

HIGH TRANSPORT CORRIDOR
ZONING ORDINANCE

#2005-1

Effective: April 29, 2005

HIGH TRANSPORT CORRIDOR ZONING ORDINANCE

(INTERIM)

An amendment to the zoning ordinances of Presque Isle County by adding an overlay district to be designated as the High Transport Corridor. The purpose of this interim ordinance is to provide essential immediate protection for the preservation and maintenance of a vital economic route, pending evaluation by the Zoning Board and development of more detailed and specific requisites.

(1) Title.

This ordinance shall be known and may be cited as the “High Transport Corridor Zoning Ordinance.”

(2) Legislative findings and purpose.

- a. The County of Presque Isle (“County”), in cooperation with the Michigan Economic Development Commission (“MEDC”), has planned, designed, arranged payment for, and constructed a 28 feet high barrier free east/west corridor over 33 miles of currently existing roadways. Within this corridor, overhead utility lines have been relocated, either by burying them or by

raising them, to provide the minimum of 28 feet of clearance.

This high transport corridor was able to be constructed through the cooperation of the seven different utility companies which had affected wires, and in coordination with the Michigan Department of Transportation and the Presque Isle County Road Commission.

- b. Businesses benefiting from this high transport corridor are anticipated to create substantial new employment, thereby helping to alleviate persistent above-average levels of unemployment in this County. The County has determined that it is a necessary improvement to preserve and maintain this high transport corridor so that local business enterprises may be assured of access to the deep water Port of Calcite for economical water transport.
- c. The relocation (raising or burying) of utility wires along this corridor was accomplished after study and public meetings and substantial coordination, and was achieved only at great cost to funding sources, both public and private, and without expense to the utilities.

d. The governmental functions and purposes of the preservation of this corridor include, but are not limited to, the following public health, safety and welfare concerns of the County:

- i. To remove and to prevent re-imposition of barriers such as are adversely affecting or retarding the development and expansion of area industry and commerce;
- ii. To advance and support economic expansion within the County and region, including the creation of additional employment opportunities;
- iii. To enhance and improve competitive opportunities for local businesses through this transportation corridor improvement, thereby promoting both existing and potential economic development;
- iv. To open access to and promote greater utilization of the deep water Port of Calcite;
- v. To open, promote and encourage the expansion and development of markets for products of the County and region;
- vi. To make more available the various County resources, in accordance with present and anticipated future needs, and

to best coordinate and utilize ingress and egress routes, including overland and water-based transportation systems.

- vii. To exercise the County's general police power to protect the public health, safety and general welfare, as there would be an immediate danger posed to transporters of freight, their equipment, and also to nearby citizens in the event that a cable or wire should be placed within the clearance of the high transport corridor.

(3) Height clearance directed.

- a. Upon the adoption of this ordinance all public utility providers and all other entities, including individuals, firms, partnerships, associations, companies, corporations, public or private, who own, lease, operate, construct and/or maintain overhead lines and wires, poles and/or related overhead facilities or equipment located along, across, over and/or adjacent to the designated high transport corridor, are hereby directed to maintain each and every such line or facility with no less than 28 feet of clearance above the road surface.

(4) *Cost of maintenance.*

- a. Both public and private funding has been provided to meet the actual cost incurred by the utilities and other entities in raising or burying pre-existing lines to accomplish the high transport corridor.
- b. Expenses attributable to maintenance and preservation of this corridor shall be the responsibility of the respective utility, corporation, entity or individual, as set forth in 3(a), above.

(5) *Corridor route.*

- a. The high transport corridor is described as follows:

Commencing at M-68 and County Line Road, thence south on County Line Road to W. 638 Hwy; East on W. 638 Hwy to Glasier Road; North on Glasier Road to M-68; East on M-68 to Ward Branch Road; South on Ward Branch Road to Heythaler Hwy; East on Heythaler Hwy to Petersville Road; North on Petersville Road to US-23; continuing North on Business US-23 to the city limits of the City of Rogers City.

- b. The County Clerk shall maintain an accurate and current map of the corridor route as adopted by this ordinance and/or as amended by future action of the County.

(6) Retention of control of public places.

Nothing contained herein shall be construed to alienate the title of the public in and to any public rights-of-way or any portion thereof, nor shall anything herein be construed in any manner as constituting a surrender by the County of its general powers with respect to the subject matter hereof, nor to any other matter, nor does anything herein limit the right of the County to regulate the use of and the access to any public rights-of-way within its jurisdiction, nor to otherwise exercise its police powers with respect to protection of the public health, safety and welfare.

(7) Sanctions and penalties.

- a. Violation of any provision of this zoning ordinance shall be a civil infraction punishable by a fine of five hundred dollars (\$500.00). Each day of a continuing violation may be charged and punished as a separate and distinct violation

b. Violation of any provision of this zoning ordinance which results in injury, death or property damage may be prosecuted under the criminal laws of this state, as may be applicable, and without regard to disposition of the civil infraction.

(8) Severability.

Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions hereof.

(9) Repeal.

All zoning ordinances or parts of zoning ordinances in conflict herewith are by adoption herewith repealed to the extent necessary to give this ordinance full force and effect.

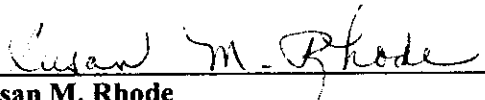
(10) Publication and effective date.

This interim zoning ordinance becomes effective upon passage by the Presque Isle County Board of Commissioners.

CERTIFICATION

I, Susan M. Rhode, Clerk of the County of Presque Isle, do hereby certify that the attached High Transport Corridor Zoning Ordinance (Interim) is a true copy as passed by the Presque Isle County Board of Commissioners at a meeting held on April 29, 2005.

Dated: May 11, 2005



Susan M. Rhode
Presque Isle County Clerk

Synopsis published in the Presque Isle Advance and the Onaway Outlook.