

MANCHESTER TOWNSHIP
ORDINANCE NUMBER 39

An Ordinance Regulating The Extraction Of Sand, Gravel, And Other Earthen
Materials

The Township Of Manchester, Washtenaw County, Michigan, Ordains:

Section 1. Name

1.01 This Ordinance shall hereinafter be known and cited as Manchester Township Mining Ordinance.

Section 2 Purpose

2.01 Manchester Township recognizes that sand, gravel and other earthen deposits within the Township's land area are nonrenewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding regional area. To provide for the utilization of these resources in a manner compatible with nearby residential areas, to protect human health and the environment, and to insure complete restoration for another land use at the conclusion of the extraction, it is necessary to regulate and provide procedures and standards for mining and extraction of earthen materials and for the restoration of the land at the conclusion of the extractive operation. These regulations are required because such mining operations and the related activities can cause unique and substantial impacts upon the environment and the welfare of adjacent properties and the community as a whole. They can disrupt the environment, impair the water quality and supply, cause noise nuisances, dust nuisances, damage the roads and create conditions that are dangerous to Township residents. Mining operations can also leave land in a condition that is unsightly, and dangerous.

Section 3. Exemptions

3.01 This ordinance does not apply to the following:

- A. *The ordinary and necessary grading of land for the tilling and cultivation of soils for the growing of crops.*
- B. *The ordinary and necessary grading or excavation for the construction of buildings or structures or related septic system on the lot under a permit from the Township.*
- C. Any removal of minerals of less than five hundred (500) cubic yards per calendar year.
- D. Excavation within a public right-of-way, within public roads or drainage easements.

Section 4. Definitions

- 4.01 Mineral Extraction – The mining, quarrying, excavation, or other removal or processing of sand, gravel, soil, or other minerals from the mineral extraction site.
- 4.02 Processing – The washing, sorting, crushing, aggregating, grinding, blending, mixing, or cutting of mined material.
- 4.03 Site – The entire real property that is the subject of the application.
- 4.04 The terms "applicant", "owner", and "operator" shall include the owners, tenants, lessees, agents, servants or assigns.
- 4.05 A mineral extraction permit does not allow other uses including but not limited to on-site processing of material from off-site, asphalt, cement or other manufacturing operations of any nature.

Section 5. Permit Required

- 5.01 It shall be unlawful for an owner, leaseholder or any other persons or entities who own, manage, lease or otherwise occupy the site of the extractive operation to conduct any extractive operation without first having complied with and having obtained the necessary zoning permits pursuant to the Manchester Township Zoning Ordinance and having obtained the permit required by this ordinance. Submittal for these permits to Manchester Township may be concurrent.
- 5.02 Any party having an interest in the land, including the owner, leaseholder, and operator, shall be equally responsible for complying with the requirements of this ordinance. Each party having any of the interest mentioned above, shall have the responsibility of taking all necessary precautions and actions to prevent the violation of this ordinance.
- 5.03 No person who has been issued a permit pursuant to this ordinance shall engage in activity contrary to the terms of the permit or contrary to the terms of this ordinance.

Section 6. Application for Permit

- 6.01 Filing Of Application – Applications for the extractive permit shall be filed with the Township Clerk by the owners and leaseholders, if any, of the land proposed for extractive operations. The application shall be promptly forwarded to the Township Planning Commission by the Clerk. Each application shall be accompanied by a fee to compensate the Township for its administrative expenses in reviewing, processing and conducting the necessary investigations before granting or denying the permit.
- 6.02 Amount of Application Fee – The amount of the application fee shall be Five Thousand (\$5,000.00) for the first ten (10) acres and One Thousand (\$1,000.00) for each additional ten (10) acres or fraction thereof included on the application including all required setbacks. The application fee shall be for all contiguous land owned or leased for the purposes of extraction. Any additional lands not contiguous or to be added at a future date shall require a separate application. Applicant shall also reimburse the Township within thirty (30) days of receipt of invoices for all reasonable expenses incurred by the Township with respect to experts retained by it to review and process the application.
- 6.03 Information and Data Required – The following data and information shall be required in and with the application for a permit:

- A. A legal description of the property;
- B. A list of any deed restrictions appearing in the chain of title;

