

CHARTER TOWNSHIP OF UNION  
ORDINANCE NUMBER 20-01  
EXTRACTION ORDINANCE

Please take notice that the Charter Township of Union Board of Trustees adopted a new Extraction Ordinance Number 20-01 at their regular meeting on May 12, 2020, which was held as an electronic meeting via video/telephone conference, with notice and instructions for access posted at the Township Hall and on the homepage of the Township's website in accordance with the Open Meetings Act, Public Act 267 of 1976, as amended (MCL 15.261 to 15.272) and Executive Orders 2020-48 and 2020-75 authorizing electronic meetings.

The First Reading of the proposed Extraction Ordinance was made at the regular meeting of the Charter Township of Union Board of Trustees on March 11, 2020 in the Township Hall Board Room at 2010 South Lincoln Road, Mt. Pleasant, MI 48858. Following the first reading, a summary of the ordinance and notice of the date, time, and place of the Second Reading was published in The Morning Sun newspaper and posted at the Township Hall in accordance with the requirements of the Charter Township Act, Public Act 359 of 1947, as amended (MCL 42.1 et seq.).

The Second Reading was made at the regular meeting of the Charter Township of Union Board of Trustees on April 8, 2020, which was held as an electronic meeting via video/telephone conference, with notice and instructions for access posted at the Township Hall and on the homepage of the Township's website in accordance with the Open Meetings Act and Executive Order 2020-15 authorizing electronic meetings.

A true copy of the adopted Extraction Ordinance 20-01 may be inspected or obtained by appointment upon request via telephone call to (989) 772-4600 during business hours at the Charter Township of Union office, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, and at any time on the Township's website at <http://www.uniontownshipmi.com>. The following is a summary of the adopted Ordinance:

**Section 1 (Short Title)** establishes the title of the ordinance.

**Section 2 (Intent and Purposes)** establishes the intent and purposes of the ordinance to provide for utilization of sand, gravel, and other non-metallic mineral resources in a manner that is compatible with nearby residences, protects human health and the environment, and ensures complete site reclamation at the conclusion of extraction operations.

**Section 3 (Authority and Scope)** confirms the Township's authority to regulate extraction operations to protect the public health, safety, and welfare, and that the ordinance requirements are the minimum necessary for this purpose.

**Section 4 (Prohibitions)** confirms that it shall be unlawful to extract non-metallic minerals or import fill materials in a manner that violates any provision of this ordinance.

**Section 5 (Exemptions)** specifically excludes from regulation customary agricultural activities; customary work within a road right-of-way or drainage easement; environmental remediation; construction of solid waste disposal facilities subject to state permits; and grading or excavation for construction of structures or septic systems.

**Section 6 (Application Procedure)** establishes a review procedure for extraction permit

applications and renewals, sets a public hearing requirement and standards for public notices, and confirms the authority of the Township Board of Trustees to establish required application fees and escrow deposits by resolution to defray anticipated administrative and enforcement costs. This section also confirms that an extraction permit shall be approved if the Planning Commission has determined that all necessary information has been provided, that the application satisfies all applicable Township ordinance requirements necessary for Permit approval or renewal, that the applicant has the resources necessary to comply with this Ordinance, that the site will be reclaimed to a safe and harmonious condition compatible with surrounding land uses and the Master Plan, that required fees, financial guarantees, and evidence of insurance have been submitted, that all required outside agency permits are in effect, that the water table, water quality, surrounding wells, and surface water resources will not be adversely affected, that wetland regulations have been satisfied, and that the operation will not pollute or degrade the environment, interfere with quiet enjoyment of persons in the vicinity or adversely affect the health, safety or welfare of residents.

**Section 7 (Base Documents)** lists the maps, photographs, studies, analyses, and data required for an extraction permit application and establishes a process for requesting a waiver from or modification of a required base document or item of information.

**Section 8 (Public Documents)** lists the public documents required for an extraction permit application, such as ownership and easement documentation, contact information for persons, firms, corporations or other entity having legal or equitable interest in the property, copies of all existing federal, state, and county permits in effect, and documentation of the applicant's right to conduct business in Michigan.

