

Chapter 54

SOLID WASTE*

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State law references-Garbage disposal act, MCL 123.361 et seq.; solid waste facilities, MCL 324.4301 et seq.; hazardous waste management act, MCL 324.11101 et seq.; hazardous materials transportation act, MCL 29.417 et seq.; solid waste management act, MCL 324.11501 et seq.; waste reduction assistance act, MCL 324.14501 et seq.; clean Michigan fund act, MCL 324.19101 et seq.; low-level radioactive waste authority act, MCL 333.26201 et seq.

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ARTICLE I. IN GENERAL

Secs. 54-1-54-25. Reserved.

ARTICLE II. COLLECTION SERVICE

Sec. 54-26. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meanings given in this section:

Ashes means the residue from the burning of wood, coal, coke, or other combustible materials.

Dwelling unit means a building, or a portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

Family means one or two persons or parents with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not related, living together in the whole or part of a dwelling unit comprising a single housekeeping unit.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Refuse means all putrescible and non-putrescible solid wastes (except body wastes, animal droppings or entrails), including garbage, rubbish, ashes, street cleanings, and solid market wastes.

Residence means any building, or a portion thereof, which is occupied for living purposes, but does not include a building used as a motel, hotel or mobile home in a state-licensed park.

Residential Collection Service Provider means Tittabawassee Township or an entity operating under contract with Tittabawassee Township to provide residential refuse collection.

Rubbish means non-putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding,

Sec. 54-27. Collection by township required; exception.

(a) The township shall arrange for a residential collection service provider to remove, convey and dispose of waste generated by all dwelling units, multifamily residences and residences within the township. The amount and type of refuse which will be removed shall be defined by rules authorized in section 54-28 of this ordinance.

(b) All dwelling units, multifamily residences, and residences shall be required to use the services of the Residential Collection Service Provider for disposal of refuse. Multifamily residences or residential complexes containing 3 or more dwelling units may arrange for private refuse collection for refuse generated within the dwelling units provided that a properly placed dumpster or similar centralized collection point is provided and refuse is removed from the premises at least weekly.

(c) The property owner shall provide for private removal of excess refuse created by foreclosure, moving, eviction, remodeling, construction or other activity which creates a volume or type of waste not typical of routine household activity. Such refuse shall be confined to an onsite dumpster or similar container until removal.

(d) The Residential Collection Service Provider shall not pick up, haul or dispose of the refuse

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accumulated by any commercial or industrial establishment within the township, except that it is hereby provided that all such commercial or industrial establishments shall make adequate and proper provision for the disposal of refuse accumulated on the premises of such commercial or industrial establishment so as to prevent such accumulation from becoming unsafe, unsanitary, unsightly or a nuisance.

Sec. 54-28. Authority of supervisor.

The activity of the Residential Collection Service Provider shall be under the supervision of the township supervisor. The township supervisor shall have the authority to make regulations concerning the days of collection, routes of collection vehicles, type and location of waste containers, volume and weight of waste to be collected, types of waste to be collected, and such other matters pertaining to the collection, conveyance, and disposal as he shall find necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions of this article.

Sec~ 54-29. Pre-collection practices.

(a) Preparation of refuse.

- (1) *Garbage.* All garbage, before being placed in garbage cans for collection, shall have drained from it all free liquids and shall be wrapped in paper.
- (2) *Rubbish.* All rubbish shall be drained of liquid before being deposited for collection.
- (3) *Trimmings and clippings.* If curbside pickup of these items is provided, tree trimmings, hedge clippings, and similar material shall be cut to length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.

(b) Refuse containers.

- (1) *Duty to provide and maintain in sanitary condition.* Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this article, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. The supervisor shall have the authority to refuse collection services for failure to comply with this section.
- (2) *Materials.* Containers shall be made of metal or plastic, equipped with suitable handles and tight-fitting covers, and shall be watertight. Disposable waterproof bags may also be used.
- (3) *Capacity.* Containers shall have a capacity of not more than 20 gallons and shall be of a kind suitable for collection purposes, and shall be of such weight that they can be handled by one man.
- (4) *Sanitation.* Containers shall be of a type approved by the township and shall be kept in a clean, neat, and sanitary condition at all times.