- C. A list of names and addresses of persons, firms or corporations having legal or equitable interests in the property;
- D. A two-foot contour interval topographic map of the site, including the proposed locations of access drives, parking and loading areas, excavation equipment, and existing streets, buildings, and drainage facilities located within two hundred (200) feet outside of the perimeter of the site;
- E. An aerial photo showing the property and adjacent areas;
- F. A hydrogeological analysis, prepared by a Registered Professional Engineer, demonstrating no significant impact to existing private water supply wells within the influence of site dewatering operations. The hydrogeological report shall include test pumping data at the site and analytical computations used to assess potential site dewatering impacts. The hydrogeological report shall determine the direction and rate of ground water movement, the upgradient and down-gradient water quality, aquifer characteristics (when soil dewatering is planned, or extraction is planned to extend within 20 feet or less of the highest recorded groundwater level), extent of dewatering influence, and impact on surrounding water supply wells. All monitor wells installed shall be retained for future monitoring and be constructed to Type I production well standards of the Michigan Department of Public Health.

The report shall also demonstrate the effect the proposed operation will have upon the watershed of the area. If water bodies are to be created, the anticipated permanence of such, depth of any lake and other pertinent data;
- G. An environmental impact statement that assesses the operation's impact on the natural features flora and fauna on the property which is to be the subject of the extractive operation and upon the surrounding area;
- H. A statement of compatibility with surrounding uses;
- I. Excavation methods, extraction equipment, depths and drainage methods to be used on the site;
- J. Dust control plan;
- K. Estimated amount of material and types of material to be taken from the site;
- L. Site clearance methods and debris clean-up;
- M. Soil erosion control methods;
- N. Treatment of ponded or surface water;
- O. Anticipated Operating hours;
- P. A map showing truck routes and/or private easements to the site;
- Q. The estimated average and maximum amount of gravel, sand, or other minerals to be removed each year of the plan for mineral excavation;
- R. Evidence that a bond or security deposit has been supplied to the Washtenaw County Road Commission in an amount sufficient for maintaining the truck haul route during the term of the license until reclamation has been completed;
- S. The estimated average and maximum number of trucks per day that are to haul minerals from the site each year of the plan;

- T. A site map (from both aerial and cross-section perspective) divided into cells and timing of anticipated cell development that shows:
1. Existing site improvements including buildings, drives, wells, and drain fields;
 2. Location and type of materials for visually screening the site including berming and any other screening plans;
 3. Delineation of entrance, exit and haul routes to the Township boundaries;
 4. Location of land uses/natural resources and public right-of-ways within 500 feet of the operation;
 5. Fencing, and other security measures including signage;
 6. Setbacks;
 7. Location of proposed structures and utilities;
 8. Location of sediment ponds and drainage diversions and discharge points;
 9. A complete description of proposed pollution and erosion control measures;
 10. Location and description of structures and stationary and/or portable equipment to be located on the site during mining operations;
 11. Location and description of soil types;
 12. Tree areas and other natural features to be preserved;
 13. Locations, sizes and depths of test wells for monitoring water quality as may be required based upon conclusions of studies submitted with permit application.
- U. Michigan State Fire Marshall and/or Michigan State Police permit for the on-site storage or transfer of fuels; or a written indication from the applicable agency that a permit is not required.
- V. Copy of permit from the Michigan Department of Natural Resources (DNR), or letter from the DNR showing that a permit is not required for the proposed mining or reclamation by the:
1. Inland Lakes and Streams Act, being P.A. 346 of 1972, as amended.
 2. Goemaere-Anderson Wetland Protection Act, being P.A. 203 of 1979.
- W. A restoration plan prepared by a professional engineer or registered landscape architect. All restoration operations shall be performed in accordance with the restoration plan approved by the Manchester Township Planning Commission. The restoration shall be completed within one (1) year of the end of the extractive operations.
- The restoration plan shall provide the following information:
1. Boundary lines of the property and dimensions and bearings of the property lines correlated with the legal description;
 2. Location and extent of all natural features to be retained after extraction operations.

including but not limited to wetlands, streams, and wooded areas;

3. The slope of all restored areas;
4. Proposed completed topography at contour intervals of not more than two (2) feet;
5. A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
6. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;
7. A description of the methods and materials to be used in restoring the site; and
8. A sketch plan of the proposed use or uses of the restored site when restored. A landfill or other disposal or refuse site is not a suitable or satisfactory use.