**Section 9 (Survey, Base Maps, and Photographs)** establishes minimum standards that apply to the survey, topographic map, aerial photograph, site inventory map, and reserve/exploration map as may be required by this Ordinance for an extraction permit application.

**Section 10 (Additional Studies and Analysis)** establishes minimum standards that apply to a hydrogeologic study, environmental impact analysis or other technical report that may be required as part of an application, based on the scope of a proposed extraction operation.

**Section 11 (Mining Plan)** establishes minimum standards that apply to the mining plan required by this Ordinance, including plan preparation and content requirements, a plan for sound and visual screening of the site, descriptions of the nature and type of operations, an overall extraction plan for the site, an estimated schedule for each progressive cell-unit of the operation, and a wetland mitigation plan if required by applicable regulations.

**Section 12 (Reclamation Plan)** establishes minimum standards that apply to the reclamation plan required by this Ordinance, including an overall plan for complete reclamation of the land at the conclusion of the operation, an estimated schedule for progressive reclamation activities, limitations on the steepness of reclaimed slopes, provisions for grading, slope stabilization, and re-vegetation, and a conceptual end-use plan for the reclaimed site consistent with the Master Plan and Zoning Ordinance.

**Section 13 (Specific Operating Conditions and Regulations)** establishes additional operating conditions and regulations that apply to all extraction operations, including a requirement that no extraction activity shall be conducted closer than 200 feet from any road right-of-way, 500 feet from any existing residence, and 200 feet from any other lot boundary. This section also prohibits blasting, limits extraction below the water table and importation of fill materials, and establishes standards for fencing, warning signs, hours of operation, and noise mitigation.

**Section 14 (Ingress-Egress Requirements)** establishes ingress and egress standards for the

extraction operation, including provisions for haul route acceptance, the internal access drive, and clean-up of spillage from transportation activities.

**Section 15 (Screening Requirements)** establishes minimum screening requirements for all extraction operations, including provisions for installation of perimeter berms.

**Section 16 (Variances)** establishes a procedure and criteria for consideration by the Township Board of Trustees of any applicant's request to vary from an ordinance requirement.

**Section 17 (Appeals)** establishes a procedure for consideration by the Township Board of Trustees of any appeal from a person aggrieved by a Planning Commission decision under this ordinance.

**Section 18 (Inspections)** confirms that the Township may conduct inspections and cause or perform such tests necessary to ensure that activities conducted on the site comply with this ordinance and other Township ordinances, and sets standards for corrective actions and notices associated with deficiencies found during inspections.

**Section 19 (Annual Report)** establishes a requirement for submittal of a detailed annual report to the Township describing reclamation activities undertaken during the year, planned extraction and reclamation activities for the next year, the total amount of materials removed during the year, the total acreage of disturbed land not yet restored, conformance to the requirements of this ordinance and outside agency regulations, and details of complaints received and procedures used to resolve them.

**Section 20 (Financial Guarantees)** establishes minimum requirements and criteria for determining the amounts of required financial guarantees for reclamation and site restoration, and for replacement of wells adversely affected by the operation.

**Section 21 (Indemnity Insurance)** establishes minimum requirements for a liability insurance policy to cover anticipated property damage and bodily injury claims associated with the extraction operation.

**Section 22 (Violations, Penalties, and Permit Revocation)** establishes penalties for violations of this ordinance, including a municipal civil infraction, a permit revocation procedure, and other remedies available to the Township to correct, remedy or abate non-compliance.

**Section 23 (Definitions)** defines various terms used in the ordinance.

**Section 24 (Severability)** confirms that the elements of this ordinance are severable as provided by law.

**Section 25 (Repeal)** confirms the repeal of Township ordinances or parts thereof that conflict with provisions of this Ordinance to the extent necessary to give this Ordinance full force and effect.

**Section 26 (Publication)** confirms that applicable publication requirements of state law will be met.

**Section 27 (Effective Date)** establishes the effective date of the ordinance, based on adoption and publication requirements.

Publication of the adopted Ordinance was made by this notice and posting of the true copy of the proposed ordinance at the Charter Township of Union office and on the Township's website pursuant to Charter Township Act requirements. The Ordinance is effective immediately upon publication of this notice.