

**WATERLOO  
TOWNSHIP  
Sand & Gravel  
Extraction  
ORDINANCE**

*Adopted May 21, 2002  
Amended November 17, 2009  
Amended January 21, 2020*

**Waterloo Township  
Jackson County, Michigan**

## Summary Table of Amendments

Ordinance No. and Adoption Date	Affected Section(s)	Summary
02-05-21-02 05/21/2002		Original version of the ordinance.
02-05-21-02 11/17/2009	4.01, 4.02, 4.04, 4.06, 4.09, 6.01, 6.05, 8.01, 8.03, 9.01, 9.03, 9.04, 9.10, 11.01, 11.02, 14.01, 17.01, 17.02, 18.02, 18.03, 22.01, 23.01, 24.01, 25.01	Added change log (this page). Added 40 acre requirement to section 4.01, added clarification for annual renewal in section 4.04, added a provision to allow a setback for natural resources and protected lands in section 9.01, clarified timing for gates and fencing in section 9.04, removed slope variance in section 9.10, delayed start time of operations, transporting, and loading until 7 a.m. in section 11.01 and 11.02, added “segmenting” language for restoration plans in sections 14.01, added section 18.02 to allow for certain violations to be acted upon without delay, modified section 22.01 to include the amended ordinance date, added section 23 regarding the “Township Sand & Gravel Extraction Review Committee” and removed previous section 23 which allowed for temporary grandfathering for 60 days after the ordinance was originally passed in 2002, added section 24 regarding Extraction Ordinance Enforcement Committee, changed language in section 25 (old section 24) to coincide with new committee naming. Changed the voting to reflect the outcome of the November 17, 2009 meeting and added date the amended ordinance was voted on, and finally, updated the appendix and outline, and added a header page. Other ‘affected sections’ had minor changes.
02-05-21-02 1/21/2020	3.01,4.02, 6.05, 8.01, 8.02, 8.03, 11.01, 11.04, 15.01, 15.02, 15.03, 15.04,15.05, 15.06, 17.03, 22.01, 25.01	<ul style="list-style-type: none"> <li>▶ Addition of an “Extractive Operation Closure Plan” so that details are clear on how an extractive operation is officially “closed”, since this has so far never occurred in the township.                             <ul style="list-style-type: none"> <li>▶ Closure plan contains a mechanism for extension of a permit if there is stockpiled material still on site to be sold to customers even after all other restoration and closure procedures have been completed.</li> </ul> </li> <li>▶ Added a new section 15.06 for “Excessive period of inactivity” to protect the township in the case of an operation going ‘dormant’ because the cost of closure is higher than maintaining the surety deposit.</li> <li>▶ Defined “Extractive Operations Closure” as:                             <ul style="list-style-type: none"> <li>▶ Removal of structures (newly defined)</li> <li>▶ Restoration plan (existing, unchanged)</li> <li>▶ Closure Plan (newly added)</li> <li>▶ Final Operations Summary (newly added)</li> </ul> </li> </ul>

**WATERLOO ORDINANCE Number 02-05-21-2**

An Ordinance Regulating the Extraction  
Of Sand, Gravel and Other Earthen Materials

THE TOWNSHIP OF WATERLOO  
JACKSON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. NAME .....	4
SECTION 2. PURPOSE .....	4
SECTION 3. DEFINITIONS.....	4
SECTION 4. NO EXTRACTIVE OPERATION WITHOUT PERMIT .....	5
SECTION 5. RIGHT OF ENTRY.....	7
SECTION 6. APPLICATION FOR PERMIT .....	7
SECTION 7. OTHER PERMITS .....	11
SECTION 8. FINANCIAL GUARANTEE AND INDEMNITY INSURANCE .....	12
SECTION 9. SPECIFIC OPERATING REQUIREMENTS.....	13
SECTION 10. BLASTING PROHIBITED.....	16
SECTION 11. HOURS OF OPERATION .....	16
SECTION 12. PUBLIC ROADS.....	16
SECTION 13. LANDSCAPING .....	17
SECTION 14. RESTORATION PLAN.....	19
SECTION 15. RESTORATION .....	20
SECTION 16. DUMPING OF MATERIALS ON SITE .....	22
SECTION 17. CHANGES AND MODIFICATIONS TO PLANS .....	23
SECTION 18. VIOLATIONS AND PENALTIES .....	23
SECTION 19. PUBLIC NUISANCE .....	24
SECTION 20. SEVERABILITY .....	24
SECTION 21. INTERPRETATION .....	25
SECTION 22. EFFECTIVE DATE .....	25
SECTION 23. TOWNSHIP SAND & GRAVEL EXTRACTION REVIEW COMMITTEE .....	25
SECTION 24. EXTRACTION ORDINANCE ENFORCEMENT COMMITTEE.....	26
SECTION 25. REVOCATION OF PERMIT .....	26

**SECTION 1. NAME**

1.01 This Ordinance shall hereinafter be known and cited as Waterloo Township Sand and Gravel Ordinance.

**SECTION 2. PURPOSE**

2.01 Waterloo Township recognizes that sand, gravel and other earthen deposits within the Township have certain beneficial uses when extracted from the surface of the earth. The Township further recognizes that the extraction of such deposits has the potential to significantly impact the community at large and its environmental resources if unregulated. It is the purpose of this Ordinance to regulate the removal of such deposits in order to provide for the utilization of these resources in a manner that is compatible with the use and enjoyment of surrounding land areas by persons owning, utilizing or otherwise residing on such lands, and is compatible with the public health, safety and welfare of the Township as a whole. Assurances of compatibility include, but are not limited to: adequate restoration of the extraction site; protection of the Township's environmental resources including, but not limited to, surface waters, groundwater, wetlands, and hillsides; and limitations on extraction operations that will minimize nuisances or the potential for physical harm to Township residents.