(c) Storing of refuse.

- (1) *Public or private places.* No person shall place any refuse in any street, alley, or other public place, or upon any private property, whether owned by such person or not, within the township, except it be in proper containers for collection, or under express approval granted by the supervisor; nor shall any person throw or deposit any refuse in any stream or other body of water.

- (2) *Burning and burying.* No person shall throw any refuse upon the grounds or burn refuse on any premises, public or private, or burn refuse in any manner that may menace the public health, cause a nuisance or smoke ash or offensive odors, or burn refuse in any manner that may constitute a sight hazard.
- (3) *Unauthorized accumulation.* Any unauthorized accumulation or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation or refuse shall be deemed a violation of this article.
- (4) *Scattering of refuse.* No person shall cast, place, sweep, or deposit anywhere within the township any refuse in such manner that it may be carried or deposited by elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the township.
- (5) *Cleanliness.* It shall be the duty of each owner, tenant, lessee or occupant of any building, residential or commercial, having refuse, to provide for and have, within such building, storage containers of sufficient size to handle the accumulation of refuse on the premises during the interval between collection periods.

(d) *Points of collection.* Refuse containers in residential areas shall be placed for collection at the curbside in front of the property after 12:00 noon on the day prior to collection.

Sec. 54-30. Collection practices.

(a) *Frequency of collection.* Refuse accumulated by residences, dwelling units, or multifamily residences shall be collected once each week throughout the entire year. The collection schedule shall be arranged so that the collection shall fall upon the same day of the week, except for interruptions due to holidays. Should a collection day fall upon a holiday, then the supervisor shall set another day for the collection of such refuse and give reasonable notice of such collection day.

(b) *Limitation on quantity.* A reasonable accumulation of refuse for each residence or dwelling unit shall be collected during a collection period for the standard charge.

Sec. 54-31. On-site burning.

(a) No person shall burn or permit to be burned, on the premises within his control, any rubbish unless the same shall be burned in a completely enclosed incinerator properly designed to prevent the emission of smoke, flying paper, and ash therefrom.

(b) A permit must be obtained from the fire department chief for any open burning. The permit will be issued at the discretion of the fire department chief.

Sec. 54-32. Scavenging of refuse materials.

No person, excluding agents or employees of the township or agents or employees of licensees of the township, without the property owners permission, shall disturb, remove, or attempt to remove refuse receptacles, their covers, or the contents of any receptacle or refuse container, or disturb or remove or attempt to remove any refuse and/or recyclable not in containers whether the receptacle or refuse

container is on public or private property. This prohibition shall also apply to dumpsters and similar bulk containers on public or private property and refuse placed at the curb for collection. Any person found guilty of such act shall be subject to the penalties as set forth in section 1-7. (Amended June, 2018)

Sec. 54-33. Service charges.

(a) *Amount.* The service charges for collection and disposal of refuse placed for collection at curbside for residences, dwelling units and multiple-family residences shall be set for each calendar year by resolution of the township board and cover all or any part of the cost to the township for operation of the system and a portion thereof as may be deemed sufficient to be set aside as a sinking fund for the development of the system, and shall control for the ensuing calendar year.

(b) *Persons to be charged.* The service charge shall be made to the owners of all residences, multiple-family residences, and dwelling units in the township, occupied or not, who shall pay to the township the service charge for availability of such service as established by the township board. The service charge may be waived for multifamily residences or residential complexes containing 3 or more dwelling units if private refuse collection was provided for all affected units for the entire preceding year.

(c) *Billing procedure.* The charge for refuse service for the entire preceding year shall be spread upon the tax roll for the calendar year as a charge for availability of such services for the preceding calendar year, and such charge for refuse service shall be collected, returned and enforced in the same manner as the township taxes are certified, assessed, collected and returned.

