

MEDINA TOWNSHIP
LENAWEE COUNTY, MICHIGAN
ORDINANCE NO. 2007-02

An ordinance to regulate and/or prohibit the placement of fill materials, the use of certain materials for fill, the littering of public property, and the dumping or storage of waste materials and debris on private property in the Township.

The Township of Medina ordains:

Section 1. Purpose.

The purpose of this ordinance is to promote the public health, safety and general welfare of the residents of Medina Township, preserve natural resources, and prevent the creation of nuisances and hazards to the health, safety and general welfare by the regulation of depositing and dumping of waste or fill material on land in the Township; and by providing for the issuance of permits for certain dumping, storage or placement activities, prescribing the conditions for the issuance of such permits, and providing for performance guarantees to ensure compliance with this ordinance.

Section 2. Agricultural Activities.

The provisions of this ordinance are not intended to prevent permitted activities associated with active agricultural operations maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended), generally accepted agricultural management practices (GAAMPS) established by the Michigan Department of Agriculture, and any other applicable county or state regulations.

Section 3. Harborage for Rats and Other Vermin Prohibited.

No person shall place or allow to accumulate any materials or maintain any land or structures in the Township in a manner that may serve as a food source or harborage for rats or other vermin.

A. Upon determination by the Township Supervisor or designated Township employee or agent that such waste material or any dilapidated structure(s) on the land may serve as food or harborage for rats or other vermin, the property owner and any lessee of the land or structure(s) shall be jointly and severally responsible for proper disposal or removal of such waste material or dilapidated structure(s) so as to eliminate the food source or

B. Where permitted by this ordinance and in accordance with other Township ordinances, such materials shall be neatly piled on suitable platforms raised at least 15 inches above the ground.

Section 4. **Littering on Public Property or in Water Prohibited.**

It shall be unlawful for a person to knowingly cause or permit the depositing, placing, throwing or leaving of litter on public property, within road rights-of-way, or into bodies of water, watercourses, drainage ways or wetlands, other than within containers set aside and designated for such purposes.

Section 5. **Dumping Prohibited.**

Except as otherwise provided for in this Ordinance, it shall be unlawful for a person to knowingly cause or permit the storage or dumping of litter, rubbish, junk, machinery parts, automobile bodies or parts, litter, flammable substances, toxic or hazardous materials, offal, ashes, slag, industrial by-products, untreated sludge, cinders, night soil, lumber, scrap metal, containers, or similar waste material upon land in the Township unless such land has been designated, approved, and licensed as a sanitary landfill.

Section 6. **Placement of Materials for Fill.**

No person shall place material on land in the Township for purposes of filling or otherwise altering the contours or elevation of any parcel in the Township without first obtaining a permit for such activities from the Township Board. All residential zoned property shall be exempt from obtaining a permit under this Section if fill does not exceed one (1) foot in depth and is located at least ten (10) feet from all parcel boundaries and road rights-of-way. The Township Board shall grant a permit for the placement of materials for fill on one (1) or more parcels in the Township upon a showing by the applicant that the following standards have been met:

- A. *Materials.* Material allowed to be used for fill shall be limited to concrete, earth, or asphalt paving. No building materials from the demolition of buildings containing wood, glass, insulation, metals, plastics, shingles or liquids shall be allowed to be used for fill nor will not be allowed to be dumped or stored on any land parcels in the Township of Medina. This language shall not be interpreted to prevent commercial operations from storing materials used in resale and/or recycling so long as the materials are stored in conformity with the provisions of Section 7 (Temporary Storage of Fill Materials in Non-Residential Districts) of this ordinance.
- B. *Maximum Height of Fill.* The maximum height of fill that may be placed onto land within the Township shall not exceed by 3 feet the elevation of the nearest public highway or the elevation of the highest point of the parcel on which the dumping permit has issued.
- C. *Proximity to Drains, Road Rights-of-Way, and Property Boundaries.* There shall be no placement of materials used for fill allowed within 25 feet of the edge of any dedicated drainage easement, county drain, road ditch or swale, or any drainage catch basin; and the edge of any dedicated road right-of-way. There shall be no placement of materials used for fill allowed within ten (10) feet of any boundary of the parcel(s) for which a permit has been issued under this Section.

