

FILED-CIR. CL.

Motion by Atwater and seconded by Johnson to adopt the " Pinconning Twp. Landfill Ordinance ( # 7-A).

1979 JUN -5 AM 10:06

Motion carried unanimously by Board.

BY

PINCONNING TOWNSHIP LANDFILL ORDINANCE # 7- A

An Ordinance to regulate the dumping and depositing of gravel, earth, rock, stone, concrete, minerals, garbage, rubbish, refuse, waste materials, sludge, noxious liquids, trees, limbs, wood chips, leaves, street sweepings, construction, demolition and other materials on lands located within the Township of Pinconning, Bay County, Michigan; to provide for the issuance of licenses for such activities; to provide for fees; to prescribe rules and regulations and conditions for the issuance of such licenses; to provide for bonds to insure satisfactory performance of the terms of said Ordinance, and to provide penalties for the violation thereof. The Township of Pinconning ordains:

ARTICLE 1.00 TITLE, PURPOSE AND APPLICATION

Section 1.01 Title

This Ordinance shall be known and may be cited as the Township of Pinconning Landfill Ordinance.

Section 1.02 Purpose

The purpose of this Ordinance is to protect the public health, safety and general welfare of the residents of the Township by the regulation of the location, design, materials deposited, operation and management of landfills so that no landfill shall be a nuisance, no cause any damage to surrounding property, to the ground or surface water, become a breeding ground or harborage for insects and rodents, become a financial liability upon the community when abandoned, nor endanger the health or safety of the community.

Section 1.03 Scope

From and after the effective date of this Ordinance, no person, firm, partnership, corporation or public body shall dispose of any earth, refuse, garbage, rubbish, ashes or any waste material at any place in the Township except at an approved disposal area, nor shall any disposal area be established, operated, leased, managed, or conducted unless it conforms with this Ordinance and is approved by the Township Board as a sanitary landfill, as provided by this Ordinance and licensed in accordance with the Solid Waste Management Act, Public Act 87, of the Public Acts of 1965.

ARTICLE 2.00 DEFINITIONS

Article 2.01 Definitions

- a. Cell: The daily compacted refuse which is completely enveloped by earth cover material.
- b. Disposal Area: A site, location, tract of land, area, building, structure or premise used or intended to be used for refuse disposal in a manner prescribed by this Ordinance.
- c. Ground Water: Water in the ground that is in the zone of saturation.
- d. Refuse: Solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid industrial wastes.
  - (1) garbage - rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended to be used for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.
  - (2) Rubbish - Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that will be a detriment to the public health and safety.
  - (3) Ashes - Residue from the burning of wood, coal, coke or other combustible materials.



- e. Hazardous Material: Includes, but is not limited to, explosives, pathological wastes, radioactive materials and chemicals.
- f. Open Dump: A site where refuse is dumped and which due to lack of operational procedures may create a breeding place for flies and rats, may catch fire or may produce air pollution.
- g. Salvaging: The controlled removal of reusable materials.
- h. Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, to cover it with a layer of suitable earth cover at the conclusion of each day's operation or at more frequent intervals as necessary, and in conformity with all operational requirements of this Ordinance.
- i. Scavenging: Uncontrolled picking of refuse, as previously defined.

#### ARTICLE 3.00 EXCEPTIONS

##### Section 3.01 Exceptions

It is the intent of this Ordinance to exempt from the provisions of this Ordinance the following:

- a. Disposal by an individual of refuse from his own household on his own land as long as such disposal does not create a nuisance or health hazard.
- b. Disposal of rubbish accumulated as a part of the improvement for planting of privately owned farmland on the property generating the rubbish, provided such disposal does not create a nuisance or health hazard.

#### ARTICLE 4.00 DISPOSAL AREA SUITABILITY AND DETERMINATION

##### Section 4.01 Zoning District

The establishment of any disposal area shall be limited to the AG Agricultural Zoning District as shown on the Zoning Map of the Township Zoning Ordinance. A Sanitary Landfill may not be located within three thousand (3,000) feet of any area zoned for Residential Usage.

##### Section 4.02 Preliminary Investigation

The owner, or his agent, of land upon whose premises it is proposed to construct a disposal area shall submit a preliminary application to the Township Board for determination of the acceptability of the proposed location. The preliminary application shall include:

- a. Legal description of the proposed site.
- b. Statement of the type of ownership held by the applicant.
- c. Scale drawing of the proposed site showing site characteristics, existing and proposed land use on adjoining properties, zoning, road access and routes to be used by vehicles bringing refuse and cover material to the proposed site.
- d. Soil profiles to a minimum depth of twenty (20) feet below the lowest excavation proposed.
- e. Operational controls to be established and maintained for the disposal area.
- f. Description of the type of refuse and waste material to be disposed.
- g. Description of the intended use after completion of the disposal area.
- h. Time table giving estimates by length of time for establishing the disposal area and its completion.

