03]
  - f. Trespass Ordinance [87-2]
2. A reminder that the short-term rental may be operating in a residential neighborhood and that the neighbors may not be vacationing.
3. A reminder that the short-term rental may be operating in an agricultural district and that necessary agricultural activities may take place that are protected under the Michigan Right to Farm Act (Public Act 93 of the Public Acts of 1981)
4. A statement informing the occupant(s) that neighboring property owners may contact the local agent, sheriff's department, Township, or Township designee to report any issues relating to the property.

**Local Agent:** An individual designated to oversee the short-term rental of a dwelling unit in accordance with this Ordinance. The local agent shall respond to calls from renters, concerned citizens, and representatives of the Township, live or maintain a place of business within thirty (30) miles of the dwelling unit, be available twenty-four (24) hours a day while the short-term rental property is occupied, and respond within sixty (60) minutes to any issues that may arise. A property owner who meets these criteria may be the local agent.

**Occupant:** Any individual living in, sleeping in, or having possession of a dwelling unit, or portion thereof pursuant to a rental agreement. This does not include guests who are visiting between the hours of 8:00 am and 11:00 pm.

**Owner:** The person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental.

**Parking Space:** An improved, designated area on the property where a short-term rental operates that is legally available for the occupants to park motorized vehicles and trailers. This may include garages, carports, parking bays and driveways. This does not include yards and street right-of-ways.

**Short-Term Rental:** The commercial use of renting a dwelling unit, or portion thereof, for a period of time less than thirty-one (31) consecutive calendar days. This does not include approved bed and breakfast establishments, hotels/motels, tenant housing, or campgrounds.

**Special Event:** Outdoor parties, lawn parties, weddings, family reunions, bachelor/bachelorette parties, or other similar gatherings that exceed the maximum number of occupants allowed.

**Tourist Home:** A short-term rental operation in which a portion of a dwelling unit is rented out where the owner of the property resides full-time in the dwelling unit and is primarily present at the time of occupation.

**Vacation Home:** A short-term rental operation in which the entire dwelling unit is rented out without the property owner residing at the dwelling unit at the time of occupation.

#### **Section 1.6: Severability**

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.

### **ARTICLE 2: GENERAL STANDARDS**

The following standards shall apply to all short-term rentals:

#### **Section 2.1: Permit**

All short-term rentals shall be required to register with, and be permitted by the Township. Permits shall:

- a. Be valid for one calendar year,
- b. Be required for each short-term rental unit,
- c. Be issued prior to advertising a short-term rental,
- d. Not transfer with the sale of the property, or be transferred from one property to another.
- e. Be displayed on the front door, or in a prominent location on the façade or nearby window not more than five (5) feet from the front door, measured from the edge of the door frame, except in the case of tourist homes,
- f. Display the maximum number of occupants allowed,

- g. Display the contact information for the local agent and Township, or Township designee.

Furthermore, the short-term rental permit number shall be posted and clearly evident on any and all advertisements related to the short-term rental of a property.

### **Section 2.2: Exceptions and Exemptions**

A dwelling unit does not need a short-term rental permit as required in this Ordinance when the occupancy of the dwelling unit occurs under the following circumstances:

- a. *Family occupancy.* Any member of a family (and that family member's guests) may occupy a dwelling as long as any other member of that family is the owner of the dwelling or dwelling unit. Family occupancy also exempts guest houses or similarly separate dwelling units located on the same premises as the owner's domicile, when occupied by family guests, exchange students, visiting clergy, medical caregivers, and child care givers, without compensation to the owner.
- b. *House-sitting.* During the temporary absence of the owner and owner's family the owner may permit non-owner occupancy of the premises, without compensation to the owner, without a short-term rental permit.
- c. *Dwelling sales.* Occupancy by a prior owner after the sale of a dwelling under a rental agreement.
- d. *Estate representative.* Occupancy by a personal representative, trustee, or guardian of the estate and his family, with or without compensation.
- e. *Limited Duration* – Any dwelling unit that is rented on a short-term basis for fourteen (14) or less days per calendar year.