X. A proposed surety bond, irrevocable bank letter of credit in satisfactory form, or security deposit in an amount sufficient to guarantee restoration of the site. In fixing the amount of such security the Manchester Township Planning Commission shall take into account the size and scope of the proposed excavation, probable cost of rehabilitating the premises upon default of the operator, recommendation of appropriate consultants, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

6.04 Issuance Or Rejection Of The Permit – The Manchester Township Planning Commission shall, once a complete application is submitted and fully reviewed, act by resolution within 60 days, on the submitted permit based upon the following:

- A. Approve the permit based on the following findings:
 1. The applicant can comply with this ordinance;
 2. The operation will not adversely affect the health, safety, and welfare, of the residents of the Township;
 3. The site will be restored so it is safe and harmonious with surrounding land uses.
 4. The necessary fees, bonds, security deposits and evidence of insurance have been submitted.
 5. The proposed operation will not adversely affect the water table or water quality or supply of any surrounding land.
- B. Disapprove the permit based on one or more of the following findings that the applicant has failed to demonstrate that:
 1. The applicant can or will comply with this ordinance; or
 2. The operation will not adversely affect the health, safety, and welfare of the residents of the Township, or impair the environment; or
 3. The site will be restored so it is safe and harmonious with the surrounding land uses; or

- 4. The proposed operation will not adversely affect the water table or water quality or supply of any surrounding land.
- C. Conditionally disapprove the license until the applicant submits revised document(s) providing evidence that the permit should be approved.
- D. Extend the period of review for an additional 30 days upon request by the petitioner when additional review is needed.

6.05 Issuance of Permit

If a permit is approved, the Manchester Township Planning Commission shall issue the permit in duplicate upon receiving the required fee, irrevocable bank letter of credit, or security deposit, and proof of insurance. One duplicate original permit will be provided to the applicant, and the other will be maintained by the Township.

6.06 Form of Permit

The permit shall be prepared in duplicate originals and signed by the Township Supervisor and Township Clerk and contain the following:

- A. A full description of the operation permitted by the permit based on approved plans and drawings.
- B. A full description of the restored site based on the approved plans and drawings.
- C. Dates for the completion of the operations and the completion of restoration.
- D. The dates for which the permit is valid based on the continual restoration schedule approved by the Manchester Township Planning Commission.
- E. Signed commitments by all parties having an interest in the land and the operation that they will comply with the ordinance and the permit, and that the permittee will reimburse all legal, engineering, consulting, and investigation costs incurred by the Township after establishing that a violation has taken place.
- F. That it remains subject to required annual inspections by the Township's designated agent and payment of designated fees as specified by this ordinance, and reimbursement of the Township's cost for monitoring to determine compliance with the permit.
- G. All required attachments to the application.

6.07 Compliance with Future Amendments to Ordinance - Any permittee shall be required to comply with the provisions of any future amendments to this Extraction Ordinance.

Section 7. Right of Entry

7.01 The Township, through its agents, shall have the reasonable right to enter any private property, upon notification to the owner/operator, to conduct the necessary inspections while reviewing the application. The Township shall also have the right to conduct the necessary periodic inspections to determine any violations of provisions of this ordinance or conditions of the permit. Refusal to permit that entry shall result in rejection of the application or revocation of the permit.

Section 8. Ongoing Operational Fees

8.01 Ongoing Fees – In order to reimburse Manchester Township for its costs incurred in enforcing the provisions of this Ordinance and monitoring the performance of the permittee, the permittee shall make quarterly payments to Manchester Township in an amount equal to five cents per ton with respect to each ton of sand, gravel or other earthen material removed from the site. The payment by the applicant to Manchester Township shall be made on or before March 31, June 30, September 30, and December 31 of each year the permit for the extraction operation is in effect. The amount to be paid to Manchester Township shall be based upon the quantity of materials removed from the site during the previous quarter. Funds remaining after enforcing and monitoring the provisions of this Ordinance shall be placed in an escrow fund, established by the Township, along with any security deposit furnished by the permittee.

