GREEN OAK CHARTER TOWNSHIP

ORDINANCE NUMBER 11-2019

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR GREEN OAK CHARTER TOWNSHIP BY AMENDING CHAPTER 10, ENVIRONMENT, ARTICLE VII, SOIL REMOVAL, SECTION 10-170, DUMPING OF SOIL, SAND, CLAY, GRAVEL OR OTHER MATERIALS AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

GREEN OAK CHARTER TOWNSHIP ORDAINS:

Section 1. The Green Oak Charter Township Code, Chapter 10, Environment, Article VII, Soil Removal Ordinance, Section 10-170, Dumping, of Soil, Sand, Clay, Gravel or Other Materials, is amended to read as follows:

Sec. 10-170. - Dumping of soil, sand, clay, gravel or other materials.

The dumping of any soil, sand, clay, or gravel on any parcel of land within the limits of the Township is hereby prohibited, except when done in accord with the following requirements:

(1) **Permits required.** A separate filling permit shall be required for any dumping of fill on any property within the Township.

(2) **Applications.** An application for filling shall be filed with the Township Supervisor with documentation, plans and specifications which: (a) contain the legal description of the site of the proposed fill, specifically identifying the area to be filled; (b) describe the amount of fill proposed, the method for filling, and a list of materials to be deposited in the fill; and (c) contain a final grading and restoration plan to demonstrate compliance with the requirements of subsection (5) below. The application shall be accompanied with the applicable information and documentation required in section 10-157 of the Code for removal. Incomplete applications shall not be processed.

(3) **Fill materials.** Fill materials shall be "inert materials" only as approved in the EGLE or EPA list of approved materials. Trees, brush, wood, building materials, plastic, metal or concrete or asphalt larger than 6" in diameter is specifically prohibited. A log of documents shall be maintained in which the amount of fill, type of materials, and the date of deposits shall be accurately described with photographs of the same if required by the Township Board.

(4) **Inspections.** All fill sites shall be inspected on a schedule established by the Township Board and by the Township Engineers with all costs for such inspections paid by the permittee prior to the inspections.

(5) **Reclamation.** All fill sites shall be reclaimed to provide proper drainage to leave the ground fit for growing turf and to allow for all land uses permitted in the zoning
district in which any such property is located. Any filling of land within a floodplain, wetland or adjacent to a river or lake shall not commence unless and until all required approvals and permits have been issued by EGLE, the EPA, or other governmental agency having jurisdiction thereof.

(6) Performance Guarantee. A performance guarantee shall be required by the Township Board, to ensure compliance with the conditions of the permit and with the provisions of this article. The performance guarantee shall be in an amount as required in section 10-163. The Township Board may waive this requirement: (a) if in its opinion the inspection schedule meets the intent of this section in protecting the health, welfare and safety of the Township; and (b) in the event that over a two-year period there will be no more than 20,000 cubic yards of fill material placed on the site.

Section 2. Repealer.

This ordinance repeals any ordinances in conflict thereof.

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance. The Township hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. Savings Clause.

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. Publication and Effective Date.

The Township Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law within thirty (30) days after it has been duly adopted by the Township Board. The effective date shall be the date of publication.

Section 6. Adoption.

That this ordinance was duly adopted by the Green Oak Charter Township Board at its regular meeting called and held on November 6, 2019 and was ordered given publication in the manner required by law.

(Signature page following)
GREEN OAK CHARTER TOWNSHIP

Michael H. Sedlak, CMC, Township Clerk

Adoption Date: November 6, 2019
Publication Date: November 11, 2019
Effective Date: November 11, 2019