### **Section 2.3: Local Agent**

Each owner of a short-term rental shall designate a local agent meeting the criteria as defined in this Ordinance who has access to and authority to assume management of the short-term rental and take remedial measures. For tourist homes, the owner shall be the local agent.

### **Section 2.4: Good Visitor Guidelines:**

A copy of the Good Visitor Guidelines established by the Township shall be provided to all occupants for review and remain on premises.

### **Section 2.5: Refuse and Recyclables**

The storage and disposal of all refuse and recyclables shall meet the following:

- a. All refuse and recyclables shall be stored in a container with a tight-fitting lid approved by the waste hauler.
- b. Refuse and recyclable containers shall be placed in front of the premise for pick up only on the day designated by the waste hauler.

**Section 2.6: Pets**

All pets shall be confined on the property or on a leash at all times. Pets that cause frequent or long continued noise that disturb the comfort and repose of any person in the vicinity shall be found in violation of this ordinance.

**Section 2.7: Wastewater**

The owner shall maintain a properly functioning septic system per the Acme Township Uniform Septage Control Ordinance (2004-2), or sewer connection per the Grand Traverse County Public Works Department Uniform Sewer Use Ordinance (1994, as amended).

**Section 2.8: Parking**

All parking by the occupants and guests of a short-term rental shall only park in designated parking spaces as defined by this Ordinance.

**Section 2.9: Fireworks**

The discharge of consumer fireworks is prohibited except on the day before, the day of, and the day after a National Holiday between the hours of 8:00 am and 1:00 am. Furthermore, the use of untethered sky lanterns shall be prohibited in Acme Township.

**Section 2.10: Noise**

No person within the Township shall cause a noise or disturbance, which is defined as sound created by human activity with or without the use of any device, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities. This includes, but is not limited to, the following prohibited acts:

- a. The playing of any radio, television, phonograph, or other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to unreasonably annoy or disturb the quiet, comfort, or repose of persons in the vicinity.
- b. The keeping of any animal or bird which, by causing frequent or long continued noise, shall unreasonably disturb the comfort and repose of any person in the vicinity.
- c. The use of any motor vehicle, including motorcycles, in such a manner as to create an unreasonably disturbing noise, including but not limited to, the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler.
- d. Shouting or other raucous or boisterous behavior for an unreasonable length of time.

**Section 2.11: Signage**

Signage advertising the existence of a short-term rental is prohibited.

**Section 2.12: Events**

Special events are not permitted.

**Section 2.13: Recreational Vehicles**

Recreational vehicles shall not be used on the property by occupants or the property owner while a short-term rental is being occupied.

**Section 2.14: Fire Safety**

All short-term rental operations shall meet the necessary safety standards established by Grand Traverse Metro Fire Department, including but not limited to smoke detectors, carbon monoxide detectors and fire extinguishers.

**ARTICLE 3: TOURIST HOME STANDARDS**

In addition to the General Standards in Article 2, the following standards shall apply to all tourist home short-term rentals:

**Section 3.1: Allowable Locations**

Tourist homes shall be permitted in all zoning districts.

**Section 3.2: Maximum Occupancy**

The maximum occupancy of any tourist home shall be based on the number of bedrooms, whereas:

- a. A maximum of two (2) occupants per bedroom shall be allowed,
- b. A maximum of three (3) bedrooms shall be rented to occupants of a tourist home.

The property owner shall inform the Township of any renovations or additions to the tourist home that will result in an increase in the maximum occupancy.

**Section 3.3: Owner Occupancy**

The owner of the tourist home shall have their legal residence established at the location of the operation, and be living in the dwelling unit and present overnight at the time occupants are staying on the property.

