

DEERFIELD TOWNSHIP ORDINANCE NO. 100

REGULATIONS, PROCEDURES AND STANDARDS FOR  
DUMPING/DISPOSAL OF OFF-SITE SOIL AND/OR  
COMPARABLE MATERIAL

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TABLE OF CONTENTS

100	-1	Definitions . . . . .	1
	-2	Applications . . . . .	2
	-3	Application Procedures . . . . .	6
	-4	Time Limit and Renewal . . . . .	6
	-5	Review and Approval . . . . .	7
	-6	Compliance . . . . .	8
	-7	Notice of Violation . . . . .	9
	-8	Surety Requirements . . . . .	9
	-9	Permit Content . . . . .	9
	-10	Records . . . . .	9
	-11	Operating Regulations . . . . .	9
	-12	Restoration Requirements . . . . .	10
	-13	Interpretation . . . . .	12
	-14	Violations and Penalties . . . . .	12
	-15	Validity . . . . .	13
	-16	Repeal of Conflicts . . . . .	13
	-17	Effective Date . . . . .	13
	-18	Adoption . . . . .	13

SOIL DISPOSAL ORDINANCE

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ORDINANCE 100

REGULATIONS, PROCEDURES AND STANDARDS FOR  
DUMPING/DISPOSAL OF OFF-SITE SOIL AND/OR  
COMPARABLE MATERIAL

100-1. Statement of Purpose; Definitions; Necessity  
for Permit.

a. Statement of Purpose.

This Ordinance is intended to regulate the use of land for dumping or other disposal of any soil, earthen materials or other comparable inert substances, as defined below, which materials are brought in from off-site. These regulations are needed because such soil disposal may pose significant land use problems, including environmentally damaging changes in the topography, safety hazards due to heavy truck traffic on roads, the level of noise from dumping and grading operations, threats to air quality from dust and other emissions, threats to water quality from chemical emissions out of the soil being brought on site, aesthetic problems, land use compatibility problems, loss of natural resources and/or attractive nuisance hazards.

b. Definitions.

As used in this Ordinance, the following terms shall have the following meanings:

- (1) "Township" means Deerfield Township, Livingston County, Michigan;
- (2) "Township Board" means the duly elected qualified and serving members of the Township Board of Deerfield Township, Livingston County, Michigan;
- (3) "Township Clerk" means the duly elected, qualified and serving

Clerk of Deerfield Township, Livingston County,  
Michigan

- (4) "Township appointed, Engineer for Deerfield Township, Livingston County, Michigan;
- (5) "Township Planning Commission" the duly appointed qualified and serving members of the Planning Commission of Deerfield Township, Livingston County, Michigan;
- (6) "Township Supervisor" means the duly elected, qualified and serving Supervisor of Deerfield Township, Livingston County, Michigan;
- (7) "Zoning Inspector" means the duly appointed, qualified and serving Zoning Inspector or Zoning Administrator of Deerfield Township, Livingston County, Michigan.

c. Necessity for Permit.

No dumping or disposal of any soil, earthen material or any other substance of any nature, including, but not limited to, concrete and/or bricks, which is not regulated as solid waste under Michigan Public Act 641 or as hazardous waste under Michigan Public Act 64, or any other applicable rules, regulations, statutes or other authority(s), shall be permitted on any parcel of land within the limits of Deerfield Township, unless the Township shall first have issued a soil disposal permit in accordance with the provisions of this Ordinance. Soil disposal permits shall be issued only in accordance with the procedures and standards set forth herein. It is the intent of these procedures and standards to ensure that any such dumping and/or disposal shall occur in places and ways which will be consistent with the public health, safety and welfare, and to ensure that

lands subject to such disposal operations shall continuously be reclaimed and rendered fully suitable for a use approved pursuant to the issuance of the applicable soil disposal permit.

Notwithstanding the above prohibition, this Ordinance shall not apply to the disposal of soil or other earthen material upon a single parcel of land during any calendar year of (i) less than 1,000 cubic yards of material, when such disposal is not attendant to development in accordance with a subdivision preliminary approval; or (ii) less than 5,000 cubic yards of material, when such disposal is attendant to development in accordance with a subdivision preliminary approval. Provided, however, this de minimis exception shall not relieve the property owner or any other individuals involved in the soil disposal activity, from reasonably ascertaining that the soil material being brought on site is not contaminated, or from any statutory or other liability they may have in the event such soil turns out to be contaminated.

