

Natural Resource and Agricultural Lands Ordinance

AN ORDINANCE providing procedures and standards for the purchase of fee simple or easement interests in natural resource and agricultural lands within _____ Township.

BE IT ORDAINED BY THE TOWNSHIP BOARD OF TRUSTEES:

SECTION 1: Declaration of Purpose

The Township Board of Trustees declares that _____ Township is a desirable place to live, work and visit in large part because of the existence of natural resource lands, including wetlands, woodlands, dunes, bluffs and ecological corridors, and agricultural lands, including dairy, livestock and crops from fields, nurseries and greenhouses, that jointly contribute to open space within the Township. The purpose of this program is to enhance open space by protecting large parcels, greenways, important views and waterfront parcels through the preservation of important natural resource and agricultural lands.

A. Aesthetic and Practical Benefits for Land Purchase: Natural resource lands and agricultural lands have aesthetic as well as practical benefits for Township citizens. The purchase of natural resource lands and agricultural lands can be used to protect fragile, environmentally sensitive, economically threatened, or important view lands or lands that are otherwise important to a larger open space system.

B. Important Attributes: The Township's natural resource and agricultural lands contribute significantly to the open space system. These lands enhance the rural character, scenic beauty, cultural heritage, hunting, and other recreational opportunities. Environmental benefits include watershed protection and wild life habitat protection. By enhancing open space, the overall quality of life is improved.

C. The extent of development and land loss. Because of the natural resources and rural character, _____ Township has become a desirable place to live. The population has continued to increase dramatically. As the population increases and people move out into rural areas, large parcels are converted to residential and other developed uses. There has also been a corresponding increase in residential parcels and loss of open space. Generally, large parcels have a greater market value for future residential development than for farming and natural open space.

D. The impact of natural resource land loss. Land with environmentally sensitive features, such as wetlands, water access, critical dunes and steep slopes or that are

part of ecological corridors, or serve threatened or endangered species are irreplaceable resources. When such land is converted to more developed uses, those special characteristics which are critical community resources, are impacted, often negatively.

E. The impact of agricultural land loss. Land suitable for farming is an irreplaceable resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other more developed uses that do not require those special characteristics, a critical community resource is permanently lost. Residential development in agricultural areas also makes farming more difficult by increasing conflict over farming practices and increased trespass, liability exposure and property damage. Because agricultural land is an invaluable economic, natural and aesthetic resource, the township should make an effort to maintain agricultural land in a substantially undeveloped state to ensure the long-term viability of agriculture and to create a long-term business environment.

F. Mechanism to achieve purpose. Purchase fee simple or purchase of development rights with placement of an easement on natural resource and agricultural lands as provided for in this Ordinance is a public purpose of _____ Township. Funding for such purchase may be a combination of public funds, including applicable state and federal, Emmet County, Township, or other joint Township funds and private funds from private and non-profit sources, including land owner donations, Little Traverse Conservancy, Harbor Area Regional Board of Resources or other sources. Financing of such purchases requires that the Township, or joint Townships, through intergovernmental agreement or other legal joint mechanism, enter into agreements with property owners. These properties would then remain substantially undeveloped as natural resource and agricultural lands.

SECTION 2: Definitions

(1) "Acreage" means number of acres as documented by Emmet County GIS and assessment or as documented in the legal description obtained as part of a title search.

(2) "Agricultural Production" means substantially undeveloped land devoted to the production of plants and animals useful to man, including fruits; grapes; nuts; vegetables; green house plants; Christmas trees; forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; and other similar uses and activities.

(3) "Chairperson" means the member of the Open Space Advisory Committee who is elected Chairperson by the Committee.

