

MILLINGTON TOWNSHIP BOARD OF TRUSTEESORDINANCE NO. 18-02**ORDINANCE REGULATING THE QUARRYING OR MINING OF SOIL, SAND,
CLAY, GRAVEL, OR SIMILAR MATERIALS TO PROTECT PUBLIC HEALTH,
SAFETY, AND WELFARE****MILLINGTON TOWNSHIP ORDAINS:****Section 1. Purpose**

This Ordinance is adopted pursuant to Millington Township's police power to protect the public health, safety, and welfare. The requirements of this Ordinance apply to all quarrying or mining of soil, sand, clay, gravel, or similar materials in the Township.

Section 2. Safety Regulations for Quarrying or Mining Activities**A. Hours of Operation**

- (a) Unless otherwise restricted by the Planning Commission as a condition necessary to minimize the adverse effects of the operation, site access by large vehicles or equipment, and repair and servicing of equipment shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 7:00 a.m. to 12:00 noon on Saturday, and closed on Sundays.
- (b) Unless otherwise restricted by the Planning Commission as a condition necessary to minimize the adverse effects of the operation, all mining operations, including extraction, processing, washing and internal stockpiling materials, and all site grading and truck loading shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 7:00 a.m. to 12:00 noon on Saturday, and closed on Sundays.
- (c) No activities on the property shall occur on Sundays and on legal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Eve).
- (d) If the site is to be open to outside operators and contractors, signs shall be posted which clearly depict the hours of operation. The signs shall contain the name and telephone number of the operator. The contact shall be made available 24 hours per day, seven days per week. The signs shall further state that dumping is prohibited. "Dumping" means the placement of trash or refuse material on the mining site by third parties.

B. Noise and Vibrations; Dust and Emissions

- (a) Noise and vibrations shall be controlled to minimize their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by

the proper use of berms, walls and planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

- (b) Air pollution in the form of dust, dirt and vehicle emissions shall be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust, dirt or hydro-carbon emissions injurious or substantially annoying to the occupants of adjoining property.
- (c) Interior haul roads used in the operations shall at a minimum have their surface treated to minimize any such nuisance (Ref. Section 27.03). To further minimize the effects of dust and the tracking of material onto the public roadway, the Planning Commission may as applicable require the periodic application of water or chemical dust control agents on unpaved public street segments accessing the site and or the installation and use of a truck undercarriage wash facility prior to trucks exiting onto a paved public street.
- (d) Operations shall be curtailed during periods of sustained high winds or wind gusts of 25 miles per hour or more that are capable of carrying visible dust plumes onto adjacent property that is adversely sensitive to dust pollution.

C. Sight Barriers and Screening. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions. Unless otherwise approved, site barriers shall consist of one or more of the following:

1. Earth berms constructed to a height of five (5) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Unless specifically authorized by the Planning Commission, berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be contoured and capable of being planted with grass and mowed. If used as a base for the planting of trees, the composition and contours of the berms shall be shown to be capable of supporting hearty evergreen trees, without irrigation.
2. Plantings of at least two (2) rows of evergreen trees parallel to the boundaries of the property, of sufficient height and spacing to provide effective sight barriers at the time of planting. Plantings shall be watered and cared for to assure long term survival. Dead or diseased plantings shall be replaced as necessary to maintain the effectiveness of the screen.
3. Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six (6) feet and maintained in good condition.

D. Security and Safety

- (a) The perimeter of the mining site will be conspicuously and adequately posted with signs at not less than 100 unless otherwise increased by the Planning Commission foot

increments. The signs shall indicate the danger or dangers of trespassing in the area.

- (b) Above the active face of the extraction area, including submerged areas and all un-reclaimed slopes exceeding 1 foot vertical to 1 foot horizontal, an orange construction safety fence will be placed as a final caution and physical barrier to trespassers. This fence shall be portable and shall be periodically relocated so to remain no closer than fifty (50) feet and no further than one hundred (100) feet from the active pit and un-reclaimed slope area.
- (c) A lockable gate shall be maintained to guard the entrance to the mining area.
- (d) The Planning Commission may require fencing around all or any portion of the property. When required, the fencing shall at a minimum consist of masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six (6) feet and maintained in good condition.

E. Site Excavation Standards. All excavation shall be to a level that is either not less than five (5) feet above the average summer level of the ground water or to a water-producing depth of not less than five (5) feet below the average summer level of the ground in the excavation. Until final restoration is accomplished, mined areas not submerged shall be graded (or back-filled with non-noxious, non-hazardous, non-flammable and non-combustible solids) to insure that the excavated area shall not collect stagnant water and not permit the same to remain therein.

F. Liability Insurance. Liability insurance shall be a pre-condition to commencement of operations, and maintenance of insurance in full force shall be a pre-condition to the right to continue operations. The applicant shall provide binders for personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times which any reclamation is left to be done, during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance is to contain a hold-harmless clause regarding liability of the Township during any reclamation phase.

Section 3. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 4. Repealer Clause

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date

This ordinance shall become effective immediately following publication.

TOWNSHIP OF MILLINGTON

NOTICE OF ADOPTION:

**ORDINANCE REGULATING THE QUARRYING OR MINING OF SOIL, SAND,
CLAY, GRAVEL, OR SIMILAR MATERIALS TO PROTECT PUBLIC HEALTH,
SAFETY, AND WELFARE**

To the residents and property owners of the Township of Millington, Tuscola County, Michigan, and all other interested persons:

On April 16, 2018, the Township of Millington (the "Township") adopted an Ordinance Regulating the Quarrying or Mining of Soil, Sand, Clay, Gravel, or Similar Materials to Protect Public Health, Safety, and Welfare ("Ordinance"). A summary of the Ordinance is provided below. A true copy of the Ordinance, including any exhibits, is available for inspection at the Township Office, 8553 State Street, Millington, MI 48746.

Section 1. This section states the purpose of the Ordinance.

Section 2. This section implements safety regulations for quarrying or mining activities in the Township including, but not limited to, regulations regarding hours of operation, noise and vibration, dust and emissions, screening, signage, site excavation standards, and liability insurance requirements.

Section 3. This section provides that if any portion of the Ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 4. This section provides that if any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give the Ordinance full force and effect.

Section 5. This section provides that the Ordinance shall take effect immediately following publication.

SHEILA HEBNER, CLERK
Millington Township
8553 State Street
Millington, MI 48746