**SECTION 3. DEFINITIONS**

3.01 "Extractive operations" are the removal of any earthen material, including topsoil, sand, gravel, stone or any other earthen material for the purpose of disposition away from the premises. Excavation in excess of five hundred (500) cubic yards incidental to the construction of a building when the excavated material is to be disposed of away from the premises is deemed to be an extractive operation. For the purposes of this Ordinance, "Extractive Operations" shall include the acts of Clearing, Mining, Processing, Restoration and Closure.

- 3.02 “Setback” shall be the minimum distance between a property line and that aspect of the extraction operation that is being regulated. Where the property line is the centerline of a right-of-way, the setback shall be measured from the edge of the right-of-way line.
- 3.03 “Site” shall be the legally described and surveyed parcel for which an applicant is seeking or has acquired a permit under this Ordinance.
- 3.04 The terms “applicant”, “owner”, and “operator” shall include the owners, tenants, lessees, operators, officers, members, directors, principals, and assigns of the applicant(s).

**SECTION 4. NO EXTRACTIVE OPERATION WITHOUT PERMIT**

- 4.01 Unlawful to Extract Earthen Materials Without Permit. It is 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 obtained the permit required by this Ordinance and having fully complied with the Waterloo Township Zoning Ordinance. Extractive operations shall be excluded from any parcel less than forty (40) acres.
- 4.02 Responsible Parties. Any party having an interest in the land or the operations thereon, including the business owners, property owners, tenants, lessees, operators, officers, directors, members, assigns, or principals of any party shall be equally responsible for complying with the requirements of this Ordinance. Each party having any of the interests mentioned above shall have the responsibility of taking all necessary precautions and actions to prevent the violation of this Ordinance.
- 4.03 Renewals. Annual permit renewals shall be preceded by an inspection of the permit holder’s site to insure compliance with this Ordinance.
- 4.04 Annual Renewal Report. Not less than 60 days prior to the expiration of a permit, the permit holder shall submit to the Township Clerk a report of the operations and the location thereof which were conducted at the site for the prior year, a description of the expected mining

operations and location thereof for the next year, projected restoration during the period of the new permit, current proof of financial guarantee and indemnity insurance as required in Section 8 of this Ordinance, changes in or withdrawal of any permit required by this ordinance, but issued by other jurisdictions, and any known or projected changes or modifications from any information previously submitted to the Township Board as required by this Ordinance. The Clerk will then forward all applicable material on to the Extraction Committee Chair. The Extraction Committee Chair will then schedule a Screening Committee meeting if appropriate, but only after the township engineer has inspected the site. All applicable material, including any updates resulting from any screening committee meetings, will then be forwarded to the township board to be reviewed at the next regularly scheduled township board meeting.

- 4.05 Inspection. Not less than 60 days prior to the expiration of a permit, the permit holder shall make arrangements with an engineer designated by the Township to inspect the premises for which the permit is issued.
- 4.06 Noncompliance. If the engineer reports that the permit holder is in violation of this Ordinance, the engineer shall notify the Township Zoning Administrator and the permit holder at least 30 days prior to the expiration of the then current permit. The permit shall not be renewed until the engineer reports the permit holder has brought its operations into compliance with this Ordinance.
- 4.07 Responsibility. Except for naming the engineer to do the inspection, it is the permit holder's responsibility to make arrangements for inspections and subsequent reports.
- 4.08 Reimbursement. The permit holder shall reimburse the Township upon being invoiced for its costs of the engineer's services.
- 4.09 Annual Renewal. After submission of the applicable fees, the Township Board shall review the information in the annual report and the inspector's report prior to the renewal of the permit. If

the reports or other evidence indicate that the permit holder is in compliance with this Ordinance as amended at the time of the renewal, the permit shall be renewed for another one-year term. If the reports disclose or indicate that the permit holder is not in compliance with this Ordinance, the Township Board shall not renew the permit and give the permit holder 30 days to correct any such noncompliance. The permit holder shall be given written notice by the Township Board with an itemized list of the items in noncompliance with this Ordinance. If the permit holder corrects the deficiencies noted by the Township Board, the renewal permit shall be issued.

**SECTION 5. RIGHT OF ENTRY**

5.01 The Township, through its agents, shall have the reasonable right to enter any private property to conduct the necessary inspection to determine if any violation of any provisions of this Ordinance exists. It shall be unlawful for any person to resist or prevent said person from carrying out the purpose as herein set forth.

**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 Clerk shall promptly forward the application to the Township Board. Each application shall be accompanied by a deposit to compensate the Township for its administrative expenses in reviewing, processing and conducting the necessary investigations prior to granting or denying the permit.

6.02 Amount of Application Fee. The Township Board shall adopt a fee schedule by resolution.

6.03 Issuance or Rejection of the Permit. The Waterloo Township Board shall, by resolution, after the application has been fully reviewed and the contents thereof approved or disapproved, grant or deny the application for a permit. The Township Board may require changes to be made in the

application to conform to the requirements of this Ordinance before issuing a permit. In the event the application is denied, a written explanation for the denial shall be given.

6.04 Length of Permit. A permit issued pursuant to this Ordinance shall be for a one (1) year period.

6.05 Information and Data Required. The following data and information shall be required in and with the application for a permit: (15 copies of the application shall be provided.)