Sec. 54-34. Contract hauler.

The township shall contract with a licensed contractor who has complied with all the statutes of the state and the township municipal ordinance and its rules and regulations relative to the collection, transportation, and disposal of refuse. Such contract hauler may be selected at the discretion of the township board after providing adequate and sufficient public liability and property damage insurance, as well as performance bond, all of such policies of insurance to be in an amount determined by the township board. The township board shall accept bids from qualified contract haulers and, upon acceptance of a bid from a suitable contract hauler, shall enter into a contract for service with such bidder as, in the discretion of the township board, shall adequately serve the needs and requirements of the residences of the township.

Secs. 54-35-54-60. Reserved.

ARTICLE III. LANDFILLS AND HAULERS

DIVISION 1. GENERALLY

Sec. 54-61. Purpose.

The purpose of this article is to provide the township with the financial means to participate with the state in the supervision of a sanitary landfill authorized to operate by the department of natural resources in the township. This article is also enacted because the township recognizes that the use of land for a sanitary landfill has negative property tax relationships for adjacent land areas. Moreover, the use of land in this manner makes the land unproductive in the long run for any potential tax base that the land would

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otherwise have had. Therefore, the township is of the opinion that disposal fees, to some extent, are in lieu of what would otherwise be the long-run property tax potential of the land.
(Comp. Ords. 1987, § 35.012)

Sees. 54-62-54-85. Reserved.

DIVISION 2. LICENSING

Sec. 54-86. Authority of state law.

This division begins with the premise that authority for the issuance of construction permits for sanitary landfills rests with the state department of environmental quality pursuant to part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.); therefore, the act and the administrative rules are hereby adopted by reference in connection with the requirements of this division as a condition to the securing of an operating license from the township.
(Comp. Ords. 1987, § 35.020)

Sec. 54-87. Operating license.

No person shall operate a landfill in the township except in accordance with a valid operating license issued by the township board, pursuant to the authority of this division.
(Comp; Ords. 1987, § 35.031)

Sec. 54-88. Hauling license.

No person shall operate a solid waste hauler or a solid waste transporting unit within the township except in accordance with a valid hauling license issued by the township board, pursuant to the authority of this division.
(Comp. Ords. 1987, § 35.032)

Sec. 54-89. Conformance to applicable legislation.

No license shall be issued unless the property and operation of the landfill and/or hauler or transporting unit conforms in all respects to the requirements found in this article, other township ordinances, state statutes, or state regulations. No license shall be issued unless the applicant shall have secured a valid license issued by the director of the state department of environmental quality, pursuant to part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.).
(Comp. Ords. 1987, § 35.033)

Sec. 54-90. Filling of land.

No license shall be required for the filling of land with inert solid waste, noncombustible rubbish, sand, gravel, earth, rock, concrete or other similar materials, excluding ashes, when such filling is an element of construction activity for which a building permit has been issued, or when such filling is less than 100 cubic yards in volume. The filling of land, as provided in this section, shall not result in establishing a gradient that exceeds four percent, or a height in excess of four feet of the nearest abutting street. The final grade shall further prevent ponding of water. This is not to say that the requirements of the

township's zoning and natural resource recovery ordinances are no longer applicable insofar as the removal of natural resource material is concerned.
(Comp. Ords. 1987, § 35.034)

Sec. 54-91. Submittal of application.

Each application for a landfill or hauling license shall be submitted to the township clerk.
(Comp. Ords. 1987, § 35.041)

Sec. 54-92. Application for landfill license-Planning commission review.

The township board shall first forward the applications for a landfill license only to the planning commission for its findings and recommendations.
(Comp. Ords. 1987, § 35.042)

Sec. 54-93. Same-Public hearing.