100-2.

Soil Disposal Permit Applications.

- a. An application for a soil disposal permit shall be submitted in the form provided for in Ordinance No. 98-3, with the exceptions of Subsections (14), (15), (16) and (17), which shall not apply.
- b. The application for a soil disposal permit shall also contain the following:
  - (1) A detailed statement indicating the quantities of material to be disposed of, and the exact locations from which the material will be brought.
  - (2) A report specifying in detail the testing to be undertaken by the applicant at each source location

to ensure that the material being brought on site is not contaminated. The report shall include an opinion by a qualified independent soil scientist, soils engineer, hydrogeologist or geologist, confirming that the material from each source location is not contaminated.

- (3) A detailed Operations and Restoration Plan for the final grading and restoration of the site. The Plan shall:
- (a) Set forth in detail the arrangement and nature of all operations, including the quantity of each type of material to be brought on site and the location from which it will be brought.
  - (b) Set forth a detailed explanation as to the routing of all vehicles bringing material to the site, and their size, weight and frequency of trips. The proposed routing will also be submitted to any other applicable regulatory agencies, and their replies shall be included with this application.
  - (c) Set forth in detail the precautions taken to insure against any soil erosion or sedimentation control problems.
  - (d) Set forth in detail those features of the arrangement and nature of site operations which will ensure that the operations will minimize negative impact on adjoining areas and on areas affected by the routing of the trucks.
  - (e) Set forth in detail the procedures to be employed to

protect the groundwater, water courses, water bodies and wetlands from contamination directly or indirectly caused by the disposal activities. The procedures shall include the use of monitoring wells and periodic sampling of water courses and water bodies, and the immediate termination of disposal activities if the periodic samples indicate damage from contamination. Monitoring wells may be omitted if the Township Board finds, based on specific facts, that they are not needed to ensure protection of water quality.

- (f) Set forth in detail the contingency cleanup procedures to be utilized in the event of any contamination of the underlying groundwater or surface water.
- (g) Set forth in detail a timetable for each stage of the operation and a plan for restoration in reasonable, progressive phases. The restoration plan shall specify: (i) the use or uses to which each restored area will be put; (ii) the dates by which the areas will be fully restored; (iii) the restoration topography drawn as contours at an interval of two feet on U.S.G.S. datum; (iv) the location of water bodies and other major physical features; (v) the location of areas to be partitioned or subdivided and the proposed layout of such areas; and (vi) the methods and materials proposed for reclamation, including top-

soiling, mulching, and the amount and type of plantings.

- (h) Provide for operations and restoration in conformance with the provisions of subsections 11 and 12.
- c. The applicant shall be responsible for the payment of all application fees, including, but not limited to, all costs reasonably incurred by the Township in reviewing and evaluating the application, as herein provided. The application shall be accompanied by a deposit against the application fee, in an amount reasonably set by the Township Board.
- d. If this application is submitted together with a mining, excavation and/or quarrying special use permit application and/or non-conforming use application, the application review procedures shall be coordinated to reasonably facilitate an effective review of all of the applications, and only one deposit has to accompany the applications.

100-3.

Soil Disposal Application Procedures.

The application review for a soil disposal permit shall follow the procedures set forth in Ordinance 98-4.

100-4.

Time Limit and Renewal of Soil Disposal Permit.

- a. Soil disposal permits shall be issued for a period of not less than six months and for not longer than twelve months.
- b. Soil disposal permits may be renewed upon submission and approval of an application for renewal. In order for an application for renewal to be approved, it shall:
  - (1) Meet all the requirements set forth for initial applications; and



(2) Contain satisfactory evidence of compliance with the requirements of this Ordinance and any conditions for approval applicable to the permit for which renewal is sought. Evidence of compliance shall be obtained pursuant to compliance reports by the Township Zoning Inspector.

c. Applications for renewal of soil disposal permits shall be submitted not more than three months prior to the expiration of the permit for which the renewal is sought.

100-5.

Township Board Review And Approval Of Soil Disposal Permit.

a. General Standard For Approval.

