

Ordinance No 17
Township of Bridgewater
Landfill Evaluation Fee

An ordinance relating to Township consideration and evaluation of any proposed siting of Solid Waste Processing and Disposal facilities in Bridgewater Township, in accordance with the provisions of Section 30 of Public Act 641 of 1978, as amended.

THE TOWNSHIP OF BRIDGEWATER, COUNTY OF WASHTENAW, STATE OF MICHIGAN ORDAINS:

Section 1. The Bridgewater Township Board enacts this Ordinance for the following purpose:

- a. to establish the Fee for consideration, evaluation and/or review of the application submitted to the Township for any proposed siting of .a Solid Waste Processing and/or Disposal facility in the Township; to provide for such evaluation of Solid Waste Processing and/or Disposal proposed siting as may be permitted by Section 30 of PA 641 of 1978 pending approval by the Director of the Michigan Department of Natural Resources of a Washtenaw County Solid Waste Management Plan; and thereafter such evaluation as may be consistent with an approved Solid Waste Management Plan for Washtenaw County;
- b. to provide funds to obtain and retain the services of such environmental, health, legal, technical, engineering, accounting and other professionals and personnel as may be deemed necessary to properly evaluate the impact of such a facility on the township and its residents and the adequacy of design, operational and other specifications of such a proposed siting;
- c. to authorize the Township Board to set the level of such Fee;
- d. to authorize the Township Board to adjust the level of said Fee as may be needed in the future;
- e. to authorize the Township Board to hire, obtain and retain the services of such personnel as may be deemed necessary to fully evaluate the proposed landfill;
- f. to authorize the Township Board to hire, appoint, or otherwise arrange for a negotiating team as may be provided by the Washtenaw County Solid Waste Plan to engage in negotiations with the developer for mitigation of local concerns;
- g. to authorize the Township Board or its designated agents or subcommittee(s) to receive reports from such a negotiating team, and make recommendations

to such team for further progress in the negotiations;

- h. to authorize the Township Board to enter into a binding contract as may be provided by the Washtenaw County Solid Waste Plan setting forth the terms of mitigation of local concerns during the siting process, including mechanisms for mitigation of any future problems relating to the facility which may arise;
- i. to authorize the Township Board to enter into cooperating agreements with neighboring townships and/or municipalities as may be provided by the Washtenaw County Solid Waste Plan relating to the siting of such a facility;

Section 2. Landfill Evaluation Fee. The Township Board shall establish, by resolution, the Fee for evaluation of a proposal to site a Solid Waste Processing and/or Disposal facility in the Township.

- a. The Township Board shall adjust, by resolution, the level of such Fee as may be deemed necessary in the future.
- b. The Township Board shall hire, obtain and retain the services of such environmental, health, legal, technical, engineering, accounting and other professionals or personnel as may be deemed necessary to fully evaluate the proposal.
- c. The Township Board shall hire, appoint, or otherwise arrange for a negotiating team as may be provided by the Washtenaw County Solid Waste Plan to engage in negotiations with the developer for mitigation of local concerns during the siting process, including mechanisms for mitigation of any future problems relating to the facility which may arise.
- d. The Township Board shall in the event such negotiations are successfully concluded, enter into a binding contract as may be provided by the Washtenaw County Solid Waste Plan setting forth the terms of mitigation of local concerns, including mechanisms for mitigation of any future problems relating to the facility which may arise, as part of the siting process.
- e. The Township Board may require from the applicant, as part of the binding contract aforementioned, further funds for assisting in the process of informing the residents of Bridgewater Township and neighboring townships and/or municipalities which maybe affected by the proposed siting about the proposal and its effects and the measures negotiated to mitigate local concerns about the facility.

Section 3. Application of Fees.

- a. Fees for evaluation of a proposed siting shall be paid to the Township Treasurer and shall be deposited in an interest bearing account in the Township's name. All interest earned by such account shall be applied on

the same terms as the principal amount.

- b. Such Fees shall be used for environmental, health, legal, technical, engineering, accounting, and other professional and personnel services deemed necessary for the proper and complete evaluation of the proposal and/or negotiation of mitigation of local concerns and shall not be used for legal services whose purposes is to attempt to defeat the siting of the facility.
- c. Should the full sum of the principal Fees and any interest earned by such Fees while held by the Township not be necessary for the proper consideration, evaluation and/or review of the proposal and negotiations for the mitigation of local concerns, any balance remaining at the conclusion of the siting process, whether successful or unsuccessful, shall be returned to the applicant.
- d. The Township Treasurer shall keep a record of all expenditures made from such dedicated funds and shall provide a copy of these records to the applicant upon the completion of the siting process whether a balance remains to be refunded or not.

Section 4. Severability. Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable or unconstitutional, the same shall not affect the validity or enforceability or constitutionality of any provision of part of this Ordinance not specifically included in such ruling; and the remainder shall be considered severable and shall remain in full force and effect.

Section 5. Effective Date. The Ordinance shall take effect immediately. February 23, 1990.

CERTIFICATION OF TOWNSHIP CLERK

I, Karen Weidmayer, Clerk of the Township of Bridgewater, Washtenaw County, Michigan, hereby certify that the foregoing ordinance of the Township of Bridgewater was duly adopted by the Township Board of Bridgewater Township duly assembled at a special meeting of said Board held February 23, 1990. I further certify that Board Members Leonard Dayss, Harlin Fraumann, Andrew Poet, Karen Weidmayer and Douglas Parr voted for adoption of the ordinance and Board Members NONE voted against adoption. I further certify that the same was duly printed and published on the 1st day of March, 1990, in the Manchester Enterprise, a newspaper circulated in the Township of Bridgewater. I further certify that I mailed a copy of the within ordinance to the Washtenaw County Clerk on February 26, 1990.

Karen Weidmayer
Township Clerk