The Township Board shall upon receipt of the preliminary application, and if it finds that the applicant has furnished sufficient information as required by this Section, refer the application, for a report and recommendation, to the Planning Commission, Township Engineer and Township Planner.

The Planning Commission, Township Engineer and Township Planner shall within sixty (60) days submit in writing to the Township Board a report and recommendation on the preliminary application.

Upon receipt of the reports from the Township Planning Commission, Engineer and Planner, the Township Board shall within forty-five (45) days make a determination on the application. The Township Board shall consider if: the proposed method of landfill is according to good engineering practice; the operational controls



will result in a nuisance free disposal area; anticipated vehicle traffic generated by the operation will not unduly contribute to congestion on the public roads nor cause unnecessary maintenance or premature deterioration of the road pavement; the proposed future land use of the completed disposal area will be harmonious with existing and future land use patterns and be beneficial to the community; and that the applicant has sufficient financial capability or can secure financial capability to insure the continuing orderly operation of the disposal area in full compliance with this Ordinance.

#### Section 4.03 Final Investigation

If the Township Board finds that the applicant is in favorable compliance with the intent of Section 4.02 of this Ordinance, the applicant shall submit to the Township the following information regarding the proposed disposal area, prepared by a Registered Professional Engineer, licensed by the State of Michigan:

##### a. Maps drawn to a scale of not over one hundred feet to the inch, showing:

- (1) All property lines, dimensional and related to the nearest convenient section line and section corner.
- (2) Date, scale and north arrow.
- (3) Location and height of all existing and proposed buildings and land uses on and within 500 feet of the premises.
- (4) Location, pavement and right-of-way width of all abutting roads and access routes for vehicles hauling refuse or cover material to the disposal area.
- (5) Existing trees and ground cover.
- (6) Existing bodies of water, drains, streams or creeks.
- (7) Proposed fencing.
- (8) Existing and proposed contour intervals, with two (2) foot interval minimum. Topography to be based upon Wayne County (U.S.C.G.S.) Bench Mark System.
- (9) Vicinity map showing in a general manner, the property in relation to the surrounding area for at least one mile from the premises.
- (10) Name and firm address of the professional individual responsible for the preparation of the information.
- (11) Name, address and telephone number of the property owner.
- (12) Size and location of all existing and proposed utilities including details of drainage facilities showing the method of drainage control during the phasing as well as how drainage will be accomplished after completion.
- (13) On-site details including proposed areas to be filled, any borrow areas, onsite roads, and soil characteristics.

##### b. Additional data and information:

- (1) A statement describing the volume and type of refuse materials proposed to be placed in the disposal area.
- (2) Plans showing typical sections of compacted fill, depths of layers, height of lifts, thickness of cover, number of lifts, surface slopes of lifts and final surface, direction of progress and type of venting proposed.
- (3) Proposed future reuse of the premises after completion of the filling of the disposal area. The applicant shall provide maps or plans showing at the same scale as in Section 4.03, a. above, proposed land uses, buildings, streets and other public easements. The maps or plans shall not propose or show streets or underground utilities on areas to be filled with any refuse material.
- (4) When material other than earth is to be used as fill material, a competently prepared professional investigation shall be submitted showing the highest expected ground water level, any connection with an aquifer constituting a source of water supply, and if a lowering of the groundwater is contemplated, whether this would adversely affect any water supply.
- (5) A plan which provides a detailed analysis of the direction the land fill operation will follow; origin and U.S.D.A. Soil Classification of cover material, location of stockpiled cover material; the order in which areas will be filled; and the provisions which will be made to control soil erosion and sedimentation from the partially completed site.



ARTICLE 5.00 DISPOSAL AREA DESIGN REQUIREMENTSSection 5.01 On-Site Roads

All on-site roads shall be designed and constructed in accordance with current Bay County Road Commission Standards for aggregate surface roads with open ditches. Roads shall be maintained in a manner to achieve free flowing daily operating traffic uninterrupted by ordinary inclement weather and also maintained in a rutfree, dust free condition. Road construction, location and design shall be subject to review and approval of the Township Engineer.

Section 5.02 Filling of Wet Areas

- a. No filling of any type shall be permitted which will encroach upon the flood area of any body of water, drain or stream.
- b. Draining or diking of earth fills shall be maintained so that no fill material shall be washed, eroded or in any way enter any body of water, drain, stream or adjoining property. Dikes shall be keyed to a level below any permeable surface soils such as sand or loam.
- c. No filling of any material shall be permitted, except earth material, into any ponded water area, marsh, former gravel pit, swamps, nor less than twenty (20) feet above the highest expected water table as determined in Section 4.03, b. above.