The planning commission shall hold a public hearing so as to provide for public input into the consideration of the application for a license to operate a landfill. Notice of such hearing shall be given at least seven days prior to the date scheduled for such hearing by publication in a newspaper of general circulation within the township.
(Comp. Ords. 1987, § 35.043)

Sec. 54-94. Same-Submittal of data.

The planning commission may require the applicant to submit all of the data submitted to the state department of environmental quality pursuant to part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.).
(Comp. Ords. 1987, § 35.044)

Sec. 54-95. Issuance of landfill license.

After the public hearing and after considering all available facts and details, the planning commission shall recommend issuance of a license for a landfill if it finds that:

- (1) The landfill has been adequately designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being, of those who will use the landfill, residents and landowners immediately adjacent to the proposed landfill, and the community as a whole.
 - (2) Issuance of a license meets the intent and purpose of this division and ordinances of the township.
 - (3) The township has exhausted its legal remedies to prohibit this use of the land as a sanitary landfill.
- (Comp. Ords. 1987, § 35.045)

Sec. 54-96. License-granting conditions-Contractual agreement-Requirements to be met.

Upon completion of all application requirements; satisfactory evidence of compliance with all other township codes and ordinances, particularly the zoning ordinance; recommendation of approval from the planning commission and the township board; and notification of construction permit from the state, a contractual agreement shall be executed between the operator of a sanitary landfill and the township providing for the matters described in this division and such other conditions as the township board

deems fit to impose.

(Comp. Ords. 1987, § 35.061)

Sec. 54-97. Same-Same-Matters for inclusion.

Matters considered appropriate for inclusion in the contractual agreement-may include the following:

- (1) Types and percentage of each type of waste that is intended to be disposed of at the approved landfill site. Contractual approval conditions may specify the distribution of waste streams. The township board may prohibit the disposal of toxic wastes, which may include hazardous wastes, industrial wastes, and/or special solid waste.
- (2) Fees for continuing operation based on a percentage of the value of the solid waste disposed at the site and provisions for adjustments as costs change due to inflation or other economic factors or fee structures as determined appropriate by the township board.
- (3) Financial guarantees relative to rehabilitation requirements and the possibility of an undesirable or otherwise hazardous condition arising in the future after the site is vacated and rehabilitated for another use.
- (4) Provisions for defraying any costs which may be incurred by the township as a result of monitoring and inspecting the operation of the landfill to determine compliance with all of the conditions imposed by the township.

(Comp. Ords. 1987, § 35.062)

Sec. 54-98. Same-Same-Annual review and renewal.

(a) A sanitary landfill or waste hauling permit, once licensed, is subject to annual review and renewal pursuant to the adopted township fee schedule. Additional conditions may be imposed, particularly with respect to the face value of bonds required by sections 54-161 through 54-164. Any violation of any condition included in the granting of the license shall constitute a violation of this division and shall entitle the township board to revoke or refuse to renew the license.

(b) A license, once refused, requires the operator to immediately cease the operation of the landfill.
(Comp. Ords. 1987, § 35.063)

Sees. 54-99-54-125. Reserved.

DIVISION 3. OPERATING STANDARDS FOR LANDFILL OPERATIONS

Sec. 54-126. Applicable legislation.

The standards found in part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.), and duly promulgated regulations pursuant thereto, relating to landfill operations are hereby incorporated by reference.

(Comp. Ords. 1987, § 35.071)

Sec. 54-127. Professional evaluation and monitoring; costs.

(a) The township reserves the right to retain professionally competent personnel to evaluate the condition of the operation to ensure that the health and safety of township residents are safeguarded at all

times. This may include hydrological testing of groundwater sources in the immediate vicinity of the sanitary landfill.

(b) The costs of retaining such professional personnel and other administrative costs incurred by its own code enforcement department relative to monitoring the operation of the sanitary landfill shall be paid for by the person to whom the permit was granted.

(Comp. Ords. 1987, § 35.072)

Sec. 54-128. Ground cover.

