

## ORDINANCE NO. 140 WASTE DISPOSAL ORDINANCE

The Charter Township of Larkin, pursuant to Act 246 of the Public Acts of 1945 of the State of Michigan, as amended, ordains: An Ordinance to regulate the disposal of waste materials in the Charter Township of Larkin, Midland County, Michigan; and for the purpose of preserving and protecting the natural resources, public health and welfare of the citizens of the Charter Township of Larkin.

### Section 1. Title

This Ordinance shall be known and may be cited as the Charter Township of Larkin Waste Disposal Ordinance.

### Section 2. Purpose

The purpose of this Ordinance is to preserve and protect the public health, safety and welfare of the citizens of the Charter Township of Larkin, and to protect the natural resources and ground water by the prevention of the disposal or storage of toxic or radioactive materials in the Township, and to regulate the disposal of other wastes.

### Section 3. Administration and Enforcement

A. This Ordinance shall be enforced by the Township Supervisor or such other person authorized by the Township Board of Trustees.

B. Nothing in this Ordinance shall be construed or interpreted to prohibit the necessary preparation of land by balancing or filling thereof with earth materials in connection with any immediate lawful use, including but not necessarily limited to, the development of land for which a building permit has been issued.

### Section 4. Definitions

A. Toxic Materials - "Toxic Materials" means that quality of a natural or man-made element or compound, metal, or metallic, organic, or inorganic compound, which in an appropriate concentration, alone or in combination, poses a threat of damage to or destruction of the health, safety, or welfare of human, animal, or plant life, or of the environment. This includes a substance that may be reasonably expected to result in human carcinogenesis, teratogenesis, or mutagenesis.

B. Entity - Any individual or combinations thereof, including partnerships, corporations, associations or firms of a commercial or municipal nature.

C. Radioactive Materials - A solid, liquid or gaseous material which emits ionizing radiation spontaneously.

D. Mean Grade - The arithmetic average of elevations of points on the boundary lines of the property uniformly spaced and not more than one hundred (100) feet apart. In no event shall such evaluation points be determined below the surface elevation of any boundary waters.

E. Existing Grade - The various elevations of the surface of the land as it actually exists upon the site.

F. Finish Grade - Those earth elevations established and delineated on the plot plan that will result upon completion of the proposed operation for which the permit is issued.

## Section 5. Permit Required

A. It shall be unlawful from and after the effective date of this Ordinance for any entity to deposit or dispose of any waste materials upon the land within the Charter Township of Larkin without a permit granted by the Township Board as is hereinafter provided.

### B. Application for Permit

1. Written application shall be made on forms provided thereafter by the Township Clerk.
2. Such application shall be accompanied by a site development plan of the proposed site drawn in accordance with the following requirements and showing the information hereinafter required:
  - (a) Drawn to a scale not less than one hundred (100) feet to the inch.
  - (b) Showing the location of the land involved, in relation to all parcels of property contiguous to the proposed site with current zoning of the proposed site and contiguous parcels being indicated. All existing and proposed structures thereon.
  - (c) The provision for a minimum of a five-hundred (500) foot greenbelt between the proposed site and any contiguous parcel shall also be shown on the site plan drawing.
  - (d) All existing grade elevations shall be indicated at the intersection of perpendicular parallel lines not more than one hundred (100) feet apart and expressed to the nearest tenth (0.1) of a foot.
  - (e) Location of existing and proposed streets, roadways, parking areas, entrances and exits.
  - (f) Location of all public facilities and services.
  - (g) Finish grading plan showing proposed elevations upon completion at five (5) foot intervals.

- (h) Mean grade elevations at five (5) foot intervals.
  - (i) Such additional information as the applicant, planning commission, or the Township Board shall deem necessary and/or pertinent to the application of the proposed operation.
- 3. The application shall contain or be accompanied by a written statement of the extent, development, improvement and general purpose of the proposed filling or disposal operations and the program therefore including but not necessarily limited to the specific types of wastes, anticipated lifetime of the proposed site, and monitoring systems to be installed to monitor ground water quality on and around the proposed site.
- 4. The application and all plans and supplemental statements of information required herewith shall be filed in triplicate, with the Township Clerk, together with the fee therefore as shall be established by resolution of the Township Board, and which shall be sufficient to cover the expense of public hearings, costs of publication of notices as required herein, and the reasonable expenses incurred by and for inspections.
- C. Public Hearing and Standards to be Considered
  - 1. The Township Clerk, upon receipt of the application and fee as herein before provided, shall refer the application to the Planning Commission, which shall cause a notice of a public hearing to be published twice in a newspaper of general circulation in the Township containing the time, date, place and purpose of such public hearing. Such notice shall be published once not less than twenty (20) days before and the second not more than eight (8) days before the date of the public hearing. Individual property owners of parcels of property located either contiguous to or within 300 feet of the proposed site property lines shall be notified by certified mail of the public hearing and its purpose.
  - 2. The public hearing shall be held by the Planning Commission at any regular meeting thereof at no additional expense to the applicant, or at any special meeting called therefor when requested by the applicant which special meeting shall be at the expense of the applicant for the purpose of making recommendations to the Township Board, and it shall consider in connection therewith:
    - (a) The effect of the proposed fill or waste disposal on the general vicinity where it is to be conducted.
    - (b) The character and use, along with current zoning of contiguous lands and structures.
    - (c) The depth of the water table.