Section 5.03 Permanent Facilities

- a. Suitable permanent shelter and sanitary facilities shall be provided and maintained for persons working on the premises.
- b. A telephone readily accessible to all persons on the premises shall be permanently maintained.
- c. Suitable equipment shall be permanently maintained to extinguish fires and measures shall be taken to prevent their occurrence.
- d. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the disposal area and standby equipment shall be available on the site or readily obtainable from other sources during equipment breakdowns or during peak loads.

Section 5.04 Perimeter Setbacks

No trenching, filling, borrowing or excavations shall take place within fifty (50) feet of any perimeter property line, within three hundred (300) feet of any public road right-of-way nor within thirty (30) feet of any drain which leaves the site without a sedimentation basin.

Section 5.05 Access

Access to or egress from any disposal area site shall be only from a Class "A" County Primary Road as designated by the Bay County Road Commission.

Section 5.06 Minimum Site

An eighty (80) acre land parcel shall be the minimum size for the establishment of any disposal area.

Section 5.07 Surface Drainage

The entire site of any disposal area, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, and to prevent the collection of standing water.

Section 5.08 Fencing

The entire disposal area premises shall be fenced with an eight (8') foot high "chain link" type fence. Portable litter fences shall be used in the immediate vicinity of the working area and at other appropriate locations to control blowing litter. At the end of each operating day, or more often as required, litter shall be removed from the fences and the grounds and incorporated into the cell being used.

ARTICLE 6.00 DISPOSAL AREA FILLING REQUIREMENTSSection 6.01 Sanitary Landfill Method

The use of refuse or other waste material as fill material in any disposal area shall be with the sanitary landfill method only and shall be so designed and operated that conditions of pollution will not be created and injury to ground or surface water will be prevented. The disposal of human wastes, animal wastes, hazardous materials, and dead animals, is specifically prohibited.



Section 6.02 Refuse Compaction and Cover

- A. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2') feet of compacted material. Large and bulky items, exceeding two (2') feet in height, when placed as fill material, shall be broken into smaller sections equal in height to the compacted refuse.
- B. A compacted layer of at least six (6) inches of an approved earth cover material shall be placed on all exposed refuse by the end of each working day. The volume of individual cells shall not exceed the daily quantity of waste material.
- C. Daily cover material shall be of one of the following soil classifications as described by the "Guide for the Textural Classification of Soils" by the U. S. Department of Agriculture Soil Conservation Service:
  - 1) Sandy Clay Loam
  - 2) Loam
  - 3) Sandy Loam

Final cover material shall be an earth material which is free of large rocks and putrescible materials, can be easily spread under all moisture conditions and can be compacted to a density so as to prohibit the intrusion of surface water.

- D. A layer of approved earth cover material compacted to a minimum thickness of two (2') feet and seeded, shall be placed over the entire surface of each portion of the final lift not later than one (1) month following the placement of refuse within that portion. During the winter months seeding may be delayed until weather allows in the Spring.

Within one (1) year after the completion of the placement and grading of any final cover the entire area shall be dressed with four (4") inches of an approved topsoil and seeded with hardy perennial grass. The final cover depth shall be maintained for a period of at least two (2) years and all cracked eroded, and uneven areas in the final cover shall be repaired.

Section 6.03 Final Grade Elevations

The final elevations of the completed disposal area including the final cover, shall not exceed ten (10') feet above the average elevations existing prior to the establishment of the premises for a disposal area. In the case of a highway construction borrow pit or land significantly depressed from adjoining land parcels, the Township Board may permit the final elevations to be greater than the above, but in no case shall they exceed ten (10') feet above the grade of adjoining land parcels.

Slope of the sides of the final disposal area shall be not steeper than four to one (4:1), i.e., four units of horizontal distance to each one unit of vertical rise.

Section 6.04 Land Reuse Capability

- a. Placement of refuse and waste material shall be conducted in such a manner so as to permit the reuse of the disposal area. Refuse and waste material other than earth shall not be placed beneath the location of proposed street right-of-ways and shall conform with the approved plans submitted under Section 4.03, b.
- b. The disposal area shall be compartmentalized by means of earth fill dams extending vertically and horizontally through the disposal area. The earth fill dams shall coincide in location with the location of future streets proposed by the Redevelopment Plan.
- c. The disposal area shall be provided with a venting system adequate to facilitate the ready expulsion of gases generated by the decomposition of materials in the disposal area.