The township may determine the appropriate final grade cover. Where it is determined that no immediate surface use is intended, then the ground cover shall be appropriate for the growing of field crops. The final two feet of ground cover shall be composed of earth material equal to, or better than, the USDA soil classification rating of three.

(Comp. Ords. 1987, § 35.073)

Sec. 54-129. Location of fill; greenbelt.

There shall be no filling or depositing of refuse except inert solid waste and noncombustible rubbish within 500 feet of any existing dwelling and 250 feet from any zoning district other than an industrial zone district, and from any road right-of-way. An earth berm greenbelt shall be constructed on the entire perimeter of the landfill area and shall be designed in such a manner as determined by the planning commission in its review and approval of the required reclamation plan.

(Comp. Ords. 1987, § 35.074)

Sec. 54-130. Records.

(a) The permit holder shall maintain records of all truckloads and the estimated volume and weight of solid wastes accepted at the landfill. In addition, the permit holder shall maintain records of the location and completion date of each refuse lift or trench. Separate records of the same type shall be compiled for hazardous wastes if the original permit, or subsequent renewal, provides for the disposal of hazardous wastes.

(b) Separate records of the quantity and discharge of all leachate shall also be maintained and at such frequencies as specified by the township. These reports shall include the following information:

- (1) Monthly data on quantities of waste (weight and volume) for each distinguishable type of waste, including those that require separate disposal. Mixed municipal refuse may be considered as a single type of waste.
- (2) A schedule of charges for use of the sanitary landfill.
- (3) Estimated volume of landfill used during the quarter and the landfill's projected life.
- (4) Identification by location and number of lifts or trenches completed and dates completed.
- (5) During the year following final cover (completion) of areas of the landfill, the quarterly report shall include a description of the repairs affected, which include location and extent.

(6) Monthly reports of monitor wells, water runoff or leachate.

(Comp. Ords. 1987, § 35.101)

Sec. 54-131. Material submitted to department of environmental quality.

A landfill permit holder shall submit to the township copies of all correspondence, reports and data submitted to, or received by, the state department of environmental quality in conjunction with the landfill operation.

(Comp. Ords. 1987, § 35.102)

Secs. 54-132-54-160. Reserved.

DIVISION 4. OPERATING STANDARDS FOR SOLID WASTE HAULERS

Sec. 54-161. Vehicles-Construction.

All vehicles used in the removal, collection or transportation of garbage, trash, waste, paper, refuse, rubbish, building materials, concrete, sewage and sludge shall be constructed in such a manner that will prevent any portion of the garbage, trash, waste, paper, refuse, rubbish, building materials or concrete from leaking, spilling, falling or blowing out of such vehicles onto any public highway, street, avenue, boulevard, alley, or other public or private place. All vehicles used in transportation of such material shall be so constructed as to prevent the material from blowing or falling onto any street, avenue, alley, highway, boulevard, or other public or private place in the township. Such vehicles being drawn or driven over the public ways or streets shall not be loaded above a point that will result in any portion of the contents being spilled therefrom.

(Comp. Ords. 1987, § 35.081)

Sec. 54-162. Same-Cleanliness, inspection; appeal.

All vehicles shall be kept in a clean and sanitary condition at all times and shall, at all times, be subject to inspection by the township board or its duly authorized representatives. If, in their judgment, a vehicle is found to be defective or unfit for use, they are hereby empowered to prevent the use of the vehicle until it is put in proper condition to comply with the terms of this section. Any person aggrieved by such action shall have the right to appeal to the township board, which shall hear the same at the next regular meeting or other time as ordered by the board.

(Comp. Ords. 1987, § 35.082)

Sec. 54-163. Dumping location.

No vehicle shall dump, dispose, or release any waste, rubbish, garbage, sewage or sludge except at a duly licensed landfill site.

(Comp. Ords. 1987, § 35.083)

Sec. 54-164. Possession of license during operation.