- A. A legal description of the property along with survey drawings by a licensed surveyor showing a staked survey. The survey shall show the proposed excavation area, location of roads abutting the property, center lines of the roads, locations of the road rights of way, and any setback locations referred to in this Ordinance. Note that an area permitted for extraction can be a portion of a parcel and does not necessarily have to include an entire parcel. These details should be present in the site map (see below).
- B. A list of any deed restrictions and easements of record appearing in the chain of title;
- C. A list of names and addresses of persons, property owners, firms, business owners, or corporations having legal or equitable interests in the property or the operations thereon and the names, addresses and telephone numbers of the applicant, operator and professional who prepared the plans.
- D. A ten-foot contour interval topographic map of the site that includes the proposed locations of access drives, parking and loading areas, and permanent processing equipment.
- E. The map shall also show the existing streets, buildings, and water courses and public drains located within two hundred (200) feet outside of the perimeter of the site;
- F. In the event any excavation will be conducted below the water table or the operation may use water as part of its processing operations, a report by a qualified hydrologist regarding the effect the proposed operation will have upon the watershed of the area,



with particular attention being devoted to the water table, and if water bodies are to be created, the anticipated permanence and depth of the water body. The report shall also describe the potential impact, if any, on surrounding domestic wells.

- G. An environmental impact statement that assesses the operator's impact on the natural features 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, including specifics about how this operation will provide improvements to systems used by the public, such as infrastructure;
- I. Excavation methods, projected depths and drainage methods;
- 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. Methods to be used to control or store ponded or surface water;
- O. The landscaping plan as required by Section 13 of this Ordinance.
- P. The applicant information is to clearly specify the type of mobile and nonmobile equipment to be used at the site, including available manufacturer specifications regarding noise levels, size, height, operational characteristics, etc. (Any changes in this information which occur after the application process shall be noted in the annual reports required by this Ordinance.)
- Q. A site map that adequately shows existing and proposed:
  - (1) Berming and other screening plans.

- (2) Entrance and exit locations for the site and haul routes to the Township boundaries.
  - (3) Location of land uses and public rights-of-way within 500 feet of the parcel.  
(This requirement may be met by the submission of an adequate aerial map.)
  - (4) Fencing, and other security measures such as signage.
  - (5) Setback locations.
  - (6) Location of existing and proposed structures and utilities.
  - (7) Location of sediment ponds, drainage diversions and offsite discharge points.
  - (8) Location of permanent site equipment.
  - (9) Details clearly showing the limits of extraction in relation to parcel property lines.
- R. Anticipated ending date of extractive operation.
- S. A detailed restoration plan in compliance with Section 14 of this Ordinance including how the site may be used at the completion of the extractive operations.
- T. Haul routes, including written approval of haul routes from Jackson and Washtenaw County Road Commissions.
- U. A plan clearly describing the process for the clearing and disposition of any vegetative material (including, but not limited to trees). Burning of the material on site will not be permitted. The expectation is that the material will be sent offsite to a composting service, but other reasonable disposal methods (excluding on-site burning) may be permitted by the township.
- V. Signatures of all responsible parties (see section 4.02), and any parties having a legal or equitable interest in the land or the operations thereon, including spouses of such persons.

W. A “Closure plan” which provides details of what equipment will be removed and how, how access roads will be restored, and what materials may remain on the property after the operation has completed. The Closure plan shall address the disposition of (but is not limited to) the following structures and equipment: buildings, supports, foundations, previous partially removed structures, operational or monitoring wells, berms, vegetative screening, fencing, signage, underground storage, temporary utilities, underground pipes, and any erosion control apparatus used during mining. Any toxic material removed will require a certificate from the appropriate agency, such as the Michigan Department of Environment, Great Lakes, and Energy or the U.S. Environmental Protection Agency. The “Closure Plan” must also address the re-establishment of any public roads or rights-of-way to the appropriate municipal specifications that were disturbed while the mining operation was active.

6.06 A purpose of this Ordinance is to regulate the ongoing excavation work for which a permit per this Ordinance has been issued. Since the issuance of a permit is based upon the information submitted in the application process, any deviation from the plans that have been accepted and approved by the Township Board shall constitute a violation of this Ordinance.

**SECTION 7. OTHER PERMITS**

7.01 The applicant shall file with the application for a permit copies of any and all other permits required by other units of government prior to the commencement of any extractive operation including, but not limited to, the Michigan Department of Natural Resources and the Michigan Department of Environment, Great Lakes, and Energy. A sworn affidavit shall accompany the submission that the applicant has, to the best of its knowledge, obtained all permits and licenses required by any other governmental agencies to conduct its proposed activities.