- (4) *"Critical Dunes"* are those areas documented by the State of Michigan.
- (5) *"Development"* means an activity which materially alters or affects the existing conditions or use of any land.
- (6) *"Development Rights"* means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.
- (7) *"Development Rights Easement"* means a grant, by an instrument, whereby the owner relinquishes to the public in perpetuity, the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land, not to develop, except as this right is expressly reserved in the instrument.
- (8) *"Eligible Land"* means Natural Resource and Agricultural Lands for which the purchase of "Development Rights Easements" or "Full Ownership" with tax or other funds are authorized pursuant to this Ordinance.
- (9) *"Endangered and Threatened Species"* are State designated species and are defined on maps according to Michigan Natural Features Inventory (MNFI) database which indicates that probability exists that a state endangered and/or threatened species inhabits the natural areas of the property. A qualified biologist can also certify the existence of state endangered and/or threatened species, if one exists but is not documented in the MNFI database.
- (10) *"Full Ownership"* means fee simple ownership.
- (11) *"Governmental Agency"* means the United States or any agency thereof, the State of Michigan or any agency thereof, Emmet County, any Township, City or municipal corporation.
- (12) *"Natural Resource Land"* means any land, which provides the function of conserving natural resources, including the promotion of the conservation of soils, wetlands and waterways, habitat, and special plants, animals, and plant communities.
- (13) *"Owner"* means the party (ies) having fee simple interest, a real estate contract vendor's or vendee's interest, or a mortgagor's or mortgagee's interest in land.
- (14) *"Parcel"* means contiguous property as defined by Emmet County Assessment.
- (15) *"Permitted Use"* means any use contained within a development rights easement essential to a farming operation or which does not alter the open space character of the land.

(16) *"Preserved Lands"* is defined as lands owned by federal, tribal, state, county, city and township governments; lands owned by schools; and conservancy easements/preserves; and excluding road easements.

(17) *"Prime Agricultural Land"* is that land defined by soil type on the USDA SCS Soil Survey Maps.

(18) *"Steep Slopes"* are those areas documented within all soil classes that depict slopes above 18% according to the USDA SCS Soil Survey Maps.

(19) *"Substantially Undeveloped Land"* means land on which there is no more than 1 residential dwelling unit (exclusive of migrant housing units) for each 20 acres of land.

(20) *"Supervisor"* means the Township Supervisor.

(21) *"Township Board"* means the Township Board of Trustees.

(22) *"Unique or Locally Significant Growing Areas"* are those areas that serve and support a community based initiative.

(23) *"Value of Development Rights"* means the difference between the fair market value of Full Ownership of the land (excluding the buildings thereon) and the fair market value of any Agricultural Rights and Residential Development Rights to be retained by the owner.

(24) *"Wetlands"* are those areas documented by NWMCOG Special Wetland Area Management Project.

SECTION 3: Authorization

A. The Township Board is hereby authorized to enter into agreements to acquire property interests in the Natural Resource and Agricultural Lands described and prioritized in Sections 7-9 of this Ordinance. The property interest acquired may be fee simple, development rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. Any collected tax revenues that are used to acquire such property interests shall be only upon application of the Owner and in a strictly voluntary manner.

B. The Township is authorized to enter into cash purchase and/or installment purchase contracts consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract and adjusted for the tax-exempt status of such interest.

C. The Township Board is further authorized to contract with other parties, for example Little Traverse Conservancy or Harbor Area Regional Board of Resources, Inc., to participate jointly in the acquisition of interests in Eligible Lands.

D. The Township is further authorized to contract with a recognized and legally established non-profit, such as the Little Traverse Conservancy, Harbor Area Regional Board of Resources, Inc. or other experienced and qualified individual that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this Ordinance.

E. Interest which the Township owns in property other than Eligible Lands may be exchanged for property interests in Eligible Lands on an equivalent appraised value basis. If the property interest exchanged is not exactly equal in appraised value, cash payments may be made to provide net equivalent value in the exchange.

F. The Township Board is further authorized to budget on an annual basis for evaluation, implementation and monitoring of the program outlined in this Ordinance (Not to exceed \$_____ annually from General Fund Money).

SECTION 4: Retained Residential Development Rights

A. On properties which the Township has entered into agreements to purchase Development Rights, it has been determined that such properties should remain substantially undeveloped.

B. When development rights are purchased, it is in the best interest of property owners and the Program when property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their Development Rights and the value of the Development Rights to be purchased is correspondingly reduced.

C. Applications for the sale of Development Rights may include a provision to retain the right to build residential dwellings (Residential Development Rights), provided, that no retained residential development rights would result in more than one

dwelling unit per twenty (20) acres of land (exclusive of approved migrant housing units). This is not to preclude the sale of all the remaining Development Rights on a property that has existing dwelling units in excess of one dwelling unit per twenty acres of land.