**Section 3.4: Application**

- a. *Responsibility* – It shall be the responsibility of the owner of a tourist home to register the operation and obtain a permit from the Township.
- b. *Application* – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the Township:

1. Name, address, telephone number, and email of the owner of the tourist home.
  2. Name, address, telephone number, and email of the designated local agent.
  3. The number of bedrooms in the tourist home intended to be used by occupants.
  4. A sketch of designated parking spaces.
  5. An affidavit signed by the owner acknowledging the provisions of this Ordinance, and all applicable local and state laws.
- c. *Fee* – An application for a tourist home permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator.
- d. *Number of Permits* – The number of tourist home permits issued annually by the Township through application shall not exceed fifty (50). Permittees that have a valid permit and are in good standing with the Township shall have first priority in receiving a permit for the following calendar year. The remaining balance of permits may be issued to applicants who have submitted a complete application. If the number of applications, including renewal applications, exceeds fifty (50), then the Township will conduct a lottery to determine which of the new applicants shall receive a permit.
- e. *Renewal* – All tourist home permits shall expire on December 31<sup>st</sup> of the calendar year they are issued. The owner of a permitted tourist home may reapply for the next calendar year at any point between October 1<sup>st</sup> and October 31<sup>st</sup>. All renewal permits shall be issued by November 15<sup>th</sup>. The number of permittees that have not submitted an application for renewal by October 31<sup>st</sup> shall have their permit added to the balance of permits available to new applicants and may apply as a new applicant.

#### **ARTICLE 4: VACATION HOME STANDARDS**

In addition to the General Standards in Article 2, the following standards shall apply to all vacation home short-term rentals:

##### **Section 4.1: Allowable Locations**

Vacation homes shall be allowed in the agricultural zoning district, and in single-family dwellings in the commercial zoning districts.

##### **Section 4.2: Maximum Occupancy**

The maximum allowed occupancy of a vacation home shall not exceed the lesser of:

- a. Two (2) occupants per bedroom plus four (4) additional occupants, or
- b. For parcels under ten (10) acres in size the occupancy shall not exceed ten (10) occupants, or
- c. For parcels of ten (10) acres or more the occupancy shall not exceed fourteen (14) occupants.

The property owner shall inform the Township of any renovations or additions to the vacation home that will result in an increased in the maximum occupancy.

**Section 4.3: Application**

- a. *Responsibility* – It shall be the responsibility of the owner of a vacation home to register the operation and obtain a permit from the Township.
- b. *Application* – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the Township:
  - 1. Name, address, telephone number, and email of the owner of the vacation home.
  - 2. Name, address, telephone number, and email of the designated local agent.
  - 3. The number of bedrooms in the vacation home intended to be used by occupants.
  - 4. A description of the property that states the number of acres.
  - 5. A sketch of designated parking spaces.
  - 6. An affidavit signed by the owner acknowledging the provisions of this Ordinance, and all applicable local and state laws.
- c. *Fee* – An application for a vacation home permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator.
- d. *Number of Permits* – The number of vacation home permits issued annually by the Township through application shall not exceed fifty (50). Permittees that have a valid permit and are in good standing with the Township shall have first priority in receiving a permit for the following calendar year. The remaining balance of permits may be issued to applicants who have submitted a complete application. If the number of applications, including renewal applications, exceeds fifty (50), then the Township will conduct a lottery to determine which of the new applicants shall receive a permit.
- e. *Renewal* – All vacation home permits shall expire on December 31<sup>st</sup> of the calendar year they are issued. The owner of a permitted vacation home may reapply for the next calendar year at any point between October 1<sup>st</sup> and October 31<sup>st</sup>. All renewal permits shall be issued by November 15<sup>th</sup>. The number of permittees that have not submitted an application for renewal by October 31<sup>st</sup> shall have their permit added to the balance of permits available to new applicants and may apply as a new applicant.

**ARTICLE 5: VIOLATIONS AND PENALTIES**

**Section 5.1: Violations**

- a. *Violations* – Any violation of the provisions of this Ordinance, or any other applicable local, state, or federal ordinance shall be deemed a violation of this Ordinance. Each day a violation continues shall constitute a separate violation.
- b. *Nuisance Per Se* – A violation of this Ordinance shall be a nuisance per se. The Township shall have the right to commence a municipal civil action to enforce compliance with this Ordinance.
- c. *Administration* – The Acme Township Zoning Administrator is authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violations notices and/or civil infraction citations for violations of this Ordinance.

