

ST. JOSEPH CHARTER TOWNSHIP
COUNTY OF BERRIEN - STATE OF MICHIGAN

Ordinance No. 2026-105

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a temporary moratorium on considering applications for Special Land Use Gas Stations in the B-2 General Business District within St. Joseph Charter Township while the Township completes a study of the ordinances and regulations pertaining thereto and considers possible subsequent revisions to current ordinances pertaining thereto; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

St. Joseph Charter Township Ordains:

SECTION I- FINDINGS

In accordance with Public Act 359 of 1947, MCL 42.15 et seq., as amended, St. Joseph Charter Township has determined the following:

1. The St. Joseph Charter Township Board ("Township") determines that the approval of any new or additional Special Use Applications for Gas Stations in the B-2 General Business District may harm the public health, safety and general welfare of property owners and residents of St. Joseph Charter Township.
2. Recently, the Township Board has received significant comments and information from the public raising public health, safety, and welfare concerns about the traffic, lighting, and other nuisance impacts of Gas Stations as Special Uses in the B-2 General Business District related to nearby residences and property owners of the Township.
3. The Township has a legitimate public purpose in assessing the regulation of the establishment of Special Uses within the Township to ensure that Special Uses are located in areas that do not interfere with other land uses or have substantial negative impacts on the nearby residential environment, public health and safety.
4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for the following reasons:
 - A. Michigan courts have recognized that a temporary moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
 - B. The Township Board desires to review and study the public health, safety, and welfare concerns regarding Gas Stations as a Special Use in the B-2 General Business District and consider new or additional Township regulations that may impact and/or regulate such projects.
 - C. The adoption of a temporary moratorium will allow the Township Board adequate time to study and possibly implement revisions to the Township's ordinances and

regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.

D. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Township Board adopt a temporary moratorium on the acceptance and/or processing of any applications for Special Use Gas Stations in the B-2 General Business District.

SECTION II – MORATORIUM AND TERM

The Township Board adopts a temporary moratorium on the acceptance and/or processing of any applications for Special Use Gas Stations in the B-2 General Business District. The temporary moratorium is for one (1) year from the effective date of this Ordinance, or until the effective date of any amended or new Township ordinances or regulations addressing Gas Stations as a Special Use in the B-2 General Business District are effective, whichever date occurs first.

SECTION III - EXTENSION BY RESOLUTION

Before this moratorium expires, the Township Board may extend the temporary moratorium by resolution of the Township Board as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

SECTION IV -SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION V - REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

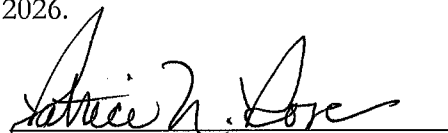
SECTION VI - EMERGENCY ORDINANCE/EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication.

YAYS: T. Drews, M. Hahn, E. Meny, T. Milnikel, P. Rose, R. Seely, D. Vonk

NAYS: _____

Ordinance declared adopted this 5th day of October, 2026.


Patrice Rose, Township Clerk

Publication Date & Effective Date: October 15, 2026