- D. *Required Cover.* Concrete or asphalt used for fill must be covered by a minimum of 1 foot of dirt (earth) within 30 days after expiration of permit.
- E. *Fill Permit Requirements.* Any person seeking a permit to fill in the Township pursuant to this Section must file an application with the Township, accompanied by any required fee. The application shall contain the following information:
- i. Names and addresses of parties of interest in the parcel(s) setting forth their legal interest in the parcel(s). If the applicant is not the titleholder for the property, written authorization from the property owner and titleholder shall be required with the application.
 - ii. Full legal description of the subject parcel(s).
 - iii. Topographical survey drawing prepared by a registered civil engineer and drawn to a scale of one (1) inch equals 100 feet. The drawing shall indicate:
 - (a) Existing grades on a two (2) foot contour interval within the parcel boundaries;
 - (b) Proposed grades after completion of fill activities on a two (2) foot contour interval within the parcel boundaries; and
 - (c) Location(s) and extent of any dedicated drainage easements, county drains, road ditches or swales, drainage catch basins, road rights-of-way, and parcel boundaries.
 - iv. A detailed operation plan, including the types of machinery or equipment to be used, anticipated period of time that such operation will cover, and type(s) of material proposed to be stored or placed on the parcel(s).
 - v. Additional information as may be reasonably required by the Township Board to determine compliance with this ordinance and other Township ordinances. As description of the type of fill being used, the location of where the fill is to be placed, the height of the fill being placed.
 - vi. *Additional Permit Standards.* In addition to the standards of this Section, the application and proposed dumping or placement of material for fill shall also conform to the standards of Section 8.0 (Permit Standards) of this Ordinance.
- F. *Term of Permit Approval.* An approved permit for placement of material for fill on one (1) or more parcels in the Township shall expire 30 calendar days from the date of permit approval or such other starting date as the Township Board

may approve. A limit of two (2) such permits may be issued for each parcel per calendar year

Section 7. **Temporary Storage of Fill Materials in Non-Residential Districts**

In all non-residential zoning districts, the owner of the property may apply to the Township Board for a permit to temporarily store construction debris or waste, broken or crushed concrete, milled or broken asphalt, or similar material on land in the Township. In considering any such application, the Township Board shall have the right to deny, approve or approve with conditions any such application. The conditions which the Township Board may impose may include restrictions on the duration, location, type and amount of materials that may be stored.

A. *Temporary Storage Permit Requirements.* Any person seeking a permit pursuant to this Section must file an application with the Township, accompanied by any required fee. The application shall contain the following information:

- i. Names and addresses of parties of interest in the parcel(s) setting forth their legal interest in the parcel(s). If the applicant is not the titleholder for the property, written authorization from the property owner and titleholder shall be required with the application.
- ii. Full legal description of the subject parcel(s).
- iii. A limit of 2 permits shall be issued for each parcel per year.
- iv. Topographical survey drawing prepared by a registered civil engineer and drawn to a scale of one (1) inch equals 100 feet. The drawing shall indicate:
 - (a) Existing grades on a two (2) foot contour interval within the parcel boundaries;
 - (b) Location(s) of proposed storage or placement areas; and
 - (c) Location(s) and extent of any groundwater recharge areas, wetlands, bodies of water, and watercourses within the parcel boundaries or within 300 feet outside of the parcel boundaries.
- v. A detailed operation plan, including the types of machinery or equipment to be used, anticipated period of time that such operation will cover, and type(s) of material proposed to be stored or placed on the parcel(s).
- vi. A detailed plan for removal of the anticipated amount of material to be placed on the parcel(s) and complete restoration of the parcel(s), including a detailed cost estimate for such work subject to Township Board approval.

- vii. Additional information as may be reasonably required by the Township Board to determine compliance with this ordinance and other Township ordinances.
 - viii. *Additional Permit Standards.* In addition to the standards of this Section, the application and proposed temporary storage or placement of construction debris or waste, broken or crushed concrete, milled or broken asphalt, or similar material shall also conform to the standards of Section 8 (Permit Standards and Conditions) of this ordinance.
 - ix. *Performance Guarantee.* Prior to placement of material in accordance with an approved permit, the permit holder shall deposit with the Township Treasurer a performance guarantee to ensure compliance with this ordinance and conditions of permit approval.
 - (a) The form of the guarantee shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the Township.
 - (b) The minimum performance guarantee amount shall equal the greater of the approved cost estimate for removal of the material and restoration of the parcel(s) or \$5,000.00.
 - (c) The performance guarantee shall continue until the Township Supervisor has determined that the conditions for release of the guarantee have been met.
 - x. Upon completion of the removal of materials and restoration of the subject parcel(s), the permit holder shall notify the Township Supervisor in writing to request final inspection. The performance guarantee shall be released or returned to the permit holder within 60 calendar days following final inspection by the Township Supervisor or designated Township employee or agent, and verification of compliance with this ordinance and all conditions of permit approval.
- B. *Term of Permit Approval.* Unless a shorter approval period is adopted by the Township Board, an approved permit for temporary storage of placement of construction debris or waste, broken or crushed concrete, milled or broken asphalt, or similar material on one (1) or more parcels in the township shall expire two (2) years from the date of permit approval.
- i. Upon written request received before the expiration date, the Township Board may grant one (1) extension of permit approval for up to 365 days.
 - ii. All such material shall be completely removed and the subject parcel(s) restored to their original condition within 30 calendar

days of expiration of permit approval. Areas of bare earth shall be re-seeded or otherwise protected against soil erosion.

