

STATE OF MICHIGAN
COUNTY OF BAY
TOWNSHIP OF PINCONNING

ORDINANCE NO. 14-89 B

An Ordinance to Amend Ordinance No. 14-89A entitled "Pinconning Township Solid Waste Sanitary Landfill Ordinance" and intended to regulate the operation thereof in areas not pre-empted by the State of Michigan.

Be it ordained by the Township Board of the Township of Pinconning that Ordinance No. 14-89A adopted the 10th day of July, 1989, shall be and is hereby amended as follows:

IV

HOURS OF OPERATION AND DELIVERY

The term "hours of operation" as used herein shall mean the hours during which the facility may be operated in order to prepare for the day's deliveries and operation. The term "hours of delivery" as used herein shall mean the hours during which deliveries of waste as herein defined may be made to the facility. The term "legal holidays" as used herein shall be defined as Christmas Day, New Year's Day, Memorial Day, Fourth of July, Labor Day, and Thanksgiving Day.

No Solid Waste Sanitary Landfill shall be operated within the Township of Pinconning except during the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday, excepting legal holidays, and from 6:00 a.m. to 12:00 noon on Saturday. Hours of delivery shall be from 7:00 a.m. to 5:00 p.m., Monday through Friday, excepting legal holidays, and from 7:00 a.m. to 12:00 noon on Saturday. In the event a legal holiday falls on a weekday, the site may remain open until 5:00 p.m. on Saturday of the week of such legal holiday for purposes of delivery and until 7:00 p.m. for purposes of operation. In the event of natural disaster, the Township Board, by appropriate resolution, may extend the hours and days of operation.

V

FENCING

Such portion of the Solid Waste Landfill site actually utilized for the deposit of solid waste as defined in this Ordinance and in MCLA 299.407 Section 7, et seq., being PA 1978 No. 641, Section 7, pursuant to Permit issued by the Michigan Department of Natural Resources shall be fully enclosed by a four (4) foot wire cyclone fence. Such fence may be located either outside the berm area, atop the berm area, or inside the berm area, as per recommendations of a landscape architect engaged by the operator. All gates and entrances to the Solid Waste Landfill site shall be closed and locked during periods of non-operation.

VI

BERMS

There shall be located around such portion of the Landfill site actually utilized for the deposit of solid waste as herein defined, and pursuant to Permit issued by the Michigan Department of Natural Resources, a berm at least five (5) feet high and twenty (20) feet wide, and upon which shall be planted and maintained at least one staggered row of deciduous or evergreen trees which will ultimately grow to a height of not less than twenty-five (25) feet and spaced not more than twelve (12) apart, and at least three rows of deciduous or evergreen shrubs, spaced not less than eight (8) feet apart, and which will ultimately grow to a height of not less than twelve (12) feet. All areas within the berm not otherwise covered by trees or shrubs shall be seeded with grass, which shall be maintained as a lawn. It is intended hereby that the plantings shall provide a site proof barrier.

The berming required hereby may be waived by the Township Board in the exercise of its discretion where natural growth exists and which provides natural screening of the area of substantially the same density and height as would be provided by the plantings provided for herein, and further provided that such natural growth shall not be disturbed by the operator, and if disturbed or destroyed, or if the same dies of natural causes, must be replaced by the operator. The Township Board may also in the exercise of its discretion waive the berming requirements herein provided for based upon an alternative screening plan provided by a registered landscape

architect hired by, and paid for, by the operator and which plan, to the satisfaction of the Township Board, substantially meets the berm and planting requirements of this Ordinance.

XIII

IMPACT FEE

The owner and/or operator of the Solid Waste Sanitary Landfill located within the Township of Pinconning shall collect an impact fee of seven cents (.07¢) per cubic yard of solid waste disposed of at the Solid Waste Sanitary Landfill site. The sums so collected by the owner/operator from persons or entities depositing or disposing of solid waste at such site shall be paid to the Township of Pinconning quarterly by the thirtieth (30th) day after the end of each calendar quarter. The owner/operator shall keep accurate books and records of the name and address of the person or entity depositing solid waste at the Solid Waste Sanitary Landfill site during each quarter together with the number of cubic yards deposited therein by each person or entity and the amount of fees collected from such person or entity for disposal of solid waste at the site during such quarter. Such books and records shall be made available for inspection and audit by the Township and/or its duly designated agent or representative.

The fees so collected by the owner/operator and paid over to the Township shall be deposited in the general fund of the Township to be used for any purpose which promotes the public health, safety, or welfare of the inhabitants of the Township. Such revenues, however, so paid to the Township pursuant to this Ordinance shall not be used to bring or support a lawsuit or other legal action against the owner or operator of the Solid Waste Sanitary Landfill unless the owner or operator of the Landfill has instituted a lawsuit or other legal action against the Township.

In all other respects the said Ordinance No. 14-89A shall remain in full force and effect except as modified hereby.

EFFECTIVE DATE

This Amendment to Ordinance No. 14-89A being necessary for the regulation of the public health, safety and general welfare of the persons

and property of the Township, it shall become effective thirty (30) days after publication hereof as required by the provisions of MCLA 41.191.

Adopted at a regularly scheduled meeting of the Township Board of the Township of Pinconning, at the Township Hall on the 11th day of December, 1989.

AYES

R. Tilly
B. Kleban
R. Doan
My. Bergeson
L. Gluster

NAYS

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CERTIFICATION

I do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Township Board of the Township of Pinconning at the regularly scheduled meeting held at the Township Hall on the 11th day of December, 1989.

Leroy Atwater
LEROY ATWATER
Township Clerk

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