**SECTION 8. FINANCIAL GUARANTEE AND INDEMNITY INSURANCE**

- 8.01 Excavation and Restoration Plans. The Township Board is authorized to approve or disapprove the manner and order of restoration of existing and proposed new excavations. So as to assure faithful restoration of an excavated area, the applicant shall deposit with the Township Clerk cash, a certified check or irrevocable bank letter of credit, whichever the applicant selects, or a performance bond acceptable to the Township Board. The amount of such deposit shall be established by the Township Board and shall be sufficient to finance restoration of the disturbed area, complete all aspects of the approved “Closure Plan”, and the “Removal of Structures” (described elsewhere in this Ordinance). The amount shall be sufficient to guarantee reclamation of the site including areas disturbed by prior operations. In determining the amount of such security, the Board shall take into account the size and scope of the proposed excavation, probable cost of reclamation of the premises upon default of the operator, recommendation of appropriate consultants, estimated expenses to compel the operator to comply with 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 costs of restorations will include anticipated administrative costs to the township for performing the restoration.
- 8.02 This Deposit shall be submitted by the applicant prior to the issuance of any permit, and shall be held in escrow by the Township until restoration is completed and all requirements described in the Closure Plan have been approved by the Township Board. At no time shall any excavation be undertaken or continued unless, and until, sufficient bond has been deposited to ensure restoration of the area to be disturbed.
- 8.03 Insurance. The applicant shall provide a liability insurance policy underwritten by a provider licensed in the State of Michigan to cover property damage for surface and/or subsurface

occurrences and bodily injury in an amount not less than Four Million (\$4,000,000.00) Dollars per occurrence, in any combination of primary and umbrella coverage, naming Waterloo 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 remain in effect until all requirements described in the Closure Plan have been approved by the Township Board and shall also provide an endorsement which provides that the general aggregate limit of the operator's commercial and general liability applies to the site. Waterloo Township must be sent a notice of intent to cancel the insurance not less than twenty (20) days before the cancellation thereof. Failure of the operator, or any persons, firm or corporation named in the policy to maintain the insurance shall be cause for immediate cessation of operations.

**SECTION 9. SPECIFIC OPERATING REQUIREMENTS**

These requirements shall also be the standards and conditions of approval for a permit.

- 9.01 Setback. The excavation of and or the washing and stockpiling of extracted material shall not be conducted within 150 feet of any road right-of-way, 200 feet of a then existing residential tax parcel property line, 200 feet from the property line of an agricultural tax parcel having a residence located within 230 feet of that property line, and 100 feet of all other property lines. The Township Board may also require protection of natural resources and protected lands with buffer setbacks. The setback areas shall not be used for any use related to the extractive operation, except access roads, berms, fencing, and public notice signs identifying the use as an excavation. All physical limits on the extent of extraction shall be clearly identified on the site plan and restoration plan as approved by the Township Board.
- 9.02 Building Line for Operation Structures. To reduce the effects of airborne dust, dirt and noise, all permanent equipment and structures for sorting, crushing, and loading, excluding scales, shall

not be built or located closer than five hundred (500) feet from any public street right-of-way or from any adjoining property line.

- 9.03 Access. All means of access to the property shall only be from thoroughfares designated as major or secondary by the appropriate County Road Commission and shall not be from residential streets. All travel routes must be approved by the Township Board. The first two hundred (200) feet of access into the site from the edge of the road shall be paved. Travel routes for trucks entering and leaving the parcel shall be shown on an overall map of Waterloo Township at the time of application for a permit. The plan for the truck travel routes and any conditions imposed upon the use of the same including, but not limited to bonding requirements shall be approved in writing by the appropriate County Road Commission prior to the issuance of a use permit.
- 9.04 Gates and Fences. A lockable gate shall be provided at all access points from the public road to the extraction operation. Said gates shall be closed and locked at all times except during the permitted hours of operation. The perimeter of the operations where excavation has occurred or is being conducted shall be fenced with a four (4) foot high woven wire fence. The fence shall be maintained in a good condition. All required gates and fencing must be installed before any mining operation commences. This includes but is not limited to stripping of topsoil, creation of berms, and clearing of trees.
- 9.05 Signs. The Township Board may require the posting of “Keep Out-Danger” or similar signs, as needed.
- 9.06 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 controlled so as not to cause a nuisance or hazard to any adjoining property or public road.

- 9.07 Pollution of Waters. The removal or storage of materials shall not cause contamination by any material to any surface, subsurface, watercourse or water body inside or outside of the boundaries or perimeter of the site.
- 9.08 Natural Drainage. The operations and related activities shall not adversely affect the natural drainage of adjacent or surrounding properties in the area.
- 9.09 Access Roads. All private access roads shall be treated so as to minimize dust creation.
- 9.10 Slopes. Finished and restored slopes of the banks of the excavation shall in no event exceed a minimum of three (3) foot to one (1) foot (three foot 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. Sufficient topsoil shall be stockpiled on the site so that the area, as progressive restoration occurs, may be covered with adequate topsoil to support permanent vegetation growth.
- 9.11 Elevation of Plant Site. Wherever practicable, the processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual and noise impact of the plant structure.
- 9.12 Stockpiles, Overburden and Equipment. There shall be no stockpiling or equipment storage or repair on the site outside of or on the berm referred to in Section 13. Such storage and repairs shall not be located closer than two hundred (200) feet from any property line or any public highway right of way. Stockpiles of stripped topsoil shall be seeded with grass or other materials so as to prevent erosion.
- 9.13 Water and Sewage Disposal. On-site domestic water supply and domestic sewage disposal systems shall be approved, if required, by the Jackson County Health Department.
- 9.14 Survey Markers. Permanent and readily visible markers shall be placed and maintained which show where surveyed lines of road right of ways, property lines, and setback lines exist. The

markers shall be a minimum of five (5) feet in height and be placed along the required locations around the site. Such markers shall be placed at a distance, not to exceed three hundred fifty (350) feet from each marker. The markers shall be placed at intervals so that from the line location of any marker two additional markers are visible.

- 9.15 Standards. All operations shall be in conformity with the information submitted in the permit application and approved by the Township Board in granting the permit.

#### **SECTION 10. BLASTING PROHIBITED**

- 10.1 The use of any explosives to loosen or extract material is strictly prohibited.

