

GOODLAND TOWNSHIP
AMENDMENT 801.1
TO
EARTH MATERIAL REMOVAL ORDINANCE 801

An ordinance to amend sections of the Goodland Township Earth Removal Ordinance No. 801 as to the definitions, farm or residential pond exemptions, inspections, permit renewals and surety amounts.

THE TOWNSHIP OF GOODLAND ORDAINS:

The following sections of the Earth Removal Ordinance No.801 are hereby amended to provide as follows:

ARTICLE II – DEFINITIONS

EARTH MATERIALS, shall mean any soil, topsoil, subsoil, sand, gravel, clay, peat, muck or other similar material.

ARTICLE III – REMOVAL OF EARTH MATERIALS

Section 3.04 ISSUANCE OF PERMITS

D) Farm or Residential Ponds. Ponds for farm or residential purposes up to a maximum size of three (3) acres in size, not to exceed 25% of the parcel size, may be excavated without meeting the other requirements of this ordinance, providing a permit is obtained from the Township Board. Any such pond excavation shall be completed within eighteen (18) months of the date of issuance of the permit.

Section 3.05 OPERATIONS INSPECTIONS

As a condition for issuance of a permit under this Ordinance, the operator shall agree to annual inspection(s) by the Township Engineer or the designated Township Inspector. Such inspection(s) are for the purpose of determining compliance with all requirements of this Ordinance and any specific conditions applied to the individual permits. The permit fees established in Section 3.03 shall fund the annual inspection(s). If additional inspections are required because of non-compliance, the cost of it shall be born by the operator and paid prior to the following year's permit renewal.

Section 3.10 REMOVAL OPERATIONS EXISTING PRIOR TO PASSAGE OF THIS ORDINANCE

Earth material removal operations, which existed prior to the effective date of this Ordinance, shall obtain an annual permit which shall be obtained as of January 1 of each year. Such permit shall be obtained upon expiration of the operation's existing permit. In order to obtain a permit as required under this Ordinance, previously existing operations shall comply with all provisions of this Ordinance, except in cases where excavations already exist which are closer to property lines or road right-of-ways than permitted in this Ordinance. Such noncompliance will be permitted, but the excavation may not be extended in any manner, which would increase the non-compliance. All existing operations shall provide the same information required in Section 3.01 of this Ordinance but will not be subject to Planning Commission review.

Section 3.11 SURETY (PERFORMANCE BOND)

The Township Board shall, to insure strict compliance with any regulations contained herein or required as a condition for the issuance of a permit for the removal of earth materials, require the operator to furnish surety in the form of cash, an irrevocable bank letter of credit, or a bond executed by a reputable surety company authorized to do business in the State of Michigan. The amount of such surety shall be established by the Township Board in a duly

adopted fee schedule. In fixing the amount of such surety, the probable cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply with court orders and any other relevant factors shall be considered. Excess funds, if any, shall be returned to the depositor, upon completion of the rehabilitation of the premises. The Surety Company and/or the bank shall give the Township thirty days notice, in writing, of any cancellation of a surety bond or letter of credit.

The undersigned Supervisor and Clerk of the Township of Goodland hereby certify that this ordinance amendment was duly adopted by the Goodland Township Board at a regular meeting held on the 10th day of February, 2004 and was published in the Tri-City Times on the 18th day of February, 2004. Said ordinance amendment shall become effective thirty (30) days after said date of publication.

Ronald Cischke, Supervisor

Effective Date: March 18, 2004

Anna Maria Calianno, Clerk