

TOWNSHIP OF EXETER

ORDINANCE NO. 18

QUARRY ORDINANCE

AN ORDINANCE TO PROVIDE REGULATIONS AND REQUIREMENTS FOR THE EXCAVATION AND REMOVAL OF GRAVEL AND ROCK; FOR PERMITS AND THE REQUIREMENTS THEREFOR; FOR THE APPLICATION FOR THE PERMITS; FOR THE INVESTIGATION OF THE APPLICATIONS FOR PERMITS THEREFOR; FOR THE FEES, ISSUANCE OF PERMITS, AND THE EXPIRATION OF THE PERMITS THEREFOR; FOR THE INSPECTION OF PREMISES; FOR THE REVOCATION OF PERMITS THEREFOR; AND FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE:

The Township of Exeter ordains:

§1 - Short Title. This Ordinance shall be known and cited as the "Township of Exeter Gravel and Rock Removal Ordinance."

§2 - Purpose. In the interpretation and application of this Ordinance, the provisions of it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare of the citizens of the Township of Exeter.

§3 - Scope. It is not intended that this Ordinance repeal, annul or in any other way impair or interfere with existing provisions of other laws or ordinances. Where this Ordinance imposes a greater restriction upon the use of the premises than may be imposed or required by any existing provision of any law or ordinance, the provisions of this Ordinance shall control.

§4 - Excavation. "Excavation" shall mean the digging of gravel or rock for any purpose other than temporary excavation. "Temporary excavation" shall be deemed excavation for building construction purposes when such construction is done pursuant to a permit duly issued under the Building Code Ordinance of the Township of Exeter.

§5 - Gravel and Rock Removal.^{Retained} The term "gravel and rock removal" shall mean the moving or transporting of such gravel and/or rock from one premise to another or from one area to another upon the same premises.

§6 - Permit Required. It shall be unlawful for any person, firm, corporation or association to excavate gravel or rock within the Township of Exeter without having first secured a permit therefor issued by the Township Board of the Township of Exeter.

§7 - Application For Permit. Applications for permits, pursuant to this Ordinance, shall be made in writing to the Township Board and shall be filed with the Township Clerk. Applications shall contain the name and address of the applicant, shall be signed by the applicant or his duly authorized officer or agent, shall contain a legal description of the property upon which the proposed operation is to be carried on and a description of the proposed operation as to extent, nature and duration. It shall set forth the name of the owner or owners of the land, and, if the applicant is not the owner, it shall have attached thereto the written consent of the owner or owners of said parcel or parcels of land on which the proposed operation is to be carried out. Such consent

shall further authorize the Township of Exeter or its duly authorized agents or representatives to enter upon the land for the purpose of inspecting and for bringing the land into compliance with any term or terms of this Ordinance in the event the licensee or owner shall fail to do so.

In addition, the Township Board may require, in its discretion, the furnishing by the applicant of a topographical map authenticated by the signature of the owner or his representative where excavation or removal will be extensive or for commercial purposes or where the same is necessary to clarify the extent of the applicant's proposed excavation or removal.

It shall also contain an agreement that the applicant, if granted a permit, will comply with all of the provisions of this Ordinance and with any and all regulations and rules adopted by the Township Board pursuant thereto as well as any requirements provided for by the statutes of the State of Michigan or any other ordinance of the Township of Exeter.

§8 - Inspections. All applicants shall be referred to an inspector who shall be annually designated by the Township Board and who shall inspect and investigate the premises described in the application and make recommendations to the Township Board as to adequate requirements and safeguards to be observed as a condition for the granting of such permit.

§9 - Fee. A permit fee of \$50.00 shall be paid by the applicant to the Township Clerk at the time of the filing of the application for a permit and on the 1st day of April each and every year of operation

thereafter, the Township Clerk shall issue a receipt showing the deposit of said fee. Upon the issuance of the permit, the fee shall be paid into the general fund of the Township.

In addition to the above stated fee, the applicant shall pay an additional license fee of \$.05 per ton of gravel or rock removed or excavated, provided that the license shall not be less than \$50.00 per year. This license fee shall be in addition to the annual permit fee required to be paid by the applicant.

