

1- SHORT TITLE:

AN ORDINANCE TO PROTECT THE CITIZENS OF PINCONNING TOWNSHIP FROM LAW SUITS, RECRIMINATIONS AND/OR FINES RESULTING FROM THE OPERATION OF ANY SOLID WASTE DISPOSAL FACILITY, OR SOLID WASTE MANAGEMENT SYSTEM, LOCATED WITHIN SAID TOWNSHIP.

2 - DEFINITIONS:

A solid waste disposal facility means any type I - II - or III sanitary landfill.

A solid waste management system means a set of procedures which provide for the collection, transporation, separation, recycling, recovery and disposal of solid waste.

3 - FINDINGS OF PINCONNING TOWNSHIP BOARD:

Whereas, Pinconning Township is opposed to the siting of a solid waste disposal facility in Section 2, Pinconning Township, County of Bay; and

Whereas, Pinconning Township has instituted an active and successful recycling program, and;

Whereas, depositories for household hazardous waste are available to, and used by Pinconning Township citizens, and;

Whereas, Pinconning Township states: "visual inspection" is not an adequate safeguard to prevent hazardous waste from being deposited at any solid waste facility from other sources, and

Whereas, the MDNR has had extensive cut-backs in staff, and

Whereas, the Health Department of Bay County is not certified to insure the requirements of P.A. 641 as amended; R229.4203, and

Whereas, the solid waste disposal facility, in Section 2, Pinconning Township is accepting waste from counties not named in the Bay County Solid Waste Management Plan and/or counties without reciprocal agreements as pursuant to P.A. 641 as amended; 299.430(2), and

Whereas, Pinconning Township has no control over materials deposited at the solid waste disposal facility, nor the source of materials deposited therein, and

Whereas, Pinconning Township has taken steps to eliminate household hazardous waste from being disposed of at any solid waste disposal facility from citizens residing within said township:

NOW THEREFORE BE IT ORDAINED:

NEITHER PINCONNING TOWNSHIP NOR ANY CITIZEN RESIDING THEREIN SHALL BE LIABLE IN 3rd PARTY LAW SUITS, OR ANY LAW SUIT BROUGHT AGAINST A SOLID WASTE DISPOSAL FACILITY, OR SOLID WASTE MANAGEMENT SYSTEM FOR ANY POLLUTION, CONTAMINATION OR ENVIRONMENTAL VIOLATION. THE OWNER OF A SOLID WASTE DISPOSAL FACILITY AND/OR SOLID WASTE MANAGEMENT SYSTEM, IT'S SUCCESSORS AND/OR HEIRS OR ANY ENTITY THEREOF, WITHIN PINCONNING TOWNSHIP SHALL BE RESPONSIBLE FOR ANY AND ALL WASTE DISPOSED OF AT THE FACILITY WITHIN SAID TOWNSHIP.

4 - ORDINANCE REPEALED:

All ordinances or parts of an ordinance in conflict with the provisions of this ordinance are hereby repealed.

5 - SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independant provision and such holding shall not effect the validity of the remaining portions thereof.

6 - EFFECTIVE

This Ordinance being necessary for the regulation of the general welfare of persons in Pinconning Township shall become effective upon publication in the Pinconning Journal, a newspaper of circulation within said township.

ADOPTED AT A SPECIAL MEETING OF THE PINCONNING TOWNSHIP BOARD, AT THE TOWNSHIP HALL, ON THE 23rd DAY OF OCTOBER, 1991.

AYES

NAYS

Janice Pearson

Randy Augustyniak

Lou Ann Verellen

Sharon Stalsberg

CERTIFICATION

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF AN ORDINANCE ADOPTED BY THE PINCONNING TOWNSHIP BOARD, AT A SPECIAL MEETING ON THE 23rd DAY OF OCTOBER, 1991.

Sharon Stalsberg Supervisor

SHARON STALSBERG, SUPERVISOR

Lou Ann Verellen

LOUANN VERELLEN, CLERK

PUBLISHED: PINCONNING JOURNAL 23rd DAY OF OCTOBER, 1991.