All operators of a licensed hauling vehicle shall have in their possession, at all times when such vehicle is being operated, the hauling license required by this article.
(Comp. Ords. 1987, § 35.084)

Sec. 54-165. Material submitted to department of environmental quality.

A hauling permit holder shall submit to the township copies of all correspondence, reports and data submitted to, or received by, the state department of environment quality in conjunction with the hauling operation.
(Comp. Ords. 1987, § 35.102)

Sees. 54-166-54-195. Reserved.

DIVISION 5. BONDS AND INSURANCE

Sec. 54-196. Landfill operating bonds.

(a) The applicant shall post a cash bond naming the township as the beneficiary there of in any amount determined by the township board to be reasonably necessary to ensure compliance under this article. In no case shall the sum of the bond be less than \$1,000.00 for each acre, or fraction thereof, of land to be covered by the permit. The township board shall determine, as a condition of issuing a permit, that the specific landfill at the specific site requires a bond amount based on a proper estimate based on the cost of repairing damage or injury and the risks to the environment at the time of the application. Every bond shall guarantee compliance with this article, the permit requirements and conditions, and that the operation will be carried out according to the approved plans and specifications. Every bond shall guarantee the avoidance of harmful movement of gases or contamination to the ground or surface water and/or environment during operations and for 15 years after the completion thereof. Upon failure of an applicant to fulfill any of the conditions of the bond, the township may use the proceeds of the bond to go upon the landfill site and perform any acts necessary to produce compliance.

(b) In fixing the amount of the bond, the township shall take into account the size and scope of the proposed operation, current prevailing costs of rehabilitating the premises, and other conditions and factors as might be relevant. For each acre restored and reclaimed in accordance with this section, or otherwise, a bond may be proportionately reduced, as determined by the township board, after due consideration of the 15-year contamination requirement.
(Comp. Ords. 1987, § 35.091)

Sec. 54-197. Hauling bonds.

(a) The applicant shall post a cash bond or other form of financial guarantee acceptable to the township board to ensure compliance under this article. In no event shall the sum of the bond be less than \$1,000.00.

(b) In the event any garbage, refuse, waste, sewage or sludge leaks or falls out from the hauler, the township may use the proceeds from the bond to clean up such items.

(c) In fixing the amount of the bond, the township board shall take into account the size and scope of the proposed operation, including size of the vehicle and estimated number of trips and the distance of such trips, and other conditions and factors as might be relevant.
(Comp. Ords. 1987, § 35.092)

Sec. 54-198. Liability insurance; indemnification.

An applicant for a landfill operating license shall secure and file, with the township clerk, certificates of insurance, insuring the applicant, his employees and/or agents or representatives, and the township, its officials, agents and employees for general comprehensive liability in the amount of at least \$1,000,000.00 per person and \$3,000,000.00 per occurrence. The certifications or renewals thereof shall provide that the township shall be notified upon discontinuance or alteration of any such insurance coverage for any reason. Provisions shall be made to indemnify the township from damage suits that may arise in the future when the landfill operation is terminated. (Comp. Ords. 1987, § 35.093)

Secs. 54-199-54-225. Reserved.

DIVISION 6. RESTORATION AND INSPECTION

Sec. 54-226. Requirements in accordance with plan.

All areas within an area operating under a single permit shall be restored progressively. Such restoration shall be in accordance with the plan approved at the time the permit was granted, or as otherwise subsequently amended and approved by the township board. Such restoration shall be to a condition which blends with the general surrounding terrain so as to appear reasonably natural.

(Comp. Ords. 1987, § 35.111)

Sec. 54-227. Refund or reduction of bond.

Upon completion of the restoration, or upon completion of a part thereof, the permit holder may make application to the township board for a refund or reduction of the bond or its pro rata share, as set forth in sections 54-126 through 54-129. Upon examination by the township board, or its agent, and the satisfaction of the board that such restoration is in keeping with the general surrounding terrain so as to appear reasonably natural, the board may refund or reduce the bond pro rata.