Section 8.

Permit Standards and Conditions.

The Township Board shall grant a permit for the placement of material for fill or the temporary storage or placement of construction debris or waste, broken or crushed concrete, milled or broken asphalt, or similar material on one (1) or more parcels in the Township upon a showing by the applicant that the following standards have been met:

- A. The applicant shall obtain all necessary permits and licenses from Lenawee County, the State of Michigan, and other relevant agencies with jurisdiction.
- B. Placement of such material shall not cause stagnant water to collect, and shall not constitute a hazard to the public health, safety and welfare,
- C. Such material shall not be placed in a manner or location that would impact groundwater recharge areas, or pollute wetlands, bodies of water or watercourses of the Township.
- D. The subject parcel(s) shall not be left in an unstable condition or unfit for agricultural production or other land uses permitted on the site under the Township's Zoning Ordinance.
- E. The material shall not be placed in a manner or location that would violate Section 3.0 (Harborage for Rats and Other Vermin Prohibited) of this ordinance.
- F. The material shall not be placed on land that is in active agriculture production.
- G. The Township Board may require installation of a temporary fence to enclose the storage and placement area(s), secure the site from unauthorized access, and prevent the scattering or displacement of such material(s). The Township Board may limit the hours of operation for placement and/or removal of such material for any subject parcel(s) located within 500 feet of an existing residential dwelling.
- H. *Right of Entry and Inspection.* The subject parcel(s) shall be subject to inspection by the Township Supervisor or designated Township employee or agent during regular business hours, including collection and examination of samples as deemed necessary to perform such inspections, and the taking of photographic, videotape, or other representation of conditions within the parcel(s). No person shall obstruct or delay such inspections.

Section 9.

Fees.

The Township Board may establish a fee schedule to defray costs and expenses incurred by the Township to perform functions under this ordinance. No action shall be taken on any permit application until required fees have been accepted by the Township Treasurer.

Section 10.

Violations and Penalties.

- A. Failure to comply with the requirements of this Ordinance, including failure to secure a permit or violation of the conditions of permit approval under this ordinance shall constitute a violation of this Ordinance and each day the violation exists shall constitute a separate offense.
- B. Any person violating any provision of this violating this Ordinance shall be guilty of a misdemeanor and/or responsible for a civil infraction and the penalties shall be as follows:
 - i. *If guilty of a misdemeanor.* Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution.
 - ii. *If responsible for a civil infraction.* Penalties may be imposed in fines up to one hundred (\$100.00) dollars plus the costs of prosecution.

The decision to charge the alleged violator with a misdemeanor and/or civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township.

- C. In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.
- D. Failure of a permit holder to comply with the requirements of this ordinance or conditions of permit approval shall be grounds for the Township Board to redeem any performance guarantee and take such other legal action necessary to ensure restoration of parcels subject to a permit under this ordinance to their original condition. The Township may also pursue any other legal remedy or appropriate action to enforce the provisions of this ordinance.

Section 11.

Severability.

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

Section 12. **Repeal.**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed. *Trustee Tim Sward*

YEAS:

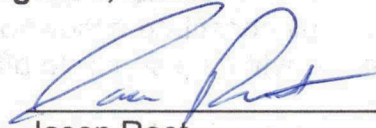
Supervisor Jason Root, Clerk Valerie Sword, Treasurer Ruth Ann Marshfield

NAYS:

ABSENT:

Trustee Jeff Libby

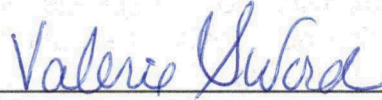
Ordinance 2007-02 declared adopted on August 8, 2022.



Jason Root
Township Supervisor for the
Township of Medina

Certificate of Adoption and Publication

I, Valerie Sword, the duly elected Clerk of the Township of Medina certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Medina on August 8, 2022 and published in the Hudson Post Gazette, a newspaper circulated in the Township of Medina on August 18, 2022.



Valerie Sword
Township Clerk for the
Township of Medina