D. The building locations for retained Residential Development Rights may be restricted in the negotiated "Development Rights Easement" in order to protect Scenic Views identified in the Township Comprehensive Plan.

SECTION 5: Open Space Advisory Committee

A. An Open Space Advisory Committee shall be created. This includes representation appointed by the Township Board within ninety (90) days following the approval of this ordinance at all of the participating Governmental Agencies. The Open Space Advisory Committee shall advise the Township Board on the scoring of applications in the program and the regional importance of any application.

B. Advisory Committee recommendations shall be made by a majority of its members.

C. The Open Space Advisory Committee member(s) appointed by the Township Board shall be a resident(s) and/or property owner(s) of the Township chosen to provide equitable representation of natural resource and agricultural interests. If more than three Governmental Agencies participate in the program, then each Township Board will appoint one member and one alternate member. If three or less Governmental Agencies participate in the program, then each Township Board will appoint two members and one alternate.

D. The Open Space Advisory Committee may consult experts as it may desire and the Township Board may appropriate funds for that purpose.

E. The appointed member(s) shall serve a three-year term and may be removed by the Township Board for good cause as determined by the Township Board. Members shall not be compensated for their services but shall be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms. Alternate members will serve in place of absent member(s) from the respective Township and will be informed of all meetings of the Committee.

F. No member shall vote on individual parcels in which they have an interest or on individual parcels adjacent to property in which they have an interest.

SECTION 6: Application Process

A. The Township, Open Space Advisory Committee or a property owner may initiate discussion pertaining to the sale, through fee simple or easement interests, of natural resource or agricultural lands. A property owner interested in the Program shall complete an application on a form provided by the Open Space Advisory Committee. Completed applications shall be forwarded to the Township Board.

B. The Township Board shall forward all completed applications to the following groups for advisory opinions: (1) the Township Planning Commission or Zoning Board; and (2) the Open Space Advisory Committee. The Township Planning Commission or Zoning Board and Open Space Advisory Committee shall co-operate with each other as necessary to fulfill their respective duties under the Ordinance.

C. The Township Planning Commission or Zoning Board shall consider how the application affects the following areas: (1) existing land use; (2) current zoning; (3) compliance with Township master plans; (4) impact on important views; and (5) impact on infrastructure and the community as a whole.

D. The Open Space Advisory Committee shall score the parcel based on the priorities in Sections 7-9 of this ordinance, consider how the application impacts the broader HARBOR Area region and give an advisory opinion on the following issues: (1) what score results from application of criteria in Sections 7-9 of this Ordinance, (2) is the parcel a good candidate for the Michigan Agricultural Preservation Fund, (3) will purchase of the property, either fee simple or property interest, have a substantial regional impact and (4) should the property be considered for fee simple purchase for the benefit of the region by Emmet County or another entity.

E. State Certified Appraisers shall complete all appraisals. Any Appraiser shall immediately disclose any conflict of interest he/she might have in appraising the property. Appraisals shall be in writing and will be furnished to the property owner for review. A property owner who disagrees with the appraisal may, within a reasonable time, obtain a second appraisal from a State Certified Appraiser at the owner's expense.

F. The Township Board shall review the recommendations from the Township Planning Commission or Zoning Board and the Open Space Advisory Committee and decide on (1) whether or not to enter into a contract on the property, (2) determine either fee simple or easement interest, (3) determine the price, and (4) identify cooperative or other funding arrangements. The Board of Trustees and the Open Space Advisory Committee will meet jointly to discuss those properties that have a potential regional impact and those parcels considered for fee simple purchase.

G. The Township Board of Trustees, at a regularly scheduled or special meeting, shall make the final decision on whether to use Township tax revenues in any purchase. Notwithstanding any advisory recommendations, the Township Board of Trustees has complete discretion to determine whether to purchase any proposed property and may decide not to buy any particular property if it finds that such action is in the Township's best interest. The opportunity for donation and/or matching funds may be part of the decision to purchase the property.