(Comp. Ords. 1987, § 35.112)

Sec. 54-228. Noncompliance, failure to complete.

If the restoration should not comply with the requirements of section 54-226, or if such restoration is not completed within 60 days after expiration of all permits issued pursuant to this article, the township may utilize the bond proceeds to restore the site and affected areas to comply with the approved plan, and perform whatever work needs to be done to avoid harmful movement of gases or contamination to the ground or surface water and/or environment. Should the cost of such restoration exceed the amount of the bond, the permit holder shall pay the township the amount of such excess.

(Comp. Ords. 1987, § 35.113)

Sec. 54-229. Inspection.

An inspector from the building department, or other persons as may be appointed by the township board, shall conduct inspections and shall notify the owner and/or operator by regular mail of any portions of the site that it deems abandoned and/or ready for restoration. Upon receipt of such

notification, the owner and/or operator shall have such areas restored within 30 days or within such additional time as may be allowed by the township board.
(Comp. Ords. 1987, § 35.114)

Sec. 54-230. Topographic survey map.

Prior to complete refund of the bond, the permit holder shall demonstrate compliance with the approved restoration plan by providing a topographic survey map of the restored area at a scale of one inch to 100 feet, prepared and sealed by a land surveyor registered in the state or a professional engineer experienced in civil engineering-and registered in the state.
(Comp. Ords. 1987, § 35.115)

Secs. 54-231-54-255. Reserved.

DIVISION 7. ENFORCEMENT

Sec. 54-256. Easement granted prior to landfill permit.

Prior to the granting or renewal of a landfill operating permit, the fee owner of the property on which the landfill is to be operated shall grant to the township an easement for ingress and egress over the entire property area. Such easement shall be in recordable form for the period of time for which the permit is being requested or renewed.
(Comp. Ords. 1987, § 35.121)

Sec. 54-257. Inspection of landfill site; violation; inspection fee.

The township, through its building inspector or his duly authorized agent, shall have the right to enter upon any landfill site for the purpose of conducting inspection to ensure compliance with this article. Any refusal to permit such inspection shall be deemed a violation of this section and shall further be cause for summary proceedings to close such landfill operation pending such inspection. The fee for the inspection shall be set by the township board, which fee is intended to cover the cost of the inspection.
(Comp. Ords. 1987, § 35.122)

Sec. 54-258. Notice of violation; request for hearing.

The township building inspector, or an engineer authorized by the township to enforce the provisions of this article, may notify the owner and/or operator of any violation of the permit and/or this article and, upon failure of the owner and/or operator to abate such violation within five days after mailing of such notice, the building inspector or engineer may order the site closed and order the permit therefore suspended or revoked, and may have resort to the bond for reclamation. Any owner and/or operator aggrieved by any notice sent pursuant to this section may file a written request for a hearing before the township board. The request should set forth why the operation's site should not be summarily closed, the permit suspended or revoked, and invoke the provisions of section 54-198. If a request for a hearing is received, the township board shall accord rudimentary due process to the owner and/or operator who requested a hearing by giving such owner and/or operator notice of the hearing, an opportunity to be heard, through counselor otherwise, and shall make an impartial determination of whether a violation of the article has occurred and whether the health and safety of persons and/or property require the suspension or revocation of the license. Upon receipt of a request for a hearing, the township board may

summarily close the site, pending the hearing, if it is determined that the health and safety of persons and/or property require such action.

(Comp. Ords. 1987, § 35.131)

Sec. 54-259. Assessment against real estate.

Upon failure to comply with the provisions of section 54-97, and a default in payment of the fees required, after 30 days after written demand for such payment by the township clerk to the operator and owner of the parcel for which a landfill permit is in existence, the township board may, in its sole discretion, declare the debt owing to be an assessment against the real estate parcel in question, spread it on the tax rolls, and collect it with other real estate taxes due and owing.

(Comp. Ords. 1987, § 35.132)

Chapters 55-57

RESERVED