**Section 5.2: Penalties**

- a. *Penalties* – the following penalties shall apply for violating this Ordinance:
  - 1. *Short-Term Rental Without a Permit*
    - i. *First Violation* – The first violation in a calendar year shall result in a Notice of Violation delivered to the property owner through certified mail.
    - ii. *Second Violation* – The second violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$750.
    - iii. *Third Violation* – The third violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$1,500.
    - iv. *Subsequent Violations* – Subsequent violations in the same calendar year shall result in municipal civil infraction subject to a fine of \$5,000 and/or 90 days in jail.
  - 2. *All Other Violations*
    - i. *First Violation* – The first violation in a calendar year shall result in a Notice of Violation delivered to the property owner through certified mail.
    - ii. *Second Violation* – The second violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$500.
    - iii. *Subsequent Violations* – Subsequent violations in the same calendar year shall result in a municipal civil infraction subject to a fine of \$1,000.
- b. *Revocation* – The Township may revoke a short-term rental permit for any dwelling unit for the reasons below and through the subsequent procedure:
  - 1. *Requirements for Revocation* – A short-term rental permit may be revoked if at least three (3) separate violation incidents, occurring on three (3) separate days, within a calendar year.
  - 2. *Revocation Procedure* – Upon a determination by the Zoning Administrator that the short-term rental permit of a dwelling is subject to revocation, the following procedure shall be in effect:
    - i. The Zoning Administrator shall issue a notice to the property owner and local agent, in writing through certified mail, that the Township intends to revoke the short-term rental permit.

- ii. The property owner or local agent may request a hearing before the Township Board to show cause as to why the short-term rental permit should not be revoked within fourteen (14) days of service of the notice.
  - iii. If a hearing is timely requested, then the Zoning Administrator shall inform the property owner and/or local agent, and Township Board of the time and place of the hearing.
  - iv. The property owner and/or local agent may present evidence at the hearing that the violations of this Ordinance were due to extenuating circumstances. If the Township Board finds the violations to be due to extenuating circumstances, then they may elect to waive the revocation. Otherwise, the revocation of the short-term rental permit shall become effective.
- 3. *Duration*** – Upon revocation of a short-term rental permit, a property owner may not reapply for a new short-term rental permit for the dwelling at that address, or any additional dwellings in Acme Township, for a period of thirty six (36) months.
- 4. *Subsequent Revocations*** – Any property owner who has had a short-term rental permit revoked twice for the same short-term rental shall be permanently prohibited from operating a short-term rental at that location. Furthermore, the property owner shall be prohibited from applying for any additional, new short-term rentals in the Township. If the property owner has other short-term rentals permitted in good standing in the Township at the time of the prohibition, then the property owner shall be allowed to reapply for a permit for those existing short-term rentals.



# GOOD VISITOR GUIDELINES



# ACME TOWNSHIP



# WELCOME TO ACME TOWNSHIP!

Welcome to Acme Township! We are glad you have chosen our community as your place to stay and visit. The Good Visitor Guidelines has been created to ensure enjoyment by both guests and residents. A couple of quick points:

- ◇ The short-term rental you are occupying may be located in a residential neighborhood with homes located in close proximity to one another. The majority of our homes are occupied by year-round residents who are living their day-to-day lives, including getting up early for school and work. We just ask you respect their right to the quiet enjoyment of their property, as they will yours.
- ◇ Acme Township values its rich agricultural heritage, and the farmers that sustain these operations. The short-term rental you are staying in may be located in an agricultural district and necessary agricultural activities may take place day and night around you to support these operations. Please know that these activities and the farmers that conduct them are protected under the Michigan Right to Farm Act (Public Act 93 of 1981, as amended)
- ◇ Regarding the guidelines and ordinances that follow, please understand that if a violation occurs, the neighboring property owners may contact the designated local agent for your short-term rental, the Sheriff's department, Acme Township, or Township designee to report any issues related to the property.