The Township Board shall approve a soil disposal permit, only after it has determined, based on the facts submitted by the applicant or otherwise available, that no areas directly or indirectly affected by the proposed activities will suffer any significant negative consequences as a result of the proposed land use. In making such determination, the Township Board shall make specific, separate findings as to each of the aspects applicable to the proposed disposal operation specified in Section 6.a. of Township Ordinance 98, under Off-Site Impacts, On-Site Impacts, Mid and Long Range Planning Considerations and Assurances of Compliance.

b. Size, Duration And Locational Relationships. In determining whether the general standards set forth above are met, the Township Board shall include the following factors in relation to each other:

- (1) The size of the proposed operation.
- (2) The location of the proposed operation (including haul routes)

in relation to residential land and state truck line highways.

(3) The anticipated duration of the proposed operation.

c. Cumulative Impact Of Existing And Proposed Operations.

In determining whether or not the general standards set forth above are met, the Township Board shall consider the cumulative impact of existing and proposed operations.

d. Complete Application And Compliance With Operations And Restoration Requirements.

The Township Board shall approve the soil disposal permit only after it has examined the application for such permit and found it to conform with all requirements set forth herein, and in particular, that the Operations and Restoration Plan is provided in accordance with the standards set forth herein.

100-6.

Permit Compliance Report By Zoning Inspector.

- a. To ensure compliance with the provisions of this Ordinance, including any conditions established pursuant to the permit approval, the Zoning Inspector shall conduct not less than one inspection of each disposal operation every six months. The review and reporting procedures set forth in Township Ordinance 98-7 shall be generally followed, but modified so as to make them applicable to the soil disposal operation.
- b. If there are mining, excavation and/or quarrying activities going on in the same location as the disposal operations, the compliance review for all activities shall be coordinated and prepared in a single report.

100-7.

Notice Of Violation, Correction Of Violation, Revocation Of Soil Disposal Permit, And Lien Against Property.

The requirements, procedures, provisions and remedies of Township Ordinance 98 shall be applicable, with appropriate modifications to conform same to soil disposal operations.

100-8.

Surety Requirements.

The requirements, procedures and provisions set forth in Township Ordinance 98 shall be applicable, with appropriate modifications to conform same to soil disposal operations.

100-9.

Permit Content.

The requirements, procedures and provisions set forth in Township Ordinance 98 shall be applicable, with appropriate modifications to conform same to disposal operations.

100-10.

Permanent Records.

The Township Clerk's maintenance of the permit records shall be undertaken in the same fashion, and subject to the same requirements as set forth in Township Ordinance 98.

The Clerk shall record the permit in the Township records and in the office of the Register of Deeds for Livingston County, and the recorded permit shall constitute evidence of a first lien, prior in right to all other liens with respect to the land subject to this permit, in favor of Deerfield Township, for the purpose of securing the performance of the restoration and other obligations pursuant to this Ordinance.

100-11.

Operating Regulations.

- a. All soil disposal activities shall be conducted in strict compliance with the Operations and Restoration Plan, as approved by the Township Board.

- b. All soil disposal activities shall be conducted in conformance with the Arrangement of Operations and Operating Procedures, as set forth in Township Ordinance 98-12.b. and c., with appropriate modifications to conform same to disposal operations.
- c. Notwithstanding anything to the contrary in Township Ordinance 98-12.c., the sole operation to be conducted on any disposal site permitted under this Ordinance, shall be the emptying of the hauling vehicles on site, the grading of the dumped soil to accomplish the final grading plan, and the planting/maintenance of vegetation.
- d. Under no conditions or circumstances will any soil or other earthen materials be brought on site from, in or about industrial property; from, in or about any gas station locations; from, in or about any other property containing underground tanks; or from, in or about any other property suspected of contamination.

100-12.

Restoration Requirements:

Restoration shall be completed so as to leave the area compatible with existing and proposed development, and so as to protect the natural environment and minimize negative impact on surrounding land and development.

a. Conformance To Approved Operations and Restoration Plan.

Restoration shall be in accordance with the Operations and Restoration Plan, as submitted and approved by the Township pursuant to this Ordinance.

b. Restoration Schedule.