Upon approval of the Planning Commission, the amount of the security may be reduced by the ongoing fees deposited in the escrow fund if the Planning Commission determines that the remaining security will be adequate. Upon approval of the Planning Commission, payment from the escrow fund may be made to permittee upon proof of partial restoration of the site. Such payment shall not exceed the cost of the restoration and shall not reduce the escrow fund below the amount needed to provide security. The Township may withdraw funds from the escrow account for enforcing and monitoring the provisions of this Ordinance, to repair and maintain roads or other public facilities damaged by the permittee's operations, or to restore the site if the permittee fails to restore it as required by this Ordinance. When the Planning Commission receives proof of complete restoration of the site, any funds remaining in the escrow account that are not needed for enforcing and monitoring the provisions of this Ordinance shall be paid to the permittee.

8.02 Annual Report Of Material Remedies – At the end of each calendar year, and at the date of termination in the final year of operations, the applicant shall provide a written report detailing all operations and activities conducted within and on the site including the following information:

- A. An annual aerial photograph of oblique prospective depicting entire property holding where the extraction operation is located. All activities on the site shall be identified and labeled on the aerial photograph.
- B. All rehabilitation accomplished during the past year on the site shall be depicted on the aerial photograph.
- C. A schedule depicting the type of rehabilitation that is anticipated on the site for the next year.
- D. A List of all equipment located on the site, either of permanent or temporary nature.
- E. The amount and type of material mined during the past year and a percentage estimate of material left to be removed from the site.
- F. Certified test well information for the site.

An annual inspection date for Township officials to visit the extraction site shall be determined at the meeting of the Manchester Township Planning Commission where the report is presented.

Section 9. Other Permits – The applicant shall obtain and file with the Manchester Township Clerk copies of all other permits required by other units of government before the commencement of any extractive operation.

Section 10. Financial Guaranty And Indemnity Insurance

10.01 Excavation and Restoration Plans – The Manchester Township Planning Commission is authorized to approve the manner and order of restoration of proposed new excavations. To assure faithful

restoration of the excavated area, the applicant shall deposit with the Township, an irrevocable bank letter of credit in satisfactory form, or security deposit in an amount sufficient to guarantee restoration of the site. In fixing the amount of such security, the Manchester Township Planning Commission shall take into account the size and scope of the proposed excavation, probable cost of rehabilitating the premises upon default of the operator, recommendation of appropriate consultants, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

The Township Board of Trustees may approve of the release of portions of a security deposit to pay for completed restoration. The Board of Trustees may approve a reduction in the amount of a letter of credit upon receipt of evidence that part of the restoration has been completed. The security deposit and/or the letter of credit shall be returned to the permittee following complete restoration. If restoration has not been started within 6 months after the end of extraction operations or has not been completed within one year after the end of extraction operations, the Township may draw on the letter of credit or use the security deposit to restore the site.

10.02

Site Insurance - The applicant shall provide a site specific liability insurance policy of not less than \$5,000,000.00 per incident for all liability claims arising out of the site. The adequacy of this amount shall be subject to yearly review by the Manchester Township Planning Commission. The liability insurance is to cover property damage for surface and/or subsurface occurrences and bodily injury in an amount and form approved by the Manchester Township Board of Trustees, naming Manchester Township, its elected officials and appointed officials as additional named insureds and provide a copy of this policy to the Township clerk. Said insurance shall provide an endorsement that provides that the general aggregate limit of the operator's commercial and general liability applies separately to the site. Manchester Township must be sent a notice of intent to cancel the insurance not less than 30 days before the cancellation. Failure of the operator, or any persons, firm or corporation named in the policy to maintain the insurance shall be cause for immediate revocation of the permit.

Section 11. Specific Operating Requirements

All persons or firms engaged in the activity of mineral extraction shall comply with the following regulations.