H. After agreeing to purchase a property, the Township Board of Trustees shall complete the documents necessary for the transaction or direct another entity to complete the necessary documents.

SECTION 7: Minimum Requirements for All Applicants

All applications must meet the following minimum requirements:

1. Voluntary application by the property owner.
2. The owner of record must sign the application.
3. The nominated parcel must be at least 20 acres in size. Exceptions can be made for parcels located adjacent to already preserved land or land that is functioning as a viable agricultural entity. Contiguous parcels that are actively farmed and in one ownership can be joined for purposes of this application.

SECTION 8: Natural and Agricultural Land Features

Criteria

All Natural Resource and Agricultural Land Applications will be evaluated and scored on the following Criteria. These criteria are based on land features and existing State Programs that increase the parcel's sustainability for natural and agricultural land preservation. These criteria have been mapped on a parcel specific basis throughout the HARBOR area.

1. PROXIMITY TO PRESERVED LAND

It is important to protect blocks of open space, thus protecting the public investment in natural resource and agricultural lands. Blocks of natural resource lands help with the preservation of sensitive environmental systems. Blocks of farmland help minimize land use conflicts and help provide a buffer to interior farming operations. Emphasis is placed on open space located in an area in which the potential for future development of surrounding area is limited. Preserved land is defined as lands owned by federal, tribal, state, county, city and township governments; lands owned by schools; and conservancy easements/preserves; and excluding road easements.

Proximity to permanently preserved land – 10 points

- Parcel is adjacent to preserved parcels with at least 660 feet of shared boundary, 10 points
- Parcel is adjacent to preserved land but has less than 660 feet of shared boundary or is located within ½ mile of preserved land, 6 points
- Parcel is not adjacent but between ½ to 2 miles of preserved land, 2 points

2. SIZE OF PARCEL

Generally, large parcels have a greater market value for future residential development than for farming and natural open space, therefore preservation of large parcels is a high priority.

Size of Parcel(s) – 25 points

- 160+ Acres in size, 25 points
- 120 - 159 Acres in size, 20 points
- 80 to 119 Acres in size, 15 points
- 40 to 79 Acres in size, 10 points
- 0 to 39 Acres in size, 5 points

3. WATER ACCESSIBILITY

A parcel having significant frontage on Lake Michigan has extraordinary value to the community both for preservation of lake views and for consideration of fee simple purchase for public access. In particular, individual parcels with greater linear foot lengths of waterfront are of greater value for both purposes.

Water Accessibility – 20 points

- A parcel having over 1,320' of frontage on Lake Michigan, 20 points
- A parcel having 660' to 1320' of frontage on Lake Michigan, 15 points
- A parcel having 400' to 660' of frontage on Lake Michigan, 10 points

4. CRITICAL DUNES

Unique natural resource features, other than farmland, may be present on a parcel submitted for consideration. A parcel may earn up to 10 points for Critical Dunes according to State of Michigan. Points are calculated as a percentage by dividing the acreage of critical dunes by the acreage of total land in the parcel.

Amount of Critical Dune Land Coverage – 10 points

- From 50% or more of the parcel, 10 points
- From 10 and up to 50% of the parcel, 5 points
- From 0 and up to 10% of the parcel, 0 points

5. WETLANDS

Unique natural resource features, other than farmland, may be present on a parcel submitted for consideration. A parcel may earn up to 10 points for Wetlands, as documented by NWMCOG Special Wetland Area Management Project. Points are calculated as a percentage by dividing the acreage of wetlands by the acreage of total land in the parcel.

Amount of Wetlands Coverage – 10 points

- From 50% or more of the parcel, 10 points
- From 10 and up to 50% of the parcel, 5 points
- From 0 and up to 10% of the parcel, 0 points

6. STEEP SLOPES

Unique natural resource features, other than farmland, may be present on a parcel submitted for consideration. A parcel may earn up to 10 points for Steep Slopes based on all soil classes that depict slopes above 18% according to the USDA SCS Soil Survey Maps. Points are calculated as a percentage by dividing the acreage of steep slopes by the acreage of total land in the parcel.