#### **SECTION 11. HOURS OF OPERATION**

- 11.01 Extractive Operations. Extractive operations (which includes clearing, mining, processing, restoration and closure) shall be permitted between the hours of 7:00 A.M. and 7:00 P.M., Monday through Friday, and between 7:00 A.M. and 1:00 P.M. on Saturday.
- 11.02 Transporting and Loading. No transporting or loading of aggregates from the site shall be permitted prior to 7:00 A.M. and after 6:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 1:00 P.M. on Saturday.
- 11.03 Repair of Equipment. Repair and maintenance of equipment on site shall be permitted only during the hours of 6:00 A.M. through 9:00 P.M. Monday through Friday and 6:30 A.M through 5:00 P.M. on Saturdays.
- 11.04 Sunday Operations. There shall be no extractive operations (including clearing, mining, processing, restoration and closure activities), repairs or transporting of aggregates permitted on Sundays.

#### **SECTION 12. PUBLIC ROADS**

- 12.01 The operator shall clean any and all spillage 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 of the material has occurred.



**SECTION 13. LANDSCAPING**

13.01 Landscape Plan Required: A separate detailed landscape plan is required to be submitted as part of the application materials. The landscape plan shall be prepared at a minimum scale of 1" = 100' and shall identify all berms. The landscape plan shall include, but not necessarily be limited to, the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Ordinance.
2. Identification of grass and other proposed ground cover and method of planting.
3. Identification of existing trees and vegetative cover to be preserved.
  - a. Berm plantings shall include at a minimum, one coniferous tree of at least six feet in height per forty linear feet of berm where the Township Board finds such screening is necessary to minimize negative visual or audio impacts upon abutting roads and parcels. The trees shall be located between the berm and the perimeter of the property but not in any right of ways. All plantings proposed along berms or otherwise in setback areas shall be of an informal character, rely on native species, and include a combination of coniferous and deciduous plant material

13.02 Berms. The construction of a screening berm shall be initiated immediately upon the initiation of extraction operations on the site, and shall be completed within three months of the initiation of such extraction operations. Berms serve to visually screen the operations on the site as well

as reduce noise and dust from adjacent properties. Berms shall be located as indicated on the approved site and landscaping plans, and shall meet the following requirements.

- A. Berms shall be located along all sides of active extractive or processing operations that abut a public or private road or a parcel requiring a 200 foot setback under this Ordinance and on which a dwelling is currently or subsequently constructed.
- B. Berms shall not exceed slopes of one foot of vertical rise for each three feet of horizontal run. The location and height of berms must be adequate to visually screen the operations. If the screen is for roadways, the location and height must be designed to screen for a person seated in an automobile on the near lane of the roadway. If the screen is from abutting property, the location and height must be designed to screen for the person standing on the property lines. However, a berm is not required to be more than 10 feet tall nor shall an operator be required to place the berm outside the setback area.
- C. Be designed to prohibit changes in drainage patterns on abutting properties and rights-of-way.
- D. Be seeded or otherwise planted and maintained with vegetative character of the area. Trees may be included in the landscaping to enhance the screening function.
- E. Berms may be removed in the process of reclamation when the operations that were being screened have moved or have been completed.

13.03 Quality of Plant Material: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, and hardy to the climate. Plant species that are generally considered undesirable due to limited disease tolerance, low wood strength, and/or

high tendencies toward splitting of wood, such as box elder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the Township Board. Plant material shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

- 13.04 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 that have been disturbed.

**SECTION 14. RESTORATION PLAN.**

- 14.01 The applicant shall file a plan for progressively restoring the site to a safe, attractive and useable condition during and at the termination of the extraction operation. The plan shall be filed at the time of application. The restoration plan shall be prepared by a professional engineer or registered landscape architect. All restoration operations shall be performed in accordance with the restoration plan. The restoration plan must be approved by the Waterloo Township Board as part of the permit approval process. The restoration plan shall be totally completed within 12 months of the termination of the extraction operation. Notwithstanding the foregoing, as extraction is completed on a segment of a setback, as designated on the Restoration Plan, the restoration at such areas shall be completed within sixty (60) days of stopping operations at such lines, weather permitting. Under no circumstances shall extraction occur along a property line of an adjacent resident occupied parcel, until restoration has been completed on all other property lines of that same resident occupied parcel where extraction has occurred (excluding any berms left in place for screening requirements).

The restoration plan shall provide the following information:

- A. Boundary lines of the property and dimensions and bearings of the property lines correlated with the legal description.
- B. Specific segments of the setbacks, such as along a single property line, or around a protected natural feature, that when extraction is completed on each of these segments, sequential restoration must be performed. Segments should be large enough to allow a reasonably sized area to work, but small enough such that the sequential restoration can occur in a timely manner.
- C. Location and extent of all natural features to be retained after extraction operations, including but not limited to wetlands, streams, and wooded areas.
- D. The slope of all restored areas in conformance with this Ordinance.
- E. Proposed completed topography at contour intervals of not more than ten (10) feet.
- F. A schedule integrating the areas of progressive rehabilitation with the final restoration plan in conformity with the requirements of this Ordinance.
- G. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas.
- H. A description of the methods and materials to be utilized in restoring the site.
- I. Names, addresses and phone numbers of the applicant, property owner, operator and professional engineer who prepared the restoration plan.
- I. An estimate of restoration costs along with the calculations showing how the costs are computed.