- (d) The availability and adequacy of surface water drainage facilities.
- (e) The periods of time the operation will continue.
- (f) The avenues available for ingress and egress and the effect of vehicular traffic.
- (g) The proposed hours of operation of the facility.
- (h) Whether or not perimeter fencing should be required in addition to the required greenbelt area.
- (i) Such other factors as may be necessary and appropriate for the preservation of the natural resources, public health, safety and welfare of the citizens of the Charter Township of Larkin.

D. Granting and Issuance of Permits.

Upon receipt of the Planning Commission's recommendations, the Township Board shall determine whether the Permit shall be granted or denied. If granted, the Township Clerk shall issue the Permit upon posting of a performance bond in an amount determined by the Township Board provided, however, such Permit shall be valid for one year only unless renewed thereafter by the Township Board for like periods in accordance with the provisions of this Ordinance.

E. Suspension or Revocation of Permits.

1. Suspension. Any permit may be suspended by the enforcing authority for a period of not more than twenty-one (21) days whenever:
  - (a) Any provision of this ordinance is being violated.
  - (b) Any condition of the permit is found not being complied to.
  - (c) It is necessary to preserve or protect the natural resources, public health, safety or welfare. Should it become necessary to suspend operation of the land fill or waste disposal facility due to an imminent threat to the residents of the Charter Township of Larkin residing in the immediate vicinity, it shall be the responsibility of the permit holder or his designate, in cooperation with Department of Natural Resources and local enforcement officials to secure the facility site area immediately to preserve the public health, safety and welfare of the citizens of the Charter Township of Larkin.

Provided however, that the enforcing authority shall forthwith report his act of suspension and the reasons therefor to the Township Clerk.

F. Review and Revocation.

The Township Clerk shall notify the permit holder that the Township Board will review the action of the enforcing authority at its next regular meeting to determine whether the permit shall be reinstated, suspended for a further period of time or permanently revoked.

Section 6. Operational Regulations

A. All disposal or storage of any toxic or radioactive material is hereby prohibited.

B. Requirements for all filling or disposal of waste operations.

1. The hours of operation shall be limited both as to equipment and vehicles and operations shall be limited both as to equipment and vehicles and operations allowed only between the hours of 7:00 a.m. and 7:00 p.m. and is prohibited entirely on Sunday and legal holidays.
2. All unpaved roads must be regularly chlorinated to control the generation of dust and to prevent its escape from the premises.
3. All public access roads must be kept free from debris falling off vehicles bringing materials to the site or leaving therefrom.
4. Such filling operations may only be permitted in the districts allowing such activities under the Charter Township of Larkin Zoning Ordinance and subject to the limitations of Paragraph (a) of this section.
5. The premises must regularly be graded to prevent the collection of standing water.
6. The owners and/or operators must consent to reasonable inspections by duly authorized Township representatives without prior notice.
7. A performance bond must be posted in the amount established by the Township Board.
8. Upon completion of the fill or disposal of waste, the finished grade shall be composed of and provide a minimum of one (1) foot of earth materials of such quality as to be capable of growing turf, vegetation or crops.
9. Such other reasonable regulatory requirements as may be necessary to preserve the natural resources, public health, safety or welfare as the particular permit may require.

C. Earth land fills are subject to all of the requirements of Paragraphs (A) and (B) of this Section.

#### Section 7. Violations, Penalties and Remedies

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

#### Section 8. Severability

This Ordinance and each article, section, subsection, paragraph, sub-paragraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are found to be invalid or unenforceable for any reason by a Court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

#### Section 9. Repeal, Effective Date and Adoption

A. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed, provided, however, that any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance being repealed hereby shall not be affected by this ordinance and may be continued pursuant to said previous ordinances.

B. This Ordinance shall become effective thirty (30) days after the date of its publication.

Adopted by the Township Board, Charter Township of Larkin, County of Midland, Michigan.

Ordinance No. 140, adopted July 12, 1983  
Amended by Ordinance No. 216, adopted April 9, 1996.