Amount of Steep Slopes Coverage – 10 points

- From 50% or more of the parcel, 10 points
- From 10 and up to 50% of the parcel, 5 points
- From 0 and up to 10% of the parcel, 0 points

7. MNFI PROBABILITY OF ENDANGERED AND/OR THREATENED SPECIES

The preservation of habits for endangered and threatened species is a priority. This requires evidence according to the Michigan Natural Features Inventory (MNFI) database, that probability exists that a state endangered and/or threatened species inhabits the natural areas of the property. A qualified biologist can also certify the existence of state endangered and/or threatened species, if one exists but is not documented in the MNFI database.

MNFI Probability & Rarity Index of Endangered and Threatened Species – 10 points

- A parcel having high probability of endangered/threatened species, 10 points
- A parcel evaluated by a qualified biologist which has certified existence of state endangered and/or threatened species, 10 points
- A parcel having low to moderate probability of certified endangered/threatened species, 5 points

8. PRIME AGRICULTURAL LAND

Parcels with certain features have greater potential for long term agricultural use. These features include prime and unique agricultural land and are documented from the Soil Conservation Service Soil Maps. Within the HARBOR area only prime agricultural land exists. For scoring, the percentage of prime agricultural land is the number of prime agricultural acres divided by the total acres in the application.

Amount of Land that is Prime Agricultural Land by Soil Type – 10 points

- From 50% or more of the parcel, 10 points
- From 10 and up to 50% of the parcel, 5 points
- From 0 and up to 10% of the parcel, 0 points

9. FARMLAND & OPEN SPACE PRESERVATION ACT, P.A. 116

Parcels that are currently enrolled in the State PA 116 Agricultural Program receive points for participation.

Enrollment in Farmland & Open Space Preservation Act, P.A. 116 – 5 points

- Enrolled in PA 116, 5 points
- Not enrolled in PA 116, 0 points

10. COMMERCIAL FOREST ACT

Parcels that are currently enrolled in the State Commercial Forest Act receive points for participation.

Enrollment in Commercial Forest Act – 5 points

- Enrolled in Commercial Forest Act, 5 points
- Not enrolled in Commercial Forest Act, 0 points

SECTION 9: Additional Scoring Opportunities

All Eligible Lands can receive additional scoring for the following items if documentation is provided by the property owner in the application. This scoring is separate from the mapped scoring system.

1. MATCHING FUNDS

Emphasis will be placed on parcels that have matching funds. Matching funds may be money contributed by private or non-profit sources or can be via a proposal by the landowner to accept an offer less than the purchase value and to donate the remaining portion of their value. A letter of commitment regarding matching funds must accompany the application.

Points Based on Matching Funds – 15 points

- 25 Percent or more of Value, 15 points
- 15 to 24 Percent of Value, 12 points
- 10 to 14 Percent of Value, 8 points
- 5 to 9 Percent of Value, 4 points
- 1 to 4 Percent of Value, 0 points

2. VIEW SITE OR VIEWSHED

Both view site and view shed parcels have an important public purpose in preserving the character of the area. A view site or shed is eligible for points if it is documented in the Township or Emmet County Master Plan. In addition, if a parcel has good potential as a public view site or shed as determined by the Township Planning Commission or Zoning Board, points can be received. A letter and photographs must be attached to the application by the owner for consideration of this determination by the Township Planning Commission or Zoning Board.

Points Based on View Site or Shed – 10 points

- A parcel documented with the Township or County Master Plan as a View Site or View Shed, 10 points
- A parcel having views or potential views of Lake Michigan, 5 points
- A parcel having views of rural character which is preserved land according to this ordinance, 5 points

3. NATURAL RESOURCE CONSERVATION PLANS

A parcel may receive 5 points if it has an active conservation plan through the Conservation Resource Alliance Program or other approved program. A copy of the plan must be attached to the application. Conservation Resource Alliance eligible areas are determined by CRA, but generally include all properties within NWMCOG Special Wetland Areas and within 300 feet of those areas.