ARTICLE 7.00 OPERATIONSection 7.01 Operation

- a. The disposal area shall be under the direction of responsible personnel during any period of operation and access shall be limited to those periods when such persons are on duty.



- b. Access shall be limited to those persons and vehicles authorized to use the disposal area and Township, County and State personnel on official business.
- c. Measures shall be provided to control dust and blowing paper.
- d. No burning shall be permitted on any disposal area.
- e. Salvaging is permitted and shall be so organized so as to not interfere with prompt disposal of refuse or create unsightliness or health hazards. Scavenging is prohibited.
- f. Hours of operation shall be limited to the hours between 7:00 A.M. and 9:00 P.M. on Monday through Saturday except legal holidays.
- g. During winter operations, a supply of unfrozen earth cover material shall be made available and no frozen earth cover material shall be placed on the daily refuse fill.
- h. The hauling of refuse or earth cover material to the disposal area shall be confined to routes approved by the Township Board. Vehicles shall have clean wheels (tires and rims) before reentering a public road.
- i. Supplemental insect and rodent control measures shall be instituted whenever necessary.
- j. Points of access to a disposal area shall be controlled by a locked gate at all times refuse is not being delivered and/or an attendant is not on duty.
- k. Excavation shall preclude placement of fill material by at least one hundred (100') feet, but shall not exceed two hundred (200') feet. Not more than two (2) working faces shall be active at any one time.

#### ARTICLE 8.00 ISSUANCE OF PERMIT

##### Section 8.01 Conformance With Ordinance

If the Township Board is satisfied that the applicant has fulfilled the requirements of Section 4.03, and other provisions of this Ordinance and after a public hearing, the Township Board may issue a permit for the operation of a disposal area for a period of one year.

##### Section 8.02 Permit Renewal Or Cancellation

Permits issued in conformance with this Ordinance may be renewed by the Township Board for one-year periods, if:

- a. Reasonable progress has been made in the construction of the disposal area and,
- b. Operation of the disposal area has conformed, since the last permit renewal date or establishment of the disposal area, to the approved plans, conditions and this Ordinance and,
- c. Permit fees have been paid.

Permits issued by the Township Board may be refused for renewal or cancelled if:

- a. Operations are inactive or conducted on so small of a scale that, in the opinion of the Township, the duration of filling operation will itself constitute a nuisance, or,
- b. Operation of the disposal area has developed a previously unforeseen nuisance or health hazard or safety to the Township, and adequate measures have not been instituted to correct such conditions, or,
- c. Permit fees have not been paid.

#### ARTICLE 9.00 FINAL FILL PLAN

Upon completion of a disposal area, the permit holder shall supply to the Township and record with the Bay County Register of Deeds, an "as built" plan which shall show by accurate references and be prepared by a Registered Civil Engineer, the actual location, depth, and types of fill and any leachate or gas control facilities which will have to be continued, and final surface elevations. This plan shall be drawn to the same scale and refer to the same elevation control as submitted under Section 4.03.



A copy of the final plan shall be retained by the Township for future reference.

ARTICLE 10.00

MAINTENANCE AND PERFORMANCE GUARANTEES, INSPECTION AND REVIEW FEES: AND DEPOSIT OF BOND AND CERTIFICATE OF INSURANCE.

Section 10.01 Review and Permit Fees

Fees payable to the Township for review of plans and information submitted to the Township Board in accordance with the preliminary application provisions of Section 4.02 shall be Six Hundred Dollars (\$600.00).

Fees payable to the Township for review of plans and information submitted to the Township Board in accordance with the Section 4.03 shall be Twenty-Five Dollars (\$25.00) per acre. The permit renewal fee shall be Five Hundred (\$500.00) Dollars to be paid bi-annually.

Section 10.03 Deposits

Cash Deposits shall be made to the Township, to assure payment of permit fees and completion of the disposal area in accordance with this Ordinance, prior to the issuance of a permit by the Township Board. The cash deposit shall be Twenty-Five (\$25.00) per acre. The Township Board may at its discretion utilize the cash deposit to implement or seek enforcement of this Ordinance, conduct inspections during the operation of the disposal area or if it finds that the public health and welfare are being endangered by the condition of the disposal area, order emergency, corrective measures be taken and to be paid from the cash deposit remaining in the Township's possession.

Upon completion of the disposal area, the Township Board may return any unused portions of the cash deposit.

Section 10.04 Bond and Certificate of Insurance

The Township shall require, prior to the issuance of any permit, the applicant to deposit a surety bond, in an amount to be fixed by the Township Board, guaranteeing that the applicant will faithfully perform all of the conditions and requirements under this Ordinance.

(cont.)