- (1) All disposal areas shall be maintained as of the close of each work day, with no area having a grade steeper than one foot

vertical to two feet horizontal, in the active disposal area. All non-active disposal areas shall have a grade no steeper than one foot vertical to four feet horizontal.

- (2) Successful vegetation of all disposal areas shall be accomplished on a progressive basis, so as to maintain an open, unvegetated, disposal area of no greater than 5 acres, except only in the case of a non-conforming use excavation pit, where the restoration shall be accomplished pursuant to the schedule set forth in Ordinance 98-12.b and the total open, unvegetated area, including both the disposal area and the ongoing mining area, shall not exceed a total of 15 acres.
- (3) The entire parcel shall be restored according to the final restoration provisions of the approved Operations and Restoration Plan, including but not limited to the completion of successful vegetation, within 6 months after the cessation of disposal operations.
- (4) Deviations from the timetable of the Restoration Plan shall be permitted, but only upon prior approval in writing by the Township Board of an amended soil disposal permit.

c. Restoration Standards.

- (1) Topsoil of the quality equal to that occurring naturally in the area shall be replaced on all disposal areas not covered by roads or other structures. The depth of the topsoil over the entire site shall be not less than 6 inches.

(2) Vegetation shall be restored by mulching and the appropriate seeding of grasses and the planting of trees and shrubs to accomplish a permanent vegetative cover on the land surface, to minimize erosion, and to assure long-term stability of any sloped areas.

(3) Any disposal activities which result in a final closure grade above the surrounding street grade shall not exceed a slope of 1 foot vertical to 5 feet horizontal.

100.-13.

Interpretation.

This Ordinance is not intended to in any way impair or interfere with Michigan Public Act 641, Michigan Public Act 64, the Washtenaw County Solid Waste Management Plan, or any other rules, regulations, statutes or authorities dealing with solid waste management and/or hazardous waste management.

This Ordinance is intended to deal with soils, earthen materials, concrete and any other inert substances which do not come within the regulatory authority of Public Act 641, Public Act 64, or any other similar authorities.

Where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, permits, or other authority, the provisions of this Ordinance shall control.

100 -14.

Violations and Penalties; Nuisance Per Se; Abatement.

A violation of any provision of this Ordinance is hereby declared to be a nuisance per se. The Court shall order such nuisance abated, and the owner and/or agent in charge of such operation shall be adjudged guilty of maintaining a nuisance per se. Anyone violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of

not more than \$100.00 and the cost of prosecution thereof, by imprisonment in the county jail for a period not to exceed 30 days, or both. Each day that a violation is permitted to exist shall constitute a separate nuisance. Imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. The rights and remedies provided herein are cumulative, in addition to all other remedies provided by law.

100-15.

Validity.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

100-16.

Repeal of Conflicting Ordinances.

All Township ordinances or parts of Township ordinances conflicting with the provisions of this Ordinance are hereby repealed.

100-17.

Effective Date.

This Ordinance shall be in effect on and after March 22, 1997 .

100-18.

Adoption.

This Ordinance is hereby declared adopted by the Township of Deerfield, County of Livingston, State of Michigan, at a regular meeting of the Deerfield Township Board, held on the 13th day of February 1997, and is ordered to be given publication in the manner prescribed by law.

CLERK'S CERTIFICATE


I, Nancy Laier, Clerk of the Township of Deerfield, Livingston County, Michigan, hereby certify that the foregoing Deerfield Township Ordinance No. 100, Soil Disposal Ordinance (Regulations, Procedures and Standards for Dumping/Disposal of Off Site Soil and/or Comparable Material) was duly approved and adopted by the Township Board of Deerfield Township duly assembled in a regular meeting of said Board held February 13, 1997.

I further certify that A. Houghton moved the adoption of the ordinance supported by J. McCarthy and that the vote upon said proposed ordinance was as follows:

	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Thomas Green, Supervisor	yes			
Nancy Laier, Clerk			absent	
James McCarthy, Treasurer	yes			
Earl Grimshaw, Trustee	yes			
Art Houghton, Trustee	yes			

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Nancy Laier  
Deerfield Township Clerk  
February 13, 1997

  
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Harry Scheib  
Deputy Clerk, Deerfield Township  
February 13, 1997