

**MANCHESTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 109**

SECOND ORDINANCE EXTENDING MINERAL EXTRACTION MORATORIUM

At a meeting of the Township Board of Manchester Township, Washtenaw County, Michigan, (“Township”) held at the Manchester Township Hall, on the 12th day of December 2023, at 7:00 p.m., Moutinho moved to adopt the following Ordinance, which motion was seconded by Milkey.

An ordinance to extend the existing temporary moratorium on the permitting, consideration, approval, location, erection, construction, and/or installation of any Mineral Extractions for a period of ninety (90) days.

WHEREAS, the Township has adopted a zoning ordinance and other ordinances, including Ordinance No. 39 (“Mining Ordinance”) which regulate, among other things, Mineral Extractions. Mineral Extractions are generally the mining, quarrying, excavation, or other removal or processing of sand, gravel, soil, or other minerals from a mineral extraction site. For the purposes of this ordinance, Mineral Extractions encompass all like operations referenced in the Mining Ordinance and the Manchester Township Zoning Ordinance (including, but not limited to “Quarry,” “the removal of soil, sand, gravel and other materials,” and all activities which require an extractive or like permit under the Mining Ordinance); and

WHEREAS, due to concerns from the public and Township officials about appropriate regulations to regulate Mineral Extractions, among other issues associated with Mineral Extractions, the Township has engaged in a review of its existing Mining Ordinance to explore revising its regulations governing Mineral Extractions; and

WHEREAS, the Township has a legitimate purpose in addressing the proper design, size, location, and operation of Mineral Extractions in the Township; and

WHEREAS, the Township is reasonably concerned that continued application of the Mining Ordinance could cause future Mineral Extractions to be established in inappropriate or inadvisable locations within the Township; and

WHEREAS, it is appropriate to forestall such issues for the Township and to extend the existing temporary moratorium on such Mineral Extractions until any necessary revised regulations can be enacted; and

WHEREAS, the Township determined that the adoption of a moratorium was necessary to preserve the public peace, health, and safety by preventing the inappropriate location and establishment of Mineral Extractions in the Township during the time needed to study, review, and potentially revise the Township’s current Mining Ordinance due to changed conditions within the Township; and

WHEREAS, the Township Board at its meeting on July 12, 2022, previously adopted Ordinance No. 97, the Ordinance Establishing Mineral Extraction Moratorium, which placed a one-year temporary moratorium on the permitting, consideration, approval, location, erection, construction,

and/or installation of any Mineral Extractions to permit the Township to study, review, and potentially revise the regulations of the current Mining Ordinance; and

WHEREAS, the Township Board at its meeting on July 11, 2023, previously adopted the Ordinance Extending Mineral Extraction Moratorium which extended the one-year temporary moratorium on the permitting, consideration, approval, location, erection, construction, and/or installation of any Mineral Extractions for an additional one hundred eighty (180) days; and

WHEREAS, the Township has worked towards updating its ordinances and regulations governing Mineral Extractions and needs additional time to complete the necessary updates; and

WHEREAS, recognizing the moratorium is temporary in nature, the Township Board desires to extend the moratorium as specified for an additional ninety (90) days to allow the Township to promulgate new regulations.

NOW, THEREFORE, Manchester Township, Washtenaw County, Michigan, Ordains:

Section 1. Title: This Ordinance shall be known and cited as the Second Extension to the Manchester Township Mineral Extraction Moratorium.

Section 2. Moratorium: The Township extends the existing temporary moratorium on the permitting, consideration, approval, location, erection, construction, and/or installation of all Mineral Extractions in the Township for an additional ninety (90) days from the date the existing temporary moratorium is set to expire. Mineral Extractions are generally the mining, quarrying, excavation, or other removal or processing of sand, gravel, soil, or other minerals from a mineral extraction site. For the purposes of this ordinance, Mineral Extractions encompass all like operations referenced in the Mining Ordinance and the Manchester Township Zoning Ordinance (including, but not limited to “Quarry,” “the removal of soil, sand, gravel and other materials,” and all activities which require an extractive or like permit under the Mining Ordinance).

Section 3. Severability: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 4. Repeal: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Effective Date: This Ordinance shall take effect immediately after publication.

YEAS: Milky, Thompson, Moutinho, Jarvis, Fusilier, Proctor

NAYS:

ABSENT: Seefeld

ORDINANCE DECLARED ADOPTED.



Ronald Milkey, Manchester Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Manchester Township Board at a duly scheduled and noticed meeting of the Township Board held on December 12, 2023, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Manchester Mirror newspaper, a newspaper that circulates within Manchester Township, on December 20, 2023.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the Township Board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Washtenaw County Clerk on December 20, 2023.

ATTESTED:



Danell Proctor, Manchester Township Clerk

**MANCHESTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
SECOND ORDINANCE EXTENDING MINERAL EXTRACTION MORATORIUM**

**Ordinance No. 109
Notice of Adoption**

Please take notice that on December 12, 2023, the Township Board of Manchester Township adopted Ordinance No. 109, which extends the existing moratorium on the permitting, consideration, approval, location, erection, construction, and/or installation of Mineral Extractions (generally, the mining, quarrying, excavation, or other removal or processing of sand, gravel, soil, or other minerals from a mineral extraction site) in the Township by ninety (90) days in order to allow additional appropriate time to study and potentially adopt revised regulations governing Mineral Extractions. Copies of the Ordinance may be obtained from Danell Proctor, Manchester Township Clerk, at 275 S. Macomb St. Manchester, MI 48158 during regular business hours.

Published by Order of the Township Board
Manchester Township, Washtenaw County

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