Conservation Resource Alliance (CRA) Conservation Program – 5 points

- CRA Conservation Plan, 5 points
- No CRA Conservation Plan with the application, 0 points

4. EASEMENTS FOR PUBLIC ACCESS TO TRAILS AND GREENWAYS

Easements that establish permanent access for trails and greenways are important to quality of life and future development of trail and greenway systems. A parcel may receive points if a trail or greenway connection is documented in the Township or County Master Plan or Recreation Plan and the property owner agrees to a public easement for the trail or greenway purpose. A letter and map must be provided,

indicating the amount and location of the proposed easement for public access.

Points Based on Access to Trails and Greenways – 10 points

- A parcel documented in the Township or County Master Plan or Recreation Plan as part of a trail or greenway system, 10 points
- A parcel not documented in the Township or County Master Plan or Recreation Plan as part of a trail or greenway system, 0 points

5. AGRICULTURAL RESOURCE PLANS

A parcel may receive 5 points if it has Certification through Michigan’s Agricultural Environmental Assurance Program (MAEAP) or other approved program. A copy of the certification records must be attached to the application.

Michigan's Agriculture Environmental Assurance Program Certified Farm – 5 points

- MAEAP Certified, 5 points
- Not MAEAP Certified, 0 points

6. AGRICULTURAL PRODUCTIVITY

A parcel may receive 15 points if it is currently productive agricultural land. Additionally, priority is placed on agricultural and/or farmland that has unique or locally significant growing characteristics.

Amount of Land that is Agricultural Land – 15 points

- 75% or more of the land area is in agriculture production, 15 points
- 50% up to 75% of the land area in agriculture production, 10 points
- On parcels with 50% to 75% of the land area in agricultural production, an additional 5 points can be given for unique or locally significant growing characteristics for a total of up to 15 points.

SECTION 10: Duration/Relinquishment of Acquired Interest

Development Rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity, subject to the following. If the Township Board shall find that Natural Resource or Agricultural Land described in this Ordinance can no longer reasonably be supported as Open Space as to any interest in land acquired with any Township funds, the Township Board shall submit to the voters of the Township a proposition to approve of the disposition of such interest.

Only upon a majority vote approving such proposition can such interest be disposed of by the Township and the proceeds of such disposition shall only be used for the

acquisition of interests in "Eligible Lands" as provided in this Ordinance. A "before and after" appraisal shall be made to determine the Value of Development Rights, and the Township shall not sell the Development Rights for an amount less than the appraised value of the Development Rights determined as follows:

One appraisal shall determine the fair market value of Full Ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any retained development rights. Appraisals of the fair market value of Full Ownership or of a property interest other than Development Rights shall be made by State Certified Appraisers selected by the Selection Committee on a bid basis. The selected appraiser shall not have a property interest, personal interest or financial interest in Eligible Lands. In the event that the low bidder has a conflict of interest associated with a potential easement, the second low bidder will conduct that appraisal. In any event, the same appraiser shall conduct the before and after appraisals.

SECTION 11: Supplemental Funds

Supplemental or matching funds from other Governmental Agencies or private sources may become available to pay a portion of the cost of acquiring natural resource or agricultural lands within the Township. The Township Board authorizes such funds to be used to purchase natural resource and agricultural lands within the Township.

SECTION 12: Natural Resource and Agricultural Land Acquisition & Enforcement Funds

In the event that a special Millage is approved to fund the purpose of this ordinance, the Township Board will:

A. Create a Natural Resource and Agricultural Land Acquisition Fund and deposit the revenues of the Acquisition Fund in the office of the Treasurer of _____ Township. Money in such Acquisition Fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money. The revenues from a special Millage and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Ordinance.

B. Create a Natural Resources and Agricultural Land Enforcement Fund and deposit the revenues of the Enforcement Fund in the office of the Treasurer of _____ Township. Enforcement expenses can include initial follow-up with the landowner, review and inspection of remedial measures, and legal, engineering, and other professional services. Money in such Enforcement Fund may be temporarily

deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money. The interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Section.

SECTION 13: Condemnation

No funds generated from any source used to procure lands under this Ordinance shall be used to condemn any public or private property.

SECTION 14: Severability

Any provision of this Ordinance which is found by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision contained in the Ordinance and such other provisions shall remain in full force and effect.

SECTION 15: Amendments

This Ordinance may only be amended by a majority vote of the Township Board members elected and serving.

SECTION 16: Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies or conflicts.