- 11.01 Establishment of Setback Lines – Before commencement of extraction operations on the site, 4" X 4" white painted posts, a minimum of five (5) feet in height, shall be placed along the designated setback lines around the site. Such posts shall be placed at a distance, not to exceed three hundred (300) feet from each post. The posts shall be placed at intervals so that from the line location of any post two additional posts are visible.
- 11.02 Setback – Excavation, washing and stockpiling of extracted material shall not be conducted closer than three hundred (300) feet from any road right of way, five hundred (500) feet from any existing residence, and not less than two hundred (200) feet from any other property line of the site. The setback area shall not be used for any use related to the extractive operation, except access roads and public notice signs identifying the use as an excavation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Manchester Township Planning Commission. Said setback may be varied by the Township Planning Commission when the outer boundary of the site abuts a body of water. In granting said variance, the Township Planning Commission shall establish a specific setback so as to secure public safety.
- 11.03 Placement of Processing Plants – Any processing plant and all equipment and structures for sorting, crushing, loading, weighing and other operations, shall not be located closer than two hundred (200) feet from any property line, three hundred (300) feet from a public highway, measured from its centerline and five hundred (500) feet from any existing residence.
- 11.04 Stockpiles of Topsoil– Stockpiling of topsoil from the site may take place within setbacks that are not along boundaries of the site adjacent to an existing residence or along a public highway if granted by the Township Planning Commission.
- 11.05 Access – All means of access to the property shall be from major or secondary thoroughfares and shall not be from residential roadways.
- 11.06 Fencing – Before the commencement of any extractive operations, a 10/47/6 fence (standard farm type fence) shall be erected around the perimeter of the active extraction site and maintained in good condition until excavation and mining operations have been completed. A lockable gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation.
- 11.07 Signs – The Township Planning Commission may require the posting of "Keep Out – Danger" or similar signs, every one hundred feet along the entire perimeter fence.
- 11.08 Noise, Vibration and Air Pollution – Any noise, odors, smoke, fumes, or dust generated on said site by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined so as not to cause a nuisance or hazard on any adjoining site or public road. The noise generated by the operation shall not at any one time exceed the maximum allowable decibel level as established by the United States Bureau of Mines at any adjacent property line of property not owned by the operator.
- 11.09 Pollution of Waters – The removing of materials shall not cause pollution of any body of water or subsurface watercourse.
- 11.10 Natural Drainage – The operations and related activities shall not adversely affect the natural drainage of the other properties in the area.

- 11.11 Access Roads - All access points shall be paved for a minimum of three hundred (300) feet into the parcel from the edge of the public road.
- 11.12 Slopes - Finished slopes of the banks of the excavation shall not exceed four feet horizontal to one foot vertical. Where ponded water results from the operations, slopes must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be completed as the work in any one cell of the excavation is completed. The time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning the restoration, provided that the Township Planning Commission may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient top soil shall be stockpiled on the site so that the entire area, when excavation operations are completed, may be covered with a minimum of six (6) inches of top soil, and that such replacement of top soil shall be made immediately following the termination of excavation operations. To prevent erosion of slopes, all replaced top soil shall immediately be planted with grass or other ground cover acceptable to the Township Planning Commission.
- 11.13 Elevation of Plant Site - Any processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, to reduce its visual and sound impact.
- 11.14 Seeding of Stockpiles - Stockpiles of stripped top soil and/or overburden shall be seeded with grass or other ground cover materials to prevent erosion.
- 11.15 Domestic Water Supply and Domestic Sewage Disposal Systems - Before the issuance of the permit authorized by this ordinance and the commencement of the extractive activities on the site, the applicant shall obtain approval, in writing, from the Washtenaw County Health Department or other governmental agency having jurisdiction of the matter for the on-site domestic water supply and domestic sewage disposal systems. A copy of this permit with the plans for the systems shall be furnished to Manchester Township.
- 11.16 Testing of Domestic Wells - Where the extractive operation is to occur below grade level, the operator shall be required, before any excavation occurring below grade level to perform a written certified pump test of all domestic wells within one-half (1/2) of a mile of the perimeter of the property. Said tests shall determine the draw down and the capacity of the well in gallons per minute and other pertinent information determined by the expert. The costs of said tests and analysis supplied shall be verified by the Township Engineer. All costs shall be borne by the operator.
- 11.17 Markers shall be placed upon all highway orientated extraction trucks with initials of the company and not more than a three (3) digit number on each individual truck, on the rear of each tractor-train, white background, black letters and numerals, letters and numerals at least twelve (12) inches high, and must be clean when entering and leaving the site.
- 11.18 If site dewatering is planned or becomes necessary, an impermeable groundwater protective barrier wall shall be installed around the entire perimeter of the affected area. Any such required wall shall have a maximum hydraulic conductivity of 1×10^{-7} cm/sec and shall be a minimum of 36 inches thick. The barrier wall shall extend from the surface elevation of the site down to and be keyed into (at least 36 inches) an impervious clay confining layer with maximum hydraulic conductivity of 1×10^{-7} cm/sec. To be used as a floor barrier, the underlying clay layer must be a minimum of six feet in thickness and continuous across the site.