§10 - Sworn Statement. Each licensee under the provisions of this Ordinance shall provide the Township Board with a sworn statement as to the quantity of gravel or rock removed or excavated pursuant to the permit and accompany such sworn statement with the license fee calculated pursuant to §9 of this Ordinance. This license fee and sworn statement shall be submitted to the Township Board at such time or times as shall be designated in the permit and shall show the quantities removed or excavated as of the dates required by the permit. The frequency of these sworn statements shall be determined by the inspector, with due regard given to the extent of the proposed removal or excavation, operation and the length of time in which the removal or excavation shall be accomplished. No sworn statements shall be required more frequently than monthly nor less frequently than quarterly.

§11 - Issuance of Permit and Expiration. The Township Board may, upon the vote of a majority of its members, issue a permit upon the receipt of an application therefor, but

only after such application is certified by the inspector as being in compliance with the requirements of this Ordinance, and the statutes of the State of Michigan and such other ordinances of the Township of Exeter as may apply. The permit shall be renewed annually and each permit issued shall expire on the 31st day of March of each year. Application for renewal of permits must be filed with the Township Board at least 30 days prior to expiration of the existing permit. No topographical map shall be required to be submitted with an application for a permit renewal.

~~Section~~ §12 - Protective Requirements. Violation of the following regulations shall be grounds for the revocation of any permit issued under this Ordinance, and the regulations hereafter noted shall not be construed to limit the Township Board from imposing other restrictions or conditions upon the permit to meet with varying conditions of proposed sites.

a. No permit holder shall violate any term of his permit which prohibits removal or excavation within a specified distance from a public road or from adjoining property.

b. The Township, through its duly authorized agent or agents, shall have the right to enter upon any land covered by a permit issued under the provisions of this Ordinance for the purpose of making inspections and for the purpose of bringing the land into compliance with the terms of this Ordinance or any permit issued hereunder in the event the applicant or owner shall fail to do so.

c. Where an excavation in excess of five feet will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends, said fence will be of wire mesh or other suitable material and to be not less than five feet in height, complete with gates, which gates shall be kept locked when operations are not being carried on.

d. Any roads used for the purpose of ingress or egress to said excavation site, which are located within three hundred feet of occupied residences, shall be kept dust free by hardtopping with cement bituminous substance or chemical treatment.

§13 - Repeal of Conflicting Ordinances. Any existing ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

§14 - Severability. Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

§15 - Administration and Enforcement. The Township Board is hereby authorized and directed to enforce all of the provisions of this Ordinance. It shall appoint an inspector, who shall have the duty of enforcing this Ordinance. The inspector shall be directly under the control of the Township Board and shall, for the purpose of this Ordinance, have the powers of a police officer and may delegate this power to his assistant


Board, shall verify the sworn statements of the applicant each month as to the amount of gravel or rock removed or excavated. The inspector shall likewise note the effect of these operations on surrounding lands and the lands being excavated or from which gravel or rock is being removed. He shall report on these matters monthly to the Township Board or at such other times as may be requested. The Township Supervisor or Ordinance Enforcement Officer is hereby authorized to take such legal action in Courts of competent jurisdiction in the name of the Township of Exeter as he might determine is necessary to enforce the terms of this Ordinance.

§16 - Violations and Penalties. Any person, firm, corporation or association who shall fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$100.00 and costs of prosecution or to imprisonment for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the Court.

§17 - Effective Date. This Ordinance shall take effect on March 26th, 1976, and shall be published in the Monroe Evening News according to law.

This Ordinance No. 18 was made and passed by the Exeter Township Board at a regular meeting of said Board held on February 17th, 1976, at the Exeter Township Hall with 5 members of said Board being present and 5 voting in favor thereof and 0 voting against.

Margaret M. Bruck
Margaret M. Bruck
 Exeter Township Clerk

Attested.


I, Margaret M. Bruck, Clerk of the
Township of Exeter, do hereby certify that this Ordinance
was approved and adopted by the Exeter Township Board at a
regular meeting thereof held on the 17th day of
February, 1976.

Margaret M. Bruck

Exeter Township Clerk

Feb. 25, 1976