*Format note---this proposed ordinance is prepared in “legislative format”: new verbiage proposed to be added is shown in bold type; any existing verbiage proposed to be deleted is shown lined-through.*

## CITY OF HASTINGS & charter township of rutland

## barry county, STATE OF michigan

**RUTLAND CHARTER TOWNSHIP ORDINANCE NO. 2023-186**

##  Adopted by township BOARD:

## effective date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (or as otherwise provided by law)

# city of hastings Ordinance No. \_\_\_\_

## Adopted by city COUNCIL:

**EFFECTIVE DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (or as otherwise provided by law)**

**JOINT ORDINANCE TO AMEND HASTINGS-RUTLAND JOINT PLANNING COMMISSION ZONING ORDINANCE**

An Ordinance to amend Sections 2.02 and 6.02 of the Zoning Ordinance of the Hastings-Rutland Joint Planning Commission (Rutland Charter Township Ordinance No. 2016-156, as amended/City of Hastings Ordinance No. 532, as amended) pertaining to child day care home and qualified residential treatment program land uses.

## The CITY OF HASTINGS & THE Charter Township of rutland

## barry county, michigan

## ordain:

**SECTION 1**

**AMENDMENT OF SECTION 2.02 PERTAINING TO DEFINITIONS**

The definition of “Family Day Care Home” in Section 2.02 of the Hastings-Rutland Joint Planning Commission Zoning Ordinance is hereby amended to read as follows:

“FAMILY DAY CARE HOME — A private home where not more than six minor children **(or such other increased capacity number of minor children permissible under State Law)** are received for care and supervision for periods of less than 24 hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.”

**SECTION 2**

**AMENDMENT OF SECTION 2.02 PERTAINING TO DEFINITIONS**

The definition of “Group Day Care Home” in Section 2.02 of the Hastings-Rutland Joint Planning Commission Zoning Ordinance is hereby amended to read as follows:

 “GROUP DAY CARE HOME — A private home where more than six but less than 12 minor children **(or such other increased capacity number of minor children permissible under State Law)** are given care and supervision for periods of less than 24 hours a day untended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.”

**SECTION 3**

**AMENDMENT OF SECTION 2.02 PERTAINING TO DEFINITIONS**

Section 2.02 of the Hastings-Rutland Joint Planning Commission Zoning Ordinance is hereby amended to add a definition for the new term “qualified residential treatment program” reading as follows:

 “**QUALIFIED RESIDENTIAL TREATMENT PROGRAM**

**A program within a child caring institution as that term is defined in MCL 722.111(1)(c) that provides services for 10 or fewer individuals which:**

 **- has a trauma-informed treatment model, evidenced by the inclusion of trauma awareness, knowledge, and skills into the program’s culture, practices, and policies;**

 **- has registered or licensed nursing or other licensed clinical staff on-site or available 24 hours a day, 7 days a week, who provide care in the scope of their practice as provided in parts 170, 172, 181, 182, 182A, and 185 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237, 333.18251 to 333.18267, and 333.18501 to 333.18518;**

 **- integrates families into treatment, including maintaining sibling connections;**

 **- provides aftercare services for at least 6 months post discharge;**

 **- is accredited by an independent not-for-profit organization as described in 42 USC 672(k)(4)(G).**

 **This term does not include a detention facility, forestry camp, training school, or other facility operated primarily for detaining minor children who are determined to be delinquent; and also does not include adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.”**

**SECTION 4**

**AMENDMENT OF SECTION 6.02 PERTAINING TO PERMITTED USES IN MU-MIXED USE DISTRICT**

Section 6.02 of the Hastings-Rutland Joint Planning Commission Zoning Ordinance pertaining to the designated permitted uses in the MU-Mixed Use District is hereby amended to add a new subsection A-26 reading as follows:

**“26. Qualified Residential Treatment Program.”**

# section 5

# EFFECTIVE DATE/REPEAL

This Ordinance shall take effect on the latter of: (1) 15 days after enactment by both the City and Township, or (2) the eighth day after publication of a notice of adoption of this Ordinance as required by law; provided, however, if a notice of intent to file a petition under *MCL 125.3402* is timely filed with respect to this Ordinance and/or if the right of referendum under applicable provisions of the charter of the City of Hastings is timely initiated, this Ordinance shall then only take effect as provided by applicable provisions of *MCL 125.3402* and/or the City charter, or as otherwise provided by law.

Robin Hawthorne, Clerk Christopher Bever, Clerk

Charter Township of Rutland City of Hastings