Section 12. Blasting

No blasting shall be allowed at any time as part of any extraction operation.

- Section 13. Hours of Operation
- 13.01 Extractive Operations – Extractive and processing operations shall be permitted only between the hours of 7:00 A.M. and 5:00 P.M., Monday through Friday, and between 7:00 A.M. and 12:00 p.m. on Saturday.
- 13.02 Transporting – No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 A.M. and after 5:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 12:00 P.M. on Saturday.
- 13.03 Repair Of Equipment – Repair of equipment on site shall be permitted as allowed under the terms of this ordinance.
- 13.04 Sunday Operations – There shall be no extractive operations or transporting of aggregates permitted on Sundays or the official holidays of New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving or Christmas.

Section 14. Public Roads

- 14.01 The operator shall be responsible for all public roads upon which any trucks haul materials to and from the site. The operator shall maintain these public roads in a safe and driveable condition at least equal to that which existed before the beginning of extractive operations. Further, the operator shall clean all spillage and/or trackage of material, dirt, rock, mud and any other debris carried onto any public roads by trucks coming to or from the site or by other equipment. This cleaning shall occur promptly after the spillage or trackage of the material has occurred.

If a haul route is approved by the Washtenaw County Road Commission for the site for class "A" loads, permittee shall only load materials unto trucks coming to or leaving the site on a route specifically approved by the Road Commission. The foregoing shall not prevent permittee or its customers from delivering materials from the site to locations in the Township.

Section 15. Landscaping

- 15.01 Berm – As soon as it is practicable, except where an entrance is indicated, the operator shall have completed construction of a berm, seeded to prevent erosion, around the entire perimeter of the site. The berm shall be a minimum height of at least ten (10) feet, measured from the elevation of the nearest road, and shall have an outside slope not to exceed one (1) foot vertical drop for each four (4) foot horizontal. The berm shall be adequately maintained. The location of the berm shall be as noted in the plans submitted with the application for the permit. Where the operation is adjacent to a private landowner, the operator shall construct a drainage swale to prevent surface water from running off of the berm onto said adjacent properties.
- 15.02 Unexcavated Areas – Unexcavated areas shall be left in such a condition so as to ensure growth of vegetation, soil stabilization and erosion control. Topsoil of a quality equal to that occurring naturally in the area shall be replaced, if necessary, to a depth of four (4) inches on unexcavated areas.
- 15.03 Seeding and Tree Planting – On the top of and outside slope of the berm and for other areas where seeding is required, the operator shall engage in fertilizing and sowing seed in an approved manner. The trees shall be planted on the berm as shown in the plans submitted with the application. If a tree or other landscaping dies, it shall be promptly replaced by the operator.