## IMPORTANT CONTACT NUMBERS

Grand Traverse Sheriff's Department (non-emergency) **(231) 995-5000**

Acme Township Community Policing Officer **(231) 938-2583**

Acme Township Hall **(231) 938-1350**

Grand Traverse Metro Emergency Services **(231) 947-3000**

Animal Control **(231) 995-6044**

DNR Traverse City Customer Service Center **(231) 922-5280**

**\*\*\* For all emergencies call 911 \*\*\***

# PARKING

Motorized vehicles and trailers are only allowed in designated parking spaces. Designated parking spaces may include driveways, carports, parking bays and garages. If you park in one of these areas, then all will be well. Parking of motorized vehicles and trailers associated with short-term rentals is prohibited on lawns or street right-of-ways. Failure to park in designated parking spots will result in a warning on the first offense, a municipal civil infraction in the amount of \$500.00 for the second offense, and a municipal civil infraction in the amount of \$1,000.00 for a third offense.

# FIREWORKS

The use of fireworks in Acme Township are regulated by the Michigan Fireworks Safety Act (PA 256 of 2011, as amended) and the Acme Township Consumer Fireworks Ordinance. This Act and Ordinance limits the ignition, discharge and use of consumer fireworks between the hours of 8:00 am and 1:00 am on the day before, the day of, and the day after national holidays. National holidays include:

- \* New Year's Day
- \* Martin Luther King Jr. Day
- \* Washington's Birthday
- \* Memorial Day
- \* Independence Day
- \* Labor Day
- \* Columbus Day
- \* Veteran's Day
- \* Thanksgiving Day
- \* Christmas Day

Consumer fireworks are defined as:

*“Firework devices that are designed to produce visible effects by combustion, that are required to comply with construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer Fireworks does not include low-impact fireworks.”*

Basically, if it launches elements into the air or explodes, it's a consumer firework and is regulated by the above-mentioned Act and Ordinance. This does not include sparklers and snap poppers. Please note that the use of sky lanterns at any time in Acme Township is expressly prohibited. Violation of these rules is a municipal civil infraction, subject to a maximum fine of \$500.00 and court costs.

At any rate, please exercise the greatest use of caution and be considerate of those around you when using fireworks within the framework outlined above.

# FIRE PREVENTION

The use of fires in Acme Township is regulated through the Acme Township Fire Prevention Ordinance in order to safeguard life and property from fire and explosion hazards. Grand Traverse Metro Emergency Service Authority is authorized to enforce the regulations of this Ordinance. What does this mean for you?

- **Open Burning:** Open burning is expressly prohibited. This includes the kindling of yard waste, grass or wood debris, development or lot improvements.
- **Recreational Fires:** Recreational fires in established fire rings, portable outdoor fireplaces and other containment devices are allowed without a permit so long as the fire is kept to a maximum size of 3 feet around and no higher than 2 feet of flame height. These fires must be a minimum of 25 feet from a structure or adjoining property or any other potentially combustible items to which the fire could spread. Only hardwood fuels may be used which do not produce noxious smoke conditions. Any fires larger than what has been described require a permit from the Grand Traverse Metro Emergency Services Authority and must adhere to all conditions prescribed. As always, when maintaining a recreational fire it is necessary to adequate means for extinguishing the fire in an effective and timely manner readily available.
- **Agricultural Fires:** Acme Township values its rich agricultural history and in order to support these practices allows the burning of farm stumps, trees and branches related to agricultural practices with a permit from the Grand Traverse Metro Emergency Services Authority. As a visitor this will more than likely not apply to your stay, but may explain any fires you see in our beautiful farms and orchards.

Keeping our lands and properties, as well as guests and residents, safe from the threat of fire-related accidents is of utmost importance. Your willing compliance with these regulations will help ensure safety for all. Failure to comply will result in a municipal civil infraction subject to a fine of up to \$500.00, with each day a violation occurs being considered a separate punishable offense.