**SECTION 15. RESTORATION & CLOSURE**

15.01 Removal of Structures, Etc. Upon notice to the Township by the operator of cessation of the mining portion of the extractive operations by abandonment or otherwise, the operator, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all

structures, buildings, access roads, fencing, berms, stockpiles, screening vegetation, and equipment; provided that if these features have a function under the restoration plan, and can be lawfully used under the requirements of the zoning district in which they will be located under such a plan, they may be retained if approved by the land owner and with the written consent of Waterloo Township Board. In such a case, a special meeting shall be held between the operational personnel, the land owners, and the Waterloo Township Sand and Gravel Extraction Review Committee to discuss the specific items which the land owners request be left on the property after operation closure. The Committee will review the material for required contents and forward the information on for a vote of the Township Board. The Waterloo Township Board will review the material in a reasonable time, not to exceed three (3) months and shall, by resolution, grant or deny the request.

15.02 Restoration Plan. All restoration activities shall be in accordance with the approved Restoration Plan (Section 14), and be completed within 12 months of the notice to the Township by the operator of cessation of the mining portion of the extractive operations by abandonment or otherwise, unless there are extenuating circumstances requiring further attention for stability of certain restored features on the permitted property.

15.03 Closure Plan. Upon notice to the Township by the operator of cessation of the mining portion of the extractive operations by abandonment or otherwise, the operator, within a reasonable period of time not to exceed twelve (12) months thereafter, shall have completed all aspects of the "Closure Plan". The only exception to this is in the case that material is required on site to complete the restoration mentioned in the prior section, or for final sale to a customer. In this case an extension could be approved by the Township Board.

15.04 Final Operations Summary. A Final Operations Summary shall be compiled by the permit holder, and verified by the Township Engineer. The purpose of this summary shall be to provide:

- A. Quantity & Value of the extracted material over the entire time a permit was held by the existing operation.
- B. Total time elapsed from beginning to end of the existing operation.
- C. Any issues encountered during the course of permitted operation and what was done to address these issues.
- D. Any items the operation might like to see done differently.

15.05 Extraction Operation Closure. Within thirty (30) days of the completion of the extraction operation, removal of structures, the Final Operations Summary, and all of the requirements of the restoration and closure plans, the applicant shall submit a written request to the Waterloo Township Clerk that the Waterloo Township Board acknowledge in writing that all conditions of the extraction operation permit have been met and that the extraction operation may be closed and the special approval use permit is terminated. No surety deposit shall be released by Waterloo Township until the Waterloo Township Board of Trustees has provided said written acknowledgement to the applicant.

15.06 Excessive period of inactivity. The Township may, at its discretion, exercise its right to the “Financial Guarantee” if the operation has been inactive for 24 months or more. “Inactive” means that little or no removal of material from the site has been performed, or that the amount of material removed is clearly insignificant relative to prior mining activity. Before this can occur, the township must first revoke the permit using one of the mechanisms provided within this ordinance.

**SECTION 16. DUMPING OF MATERIALS ON SITE**

16.01 No abandoned material or abandoned equipment of any kind, including but not limited to, soil, sand, clay or gravel shall be brought from elsewhere onto the site extractive operation unless specific written permit to do so has been obtained from the Waterloo Township Board. The

permit holder shall comply with any Township Ordinances regulating the storage of discarded, unused or abandoned materials or similar Ordinances.

**SECTION 17. CHANGES AND MODIFICATIONS TO PLANS**

17.01 The application per Section 6 of this Ordinance submitted to and approved by the Township Board may contain plans and information that need to be amended or modified after the issuance of a permit. Before deviating from approved plans, the applicant shall submit to the Township an application to amend or change the plans previously submitted as part of the application process. The application must contain sufficient information to apprise the Township of the reason and nature of the requested change(s).

17.02 When the Township receives with all applicable fees an application for a change or modification of an existing approved plan, it shall approve or reject the application according to whether or not the application meets the requirements of this Ordinance and all other Township Ordinances.

17.03 Changes to extend the area to be mined beyond the area for which a permit has been granted shall be submitted according to the requirements for applying for a new permit. A new Special Land Use Permit will also be required for any new portions of land not covered under the prior (existing) special land use approval. If approved, the extended area may be consolidated into the prior permitted area under one approved Special Use Permit.

**SECTION 18. VIOLATIONS AND PENALTIES**

18.01 This Ordinance is applicable to all landowners, lessees and operators of any areas where extractive operations occur. Any person, firm, corporation, or any other organization, including the officers, directors, members or principals of any entities, which violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, shall be fined upon conviction no more than five hundred (\$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 in the discretion of the Court. Each violation shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. The offenders shall also be responsible for reimbursing the Township for any costs incurred to enforce this Ordinance.

18.02 If there is any violation of operational hours (described in section 11 of this ordinance), refusal of reasonable entry by the Township, or any violation of the “gates and fencing” section of this ordinance occurs, the permit holder shall be given one verbal warning (with a follow up in writing) per 12 month permit period. If subsequent violations of the same type occur within the same 12-month period (defined by the permit length), a fine of up to \$500 may be imposed.

18.03 Prior to the Township issuing an appearance ticket or commencing judicial proceedings for a violation of this Ordinance, excluding those described in section 18.02, the Township shall give written notice of the violation(s) to the permit holder by email or phone and followed by first class mail with a copy of the notice mailed to the property owner where the violation(s) is occurring. Fourteen days shall be given after initial notification to correct the violation(s). If the violation(s) is not corrected within the fourteen days, the ticket may be issued without further notice.

**SECTION 19. PUBLIC NUISANCE**

19.01 The use of any land in Waterloo 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 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, section, 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.