Section 16 Restoration and Reclamation

- 16.01 Removal of Structures, Etc. – Upon cessation of the extractive operations by abandonment or otherwise, the operator, within a reasonable time not to exceed twelve (12) months, shall remove all structures, buildings, stockpiles and equipment; provided that buildings and structures which have a function under the reclamation plan, which can be lawfully used under the requirements of the zoning district in which they will be located under such a plan, may be retained, with the written consent of Manchester Township.
- 16.02 Time for Reclamation – Reclamation shall be completed by the operator within twelve (12) months after cessation of the extractive operation, whether cessation be by abandonment or otherwise.
- Section 17. Dumping of Materials on Site
- 17.01 No material of any kind, including but not limited to soil, sand, clay or gravel shall be brought from elsewhere onto the site of the extractive operation unless specific written permission to do so has been obtained from Manchester Township.
- Section 18. Penalties
- 18.01 Any violation of this ordinance or the permit given pursuant to it shall justify revocation of the permit provided that the Township gives the applicant ten (10) days within which to cure the violation. Failure on the part of the operator to correct the reported violation within ten (10) days after such demand is made shall entitle the Manchester Township Planning Commission to cancel the permit and demand that all activities cease and that restoration be done and completed as provided for in this ordinance.
- 18.02 Additionally, any person, firm, corporation, or any other organization, which violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any provision of this ordinance, shall be fined upon conviction not more than Five hundred and No/100 (\$500.00) Dollars together with the costs of prosecution, or shall be punished by imprisonment in the County Jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein at the discretion of the Court. Every day during which such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt this offender from compliance with the provisions of this ordinance.
- 18.03 The above penalties and/or relief are in addition to any other provided by law.
- Section 19. Public Nuisance
- 19.01 The use of any land in Manchester Township in violation of this ordinance is hereby declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.
- Section 20. Severability
- 20.01 This ordinance and its various parts, sections, subsections, sentences, phrases and clauses are 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 declares that it would have passed this ordinance and each of its parts, sections, subsections, phrases, sentences and clauses irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 21. Interpretation

21.01 The provisions of this ordinance shall be held to be minimum requirements for the promotion of public health, moral safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or with any rules, regulations, or permits previously adopted, or issued, or which shall be adopted or issued pursuant to the law relating to the use of the premises described herein, provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this ordinance shall control.

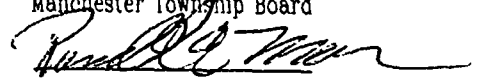
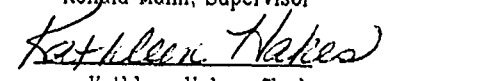
Section 22. Variances

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Township Board shall have the power to vary or modify the application of the provisions of this ordinance so that the intent and purpose of the ordinance shall be observed, public safety secured and substantial justice done.

Any applicant may apply for a variance from any provision of the ordinance by filing an application for variance with the Township Clerk. The Township Board shall hold a public hearing upon such application within forty-five (45) days from its filing. The Township Clerk shall give notice of the hearing to the owners of all property within three hundred (300) feet of the subject property. The notice shall be mailed to each such party and published in a newspaper of general circulation in the Township not later than seven (7) days before the hearing. Any party may appear and comment at the hearing in person or by agent or by attorney. The Township shall keep a record of said hearing and shall render a written decision not later than the next regular Township Board meeting after the hearing date. The Township Board may attach reasonable conditions in granting any variance from any provision of the ordinance, and the breach of any conditions or the failure of any application to comply with the conditions shall void the variance. This provision of the ordinance is intended, in part, to enable variances to be granted and conditions attached to the variances to facilitate the upgrading of prior extraction operations, in a reasonable and practical manner.

Section 23. **Effective Date**

- 23.01 This ordinance is adopted by the Township Board of the Township of Manchester at a meeting thereof held on the 9th day of October, 1995, and is ordered to be given according to law. This ordinance shall take effect thirty (30) days after publication of this ordinance.
- 23.02 Owners and operators of all extraction operations existing before October 9, 1995, must apply for the required permit by March 1, 1996; and must meet all provisions of this ordinance by January 1, 1997.

Manchester Township Board

Ronald Mann, Supervisor

Kathleen Hakes, Clerk

I, Kathleen Hakes, Manchester Township Clerk, certify as follows:

- A. The above ordinance was passed by the Manchester Township Board of Trustees on the 9th day of October, 1995. The names of the members voting thereon and how each member voted was as follows:
- Yeas: Hakes, Turk, Mann, Widmayer, Macomber
- Nays: None
- Absent: None
- B. A true copy of the above ordinance was published in the Manchester Enterprise, a newspaper circulating within the Township, on the 26th day of October, 1995;
- C. The effective date of the ordinance is the 27th day of November, 1995; and
- D. A true copy of the above ordinance was filed with the Washtenaw County Clerk on the 27th day of November, 1995.

Manchester Township Board
By: 
Kathleen Hakes, Clerk