# REFUSE COLLECTION

American Waste is Acme Township's waste hauler, with weekly collections scheduled on Mondays. All refuse and recyclables must be placed in designated containers and are prohibited from being placed outdoors alongside the containers. Designated refuse and recyclable containers are to be placed near the curb on the day of collection only. Violation of the Refuse Collection Ordinance is subject to a fine up to \$500.00, with each day the Ordinance is violated considered as a separate violation. Kindly complying with this Ordinance will ensure our community stays clean and helps keep the critters out of the garbage!

# JUNK ORDINANCE

Although maybe not as applicable to guests as our other ordinances, the Acme Township Junk Ordinance secures the public peace, health, safety and general welfare of residents and property owners by regulating the storage of “junk”.

Junk is defined as any motor vehicle, machinery, appliance, product or merchandise, scrap metal, other scrap materials which are damaged, deteriorated, or that are in a condition which prevents their use for the purpose for which they were intended, and household trash. As such, no person shall place, discard, or abandon junk in a place where it is visible from a highway, street, or other public way, or where it is visible to an abutting landowner from that portion of the land used on a regular basis. No person shall place, discard, or abandon junk on public property or the private property of another, regardless if visible from a highway, street, or other public way, or from adjoining land.

These regulations are enforced by the Grand Traverse County Sheriff’s Department, with violations carrying a maximum fine of \$500.00 plus court costs.

# NOISE

The Acme Township Noise Ordinance is in effect to maintain the quiet peaceful enjoyment of one’s property, both as residents and guests. The Ordinance states:

*“No person within the township shall cause a noise disturbance, which is defined as sound created by human activity with or without the use of any device, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities.”*

More specifically, the following activities are declared as noise disturbances and therefore prohibited. Please note this is not an all-inclusive list:

- The playing of any radio, television, phonograph, or other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to unreasonably annoy or disturb the quiet, comfort, or repose of persons in the vicinity.
- The keeping of any animal or bird which, by causing frequent or long continued noise, shall unreasonably disturb the comfort and repose of any person in the vicinity.
- The use of any motor vehicle, including motorcycles, in such a manner as to create an unreasonably disturbing noise, including but not limited to, the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler.
- Shouting, raucous or boisterous behavior for an unreasonable length of time.

Please keep in mind that although your stay in our township may be for recreational purposes, many of the homes around you are occupied by residents living their day-to-day lives which includes having to get up early for work and school. We ask that all guest and residents respect each other's quiet, peaceful environment. A good rule of thumb: if you the noise you are producing can be heard from the property line, then it needs to be needs to be toned down.

The Grand Traverse County Sheriff's Department is authorized to enforce the Acme Township Noise Ordinance. Violations of this Ordinance are considered a municipal civil infraction, subject to a fine of up \$500.00 plus court costs. Moreover, failing to cease the noise disturbance, interfering with an deputies enforcement, or retaliating against someone who has made a complaint is considered a misdemeanor punishable by a maximum 90 days in jail and a fine of \$500.00 plus court costs.

## **TRESPASS**

When traveling through the Township, please refrain from trespassing by utilizing public and private right-of-ways. Given the rural nature of our township, it's not uncommon for some of the large swaths of woods and forest to be mistaken as public land. Truth is, the majority of the land in the township is private. In order to respect the rights of the property owners we ask that you not trespass onto private property. The township does contain some very large tracts of land that represent a diverse range of landscapes and topography to meet your needs. And as a reminder, never under any circumstance enter an orchard without the permission of the property owner!

## PZA Admin

---

**From:** Planning & Zoning Administrator  
**Sent:** Tuesday, February 3, 2026 12:24 PM  
**To:** PZA Admin  
**Subject:** For Ag Advisory Committee Fw: Phase Approach

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Please include with next packet of AAC

*Sara Kopriva, AICP*  
*Zoning Administrator*  
*Peninsula Township Zoning*  
*13235 Center Road*  
*Traverse City, MI 49686*  
*(231) 223-7318 office*

To schedule an appointment for land use permits, variance requests, or special use applications, please use [this link](#).