**SECTION 22. EFFECTIVE DATE**

22.01 This Ordinance is hereby declared adopted by the Township Board of the Township of Waterloo at a meeting thereof held on the 21 day of May, 2002, and ordered to be given publication in accordance with the statutes made and provided. This Ordinance was amended by the Township Board of the Township of Waterloo at a meeting thereof held on the 17th day of November, 2009. This Ordinance was amended by the Township Board of the Township of Waterloo at a meeting thereof held on the 28<sup>th</sup> day of January, 2020. This Ordinance shall take effect and shall be in force from and after thirty (30) days after publication of this Ordinance as amended. Any prior version of this Ordinance is hereby repealed effective the date this Ordinance goes into effect. This repeal of the prior version of this Ordinance shall not abrogate nor nullify the prosecution of any violations of the prior Ordinance occurring during the time the prior Ordinance was in effect.

**SECTION 23. TOWNSHIP SAND & GRAVEL EXTRACTION REVIEW COMMITTEE**

23.01 The Township Board shall appoint a committee to be called the Waterloo Township Sand and Gravel Review Committee. This committee will meet informally with any potential applicant for extraction operations, annual review or modification of existing permitted operators, or landowners that show an interest in or apply for a Special Use Permit for Extraction Operations. These meetings are intended to allow full review of proposals so as to facilitate and minimize costs prior to formal township reviews required by ordinances and resolutions.

**SECTION 24. EXTRACTION ORDINANCE ENFORCEMENT COMMITTEE**

24.01 The Township Board shall appoint a committee called the Extraction Ordinance Enforcement

Committee. This committee shall consist of two board members and the Zoning Administrator.

This committee shall review any alleged violations of this ordinance and make a recommendation to the Township Board.

**SECTION 25. REVOCATION OF PERMIT**

25.01 In the event a permit holder is in violation of this Ordinance, without limiting any of the

Township's other options to enforce this Ordinance, the Township may revoke the violator's permit. The Township may do so by scheduling a hearing for the permit holder to appear before the extraction ordinance enforcement committee to conduct a hearing for the purpose of determining if a violation of this Ordinance has occurred. At such hearing, if it is determined that this Ordinance is being violated, the extraction ordinance enforcement committee may recommend that the Township Board give a warning, place the permit holder on a period of probation or revoke the permit. The Township Board shall then act upon the recommendation of the extraction ordinance enforcement committee having the right to modify the recommendation based upon the information presented to the committee. However, prior to revocation of any permit, the Township shall first give the permit holder 14 days to correct the violations of this Ordinance.

This Ordinance was passed by the Waterloo Township Board on May 21, 2002.

Those voting Yes: Beyer, Hannewald, Huttenlocher, Sweet

Those voting No: None

Absent: Schultz

This Ordinance was amended by the Waterloo Township Board on November 17th, 2009.

Those voting Yes: Sadler, Walz, Richardson, Kitley, Lance

Those voting No: None

Absent: None

This Ordinance was amended by the Waterloo Township Board on 28<sup>th</sup> of January, 2020.

Those voting Yes: Lance, Kitley, Walz, Morency, McAlister

Those voting No: None

Absent: None

Waterloo Township Board

---

By: Jan Kitley, Its Clerk

1 year, 6  
1 year of damage (replace plant material), 16  
10 feet tall (berms, no more than), 16  
100 feet, 11  
200 feet, 7, 10, 11, 13  
230 feet, 11  
30 days, 4, 5  
30 days (after completing operations), 19  
350 feet (between markers), 13  
4 foot (fence), 11  
4 inches (topsoil on unexcavated area), 17  
5 feet (markers), 13  
500 cubic yards, 2  
500 feet, 8, 11  
60 days, 3, 4  
abandoned, 19  
abandoned equipment, 19  
abandoned material, 19  
abandonment, 18  
abutting properties, 16  
abutting property, 16  
access, 6, 11, 12  
access drives, 6  
access to site, 5  
adjacent properties, 15  
adjoining property, 11, 12  
administrative expenses, 5  
aerial map.), 8  
amend (plans), 19  
annual permit renewal, 3  
Annual Renewal, 5  
Annual Renewal Report, 3  
applicant, 3, 18, 19  
application, 5, 6, 8, 9, 10, 11, 13, 14, 17, 19  
Application Fee, 5  
approved plan, 15  
architect, 17  
beautify, 18  
berm, 11, 13, 15, 16  
Berm, 15  
berming, 8  
blasting, 13  
bond, 10  
bonding (for road maintenance), 11  
boundary lines, 17  
buildings, 7, 18  
center lines of the roads, 6  
certified check, 9  
changes, 19  
cleaning, 14  
community impact, 2  
compatibility, 2, 7  
completion of the extraction operation, 19  
consultants, 9  
contamination, 12  
correct the violations, 23  
cost of reclamation, 9  
costs, 4, 18, 20  
County, 11, 13, 20  
County Health Department, 13  
County Road Commission, 11  
Court, 9, 20  
crushing, 11  
Data Required., 6  
debris, 7, 14, 16  
deed restrictions, 6  
deposit, 10  
deviation (from plan), 8  
disturbed area, 9  
drainage, 7, 8, 12, 16  
dumping, 19  
dust, 11, 12, 15  
Dust, 7  
dwelling, 15  
earthen material, 2  
easements, 6  
EFFECTIVE DATE, 21  
ending date, 8  
engineer, 4, 17, 18  
Entrance, 8  
environmental impact statement, 7  
equipment, 6, 7, 8, 11, 13, 14, 18, 19  
erosion, 13, 16  
erosion control, 16  
Excavation methods, 7  
exit, 8  
explosives, 13  
Extractive operations, 2, 13  
Extractive operations", 2  
fee, 5  
fee schedule, 5  
fence, 11  
fencing,, 11  
Fencing,, 8

