

**GARFIELD TOWNSHIP  
ORDINANCE NUMBER 8A-1990**

**GARFIELD TOWNSHIP ZONING ORDINANCE AMENDMENT**

At a Regular Meeting of the Garfield Township Board of Trustees of bay County, Michigan, held on the 9<sup>th</sup> day of January, 1990, conducted at the Garfield Township Hall. Upon Motion made by Rivard, seconded by Wojda and carried, the following Amendment to the Garfield Township Zoning Ordinance was adopted:

The Board of trustees of the Township of Garfield, County of Bay State of Michigan, ordains:

That the Zoning Ordinance of the Township of Garfield, being commonly known as the Garfield Township Zoning Ordinance NO.8, be amended as follows:

**Section A:**

The Township of Garfield Zoning Ordinance designated as the Ordinance No. 8, adopted February 12, 1979, and effective March 12, 1979, is hereby amended in part as follows:

**ARTICLE IX:**

"O" Open District

**Section 9-2: Permitted Uses**

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except for one (1) or several of the following uses by right or special permit and lawful accessory uses thereto or for one (1) or several of the following uses by temporary permit.

a. Uses by Right - no change

b. Uses by Special Permit.

(1) Mining, Landfills, and Natural Resource Extraction.

Includes removal of natural resources from the site by conventional surface and sub-surface mining operations or through wells. Also, includes disposal of mining and industrial residues and waste materials beneath the surface of the ground; provided, however, that no land fill operations of any kind or nature, unless conducted on a parcel consisting of at least two hundred (200) acres of land and provided, further, that all of the requirements of any federal, state or local statute, ordinance rule or regulation governing the disposal of such solid or liquid wastes are complied with in each and every respect.

These activities are more specifically addressed in Section 11-6(2).

**ARTICLE XI:**

Special Use Permits

**Section 11-6(2): "O" District**

G. Solid Waste Landfills: Solid waste landfills are permitted when authorized as a special use by the Zoning Board. In considering such authorization, the Zoning Board shall insure that the following requirements will be met.

1. The landfill is located on a parcel of land of not less than two hundred (200) contiguous acres.
1. All buildings and structures shall be removed upon the completion of the landfill operations.
1. The parcel is enclosed by a fence six (6) feet high which is of such construction so as to contain all windblown debris.
2. No burning of waste material shall be allowed without a permit from the Department of Natural resources.
3. If the landfill borders on a public right-of-way or abuts a residential district, there shall be a two hundred (200) foot landscaped buffer consisting of deciduous or evergreen trees which reach a minimum of five (5) feet in height in one (1) growing season.
4. The landfill shall meet the requirements of Public Act 87 of 1965, as amended, Public Act 641 of 1978, as amended, and other state, county and

- local requirements as are applicable.
5. Once the landfill operation is completed the land shall be graded to smooth contours suitable for other uses.
  6. All truck operations shall be directed away from residential areas.
  7. The Zoning Board may impose any other regulations which it deems necessary to protect the safety, health and general welfare of the people of Garfield Township and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest consistent with the Bay county Solid Waste Management Plan.

Solid Waste landfills, granted a special use permit by the Zoning Board, shall meet the following requirements:

- 1.
2. No business or industrial building or structures of a permanent nature shall be erected.
3. No storage or truck parking and no storage or piling of lumber or logs or any other forest products shall be located within two hundred (200) feet of any right-of-way, and no closer than two hundred (200) feet from any other property line.
4. All truck operations shall be directed away from residential streets. All facilities shall have frontage on and access to a primary all-season road maintained by the Bay County Road Commission.
5. The Zoning Board may require such bonds as it deems necessary to insure that its requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained.

I.

I. Natural Resource Extraction: Removal and processing of topsoil, stone, rock, sand, gravel, lime or other solid or natural resource when authorized as a special use by the Zoning Board. In considering such authorization, the Zoning Board shall consider the following conditions:

- 1.
1. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed.
2. The effect of such removal on adjoining property, including adverse impact upon property values.
3. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
4. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas.
5. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resource.
6. Potential traffic congestion and problems because of truck or other vehicles or means utilized to haul and transport the materials removed.

Operations granted a special use permit by the Zoning Board shall meet the following conditions:

1. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other persons having reason to be within the area of activity.
2. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is permitted use within the district in which the extraction activity is located.
3. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within two hundred (200) feet of any other adjacent property.
4. After the natural resources have been removed, the property shall be restored by the replacement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. The excavation area shall be planted with a suitable ground cover sufficient to control erosion.
5. All truck operations shall be directed away from residential streets wherever possible.
6. The Zoning Board may require such bonds as it deems necessary to insure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained.

#### SECTION B

The penalty for violation of this ordinance shall be the same as those penalties set forth in Article II, Section 2.2-2.3 of the Township of Garfield Zoning Ordinance.

**SECTION C**

A copy of this Ordinance shall be published in a newspaper circulated within the Township of Garfield, Bay county, Michigan, within thirty (30 Day following the adoption thereof.

**SECTION D**

This amendment to the Garfield Township Zoning Ordinance shall become effective immediately upon publication following adoption by the Board of Trustees.

**SECTION E**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION F**

Should any section, clause or provision of this ordinance be declared by the court to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared to be invalid.

**Garfield Township**

**Certification of Adoption**

I, Sandra Day, as Clerk for the Township of Garfield, Bay County, Michigan hereby certify the following relative to the foregoing ordinance:

1. That the ordinance was introduced by the Garfield Township Board of trustees on October 9, 1989.
2. That a summary of the ordinance was published in the Pinconning Journal on November 15, 1989 and December 6, 1989.
3. That the ordinance was adopted by the Garfield Township Board of Trustees on January 9, 1990.
4. That a Notice of Adoption was published in the Pinconning Journal on January 17, 1990.
5. That the ordinance took effect on January 17, 1990.

Substantive changes in text indicated by bold type.

Sandra Day  
Garfield Township Clerk