**Zoning Office Appointment Hours:**

Tuesday & Thursday 9:00 AM– 12:00 PM

**Township Office Hours:** Monday 7:30 am - 6:30 pm, Tuesday - Thursday 7:30 am - 5:00 pm

---

**From:** Jeff Kane <jeff@donkeyprovisions.com>  
**Sent:** Saturday, January 31, 2026 8:42 AM  
**To:** Planning & Zoning Administrator <zoning@peninsulatownship.com>; Planner <planner@peninsulatownship.com>; Maura Sanders <supervisor@peninsulatownship.com>; John Kroupa <john@peninsulacellars.com>  
**Subject:** Phase Approach

All -  
I've been sitting in on the DDA in TC and they have this 20 year plan (similar to ours) on how to get more housing, more small business, make it more walkable without turning it into Garfield ave, strip malls, Acme township, etc.

Again, similar to what we want here - controlled, methodical growth. So I came up with a straw-man based on this and what some other communities in Kansas and the Carolinas have done. I was considering an op-ed along these lines to potentially diffuse some of the items brought up at that Ag meeting I watched. I stopped going online so I don't know what the comments

I frankly don't think there are that many people out here who would even do Phase 1 or 2. I have plans and a builder and everything and it still would take 8 months by the time I could move anything in.

**Core Guidelines**

Before we go down the path there are three main safe keeping mechanisms or rules to ensure that it stops if it doesn't work:

1. The Expiration Clause – “the zoning change expires automatically in 24 months. If the township and the Board takes no action, the zoning reverts back to its original state. Inaction or silence equals cancellation.”
2. Nuisance Thresholds – “If a processor receives repeated citations (noise, odor, misuse, or traffic) within a 12-month period, their permit is suspended for a period. There is no multi-year court battle, the processing permit is conditional on compliance.”
3. Place of Origin Cap – “60% of the product processed or sold must be grown on-site or within the township. If a strict audit shows this ratio has dropped, the “Farm Processing” status is revoked and they revert to standard residential/ag restrictions.”

We know that temporary allowances have a habit of becoming permanent because of the paperwork and lawyers required to stop them. So, we want to make this easy for the farmers to get in, but at the same time harder to keep the new zoning - than it is to kill it. Under this framework, if the noise is too loud or if a 10-acre farm starts trucking in goods from all over the country, you don't have to fight to shut it down. The zoning shuts itself down. It's not unreasonable to suggest processing privileges should be contingent upon maintaining good standing with the community.

## The Gated Roadmap

### Phase 1: Small Processing

- Goal: Allow existing small family farms the opportunity to capture more value from what they already grow. They need new or existing structures to make goods and services, to store their goods and services, and to sell their goods and services.
- What is Allowed:
  - Light Processing
  - Sales
  - Services: Low impact engagement (CSA pickup, educational/therapy classes, U-Pick, etc.)
- The Gate: Strict Place of Origin Cap and Nuisance Thresholds

Phase 1 isn't about development, it's about utilization. It allows farmers to turn the crops they are already producing and sell it as a value add, rather than dumping it or shipping it away at a loss. It doesn't increase the traffic footprint.

### Phase 2: Coordinated Expansion

- Trigger: This phase only unlocks if Phase 1 is extended with fewer than X nuisance complaints township-wide by multiple parties.
- What Changes (samples only):
  - Processing: allowance for custom pressing, co-packing, storage, etc. Farm A can take apples to Farm B for processing into juice and take them to Farm C for cold storage. This encourages a tighter local ecosystem without industrial trucking.
  - Sales/Services: smaller scale events (farm to table dinners, and what not) and maybe people that already have existing structures that have MDARD licensing can take advantage of this in Phase 1.

Agritourism? (whatever that means exactly)

If Phase 1 proves that we can handle the activity without disruption to the community, Phase 2 allows farmers and neighbors to help each other.

Phase 3 is still open-ended. However, if this project proves valuable to the community, we should consider letting them. Especially on the larger 40+ parcels.