filing, 5  
financial guarantee, 9  
fines, 20  
finished slope/grade, 12  
fumes, 12  
gate, 11  
governmental agencies, 9  
ground cover, 14, 18  
guarantee, 9  
haul routes, 8  
hazard, 12  
hearing, 22  
height, 7, 13, 15  
hours, 11, 13, 14  
hours of operation, 11  
HOURS OF OPERATION, 13  
hydrologist, 7  
inspection, 3, 4, 5  
Inspection, 4  
insurance, 10  
interpretation, 21  
Jackson County, 11, 13  
Jackson County Health Department, 13  
judicial proceedings, 20  
landowners, 20  
landscape, 14, 17  
landscape plan, 14  
landscaping plan, 7  
leaseholders, 5  
legal description, 17  
legal description (of property), 6  
Length of Permit, 6  
lessees, 3, 20  
letter of credit,, 9  
liability insurance, 10  
loading, 6, 11, 12, 14  
lockable gate, 11  
map, 7, 8, 11  
markers, 13  
Michigan Department of Natural Resources, 9  
modification (plans), 19  
modification of an existing plan,, 19  
native species, 15  
natural drainage, 12  
natural features, 7, 18  
noise, 7, 11, 12, 15  
noncompliance, 5  
Noncompliance, 4  
notice, 10, 11, 18, 21  
notify, 4  
nuisance, 2, 12, 21  
offsite discharge points, 8  
operation closure, 19  
operators, 3, 20  
other permits, 9  
owners, 3, 5  
panel, 22, 23  
parcel, 3, 8, 10, 11, 15  
parking, 6  
paved, 11  
penalties, 20  
performance bond, 9  
permit, 3, 4, 5, 6, 8, 10, 11, 13, 17, 19, 20, 21  
permit (changes to), 19  
permit (issuance), 10  
permit (others), 9  
permit (revocation), 22  
permit holder, 3, 4, 5, 19, 21, 22  
permit renewal, 3  
plan, 7, 8, 11, 14, 15, 17, 18, 19  
plan (restoration), 18  
plans (deviation from), 8  
plans (preparation), 6  
plant, 12, 15  
plant (processing), 12, 14  
Plant material, 16  
pollution, 12  
ponded water, 12  
prior operations, 9  
prior Ordinance, 22  
private access roads, 12  
private road, 15  
processing equipment, 6  
processing plant, 12, 14  
progressive rehabilitation, 18  
progressive restoration, 12  
progressively restoring, 17  
property (abutting), 6  
property line, 3, 10, 11, 13  
property owner, 18, 21  
public drains, 7  
public nuisance, 21  
public rights-of-way, 8  
public road, 11, 12, 14  
Reimbursement, 4  
removal (berms may be), 16

renewals (permit), 3  
repair, 13, 14  
residence, 11  
Responsibility, 4  
Responsible Parties, 3  
restoration, 2, 4, 8, 9, 10, 12, 17, 18, 19  
restoration plan, 8, 17, 18, 19  
RESTORATION PLAN, 17  
Restoration Plans, 9  
REVOCAION OF PERMIT, 22  
revoke permit, 22  
right to enter, 5  
right-of-way, 3, 10  
road right of way, 13  
road rights of way,, 6  
roads, 6, 11, 12, 15  
Saturdays/Sundays, 14  
scales, 11  
schedule, 5, 18  
screen, 15, 16  
screening, 8, 15, 16  
security measures, 8  
sediment ponds, 8  
setback, 3, 6, 8, 10, 11, 13, 15, 16  
severable, 21  
sewage, 13  
signage, 8  
Signs, 12  
signs (notice), 11  
Site, 3  
site clearance, 7  
site map, 8  
slopes, 12, 15  
smoke, 12  
Soil erosion, 7  
soil stabilization, 16  
sorting, 11  
spillage, 14  
staked survey, 6  
stockpiling, 10, 13  
storage, 12, 13, 19  
streams, 18  
street right-of-way, 11  
streets, 7, 11  
structures, 8, 11, 18  
Sundays., 14  
survey drawings, 6  
survey markers, 13  
surveyed parcel, 3  
sworn affidavit, 9  
termination, 17  
ticket, 20  
topographic map, 6  
topography, 18  
topsoil, 2, 12, 13  
Topsoil, 16  
Township Board, 5, 6, 9, 10, 12, 13, 15, 16, 17, 18, 19, 21, 23  
Township boundaries., 8  
Township Clerk, 5, 9, 10, 19  
transporting, 14  
travel routes, 11  
trees, 15, 16  
truck travel routes, 11  
trucks, 11, 14  
unexcavated areas, 16, 17  
unlawful, 3, 5  
useable condition, 17  
utilities., 8  
vegetative cover, 15  
violantions, 20  
washing, 10  
water, 2, 7, 12, 13  
water courses, 7  
water table, 7  
watercourse, 12  
Waterloo Township, 2, 3, 4, 6, 10, 11, 17, 18, 19, 21, 23  
watershed, 7  
weather permitting, 17  
wells, 7  
wetlands, 2, 18  
wooded areas, 18  
written acknowledgement, 19  
written notice, 5, 21  
written request, 19  
zoning district, 18