

CHARTER TOWNSHIP OF ZEELAND

ORDINANCE NO. 173

ZONING ORDINANCE AMENDMENT

An Ordinance to amend the Charter Township of Zeeland Zoning Ordinance. being Ordinance No. 102. as amended, of the Charter Township of Zeeland. Ottawa County, Michigan.

THE CHARTER TOWNSHIP OF ZEELAND ORDAINS:

Section 1. Definition of "Permit." Section 15.445(A)(6) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138. shall be amended to state in its entirety as follows:

6. flPermit"shall mean a valid and duly issued special land use permit of the type (L,e., Class A Permit. Class B Permit. Class C Permit or Class D Permit) required by Section 15.445 for an Earth Change within the Township.

Section 2. Classification of Permits. Section 15.445(C) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138. shall be amended to state in its entirety as follows:

C. CLASSIFICATION OF PERMITS.

Permits required for an Earth Change shall be classified as follows:

1. Class A Permits - A "Class A Permdt" shall mean a Permit to allow an Earth Change when the volume of the Earth Change is more than one thousand (1,000) cubic yards but not more than four thousand (4,000) cubic yards, and when the Earth Change is incidental to the preparation of a tract of land for residential. commercial, recreational or industrial development.
2. Class B Permits - A "Class B Permft." shall mean a Permit to allow an Earth Change when the volume of the Earth Change is more than four thousand (4,000) cubic yards. and when the Earth Change is incidental to the preparation of a tract of land for residential, commercial, recreational or industrial development.
3. Class C Permits - A "Class C Permit" shall mean a Permit to allow an Earth Change when the Earth Change is the principal activity, provided that the floor of such Earth Change Project shall not be made lower than the lowest level of the property line of the premises upon which the Earth Change takes place.
4. Class D Permits - A "Class D Permit" shall mean a Permit to allow an Earth Change when the Earth Change is the principal activity. unless the Earth Change is covered by a Class C Permit.

The intent of this Ordinance is to preclude all persons from circumventing or attempting to circumvent the provisions of this Ordinance by engaging in successive Earth Change activities with no Permit or with a lower class Permit than would be required by the Earth Change Project taken as a whole. If such a case shall arise, the person shall be required to comply with the intent of this Ordinance.

Section 3. Permit Applications. Section 15.445(D) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be amended to state in its entirety as follows:

D. APPLICATIONS FOR PERMITS AND APPLICATION FEES.

A person seeking a Class A, Class B, Class C, or Class D Permit shall make a written application for the same to the Township Zoning Administrator.

1. Class A Permit Application. A Class A Permit application shall contain or be accompanied by the following information:
 - a. Full identification of the owner(s) of the parcel(s) upon which the Earth Change is proposed; and, if other than or in addition to the owner(s), full identification of the applicant and of all other persons to be involved in the operation or management of the Earth Change if a Permit is granted.
 - b. The residence and business addresses of the applicant(s), and of the owner(s) if different, and of the operator(s).
 - c. The legal description (including street address where applicable) of the property upon which the Earth Change is proposed. Said legal description shall, if deemed necessary by the Township Board, be prepared by a registered civil engineer or land surveyor.
 - d. The specific nature and extent of the proposed Earth Change Project and activity; the type of Ground involved in the proposed Earth Change; and a fair and reasonable estimate of the number of cubic yards of Ground involved in the proposed Earth Change. This estimate shall, if deemed necessary by the Township Board, be made by a registered civil engineer or land surveyor.
 - e. The proposed route to be used in transporting the Ground over the public roads and over any private property.
 - f. Whether or not the applicant has ever made an Earth Change application or had an Earth Change Permit, and whether or not the applicant has ever had an Earth Change application denied or Earth Change Permit revoked or suspended.
 - g. The time within which the Earth Change Project will be commenced after a Permit is granted, and the time within which the Earth Change Project will be completed.

- h. A description of any measures to be taken by the applicant to control noise, vibration, Ground blowing, dust and traffic.
- i. Any measures which the person proposes to take to insure public safety, the exclusion of children from the premises, and the lateral support of adjoining and surrounding lands and structures.
- j. Any and all such further or additional information as the Township Board may reasonably require to determine whether or not a Permit should be issued.

2. Class B Permit Application. In addition to the information required above for a Class A Permit application, a Class B Permit application shall contain or be accompanied by the following information:

- a. A detailed description by maps, diagrams or otherwise, of the contour and condition of the lands before commencement of the proposed Earth Change, and a description of how the applicant proposes to leave such lands upon completion of the Earth Change Project. Such description shall include:
 - (1) A statement of any landscaping to be done or other Ground stabilization controls to be employed to insure that the lands are left in a stable, safe and usable condition, and to prevent Ground erosion, Ground blowing, dust or unsightly conditions.
 - (2) A drainage plan to indicate the anticipated drainage system which would be utilized if the Project is implemented.
 - (3) Detailed information concerning the Ground water table in the proposed Project area, as well as detailed information concerning the Project's proposed use of the Ground water and its possible effect thereon, if the Project is implemented.
- b. A statement of the manner in which the Earth Change Project is to be performed, operated and carried on, including a statement of the slope of the sides and the level of the floor, the finished grade and condition of the property following the completion of the Project, and the kind and amount of equipment proposed to be employed.
- c. The applicant's previous experience in matters to which the Permit pertains, and the name, address. and previous experience in such matters of any other person(s) to perform or be in charge of the proposed Earth Change Project.

- d. Any and all such further or additional information as the Township Board may reasonably require to determine whether or not a Permit shall be issued.

3. Class C Permit Application. In addition to the information required above for a Class 'A or a Class B Permit application, depending upon the volume of the proposed Earth Change~ a Class C Permit application shall contain or be accompanied by the following information:

- a. A comprehensive Environmental Impact Statement on the site of the proposed Earth Change Project~ following guidelines prescribed by the Township Board by resolution, but including, at a minimum. the following:
 - (1) A detailed description of any known, anticipated or possible adverse or detrimental effects upon any aspect or element of the environment, both with respect to the Project site and with respect to surrounding areas.
 - (2) The effects of the Earth Change Project on groundwater supply and flow.
 - (3) The effects of the Earth Change Project on adjacent surface resources.
 - (4) An illustrated landscape plan which presents the visual appearance of the proposed Project area if the Earth Change is implemented.
 - (5) A descriptive analysis of the grading plan to illustrate the appearance of the Project as various operational stages are completed.
 - (6) The compatibility of the proposed Earth Change Project with adjacent existing land uses and with the Township Land Use Plan.
 - (7) Alternatives, if any, to the proposed Earth Change and the reasons for the choice of the proposed Earth Change site over those alternatives.
- b. A progressive Earth Change and Reclamation Plan for the proposed Earth Change Project, for both the total Project and for each Earth Change Unit, including. at a minimum, the following:
 - (1) The method and direction of the Earth Change.
 - (2) Surface overburden and stripping plans.
 - (3) The depth of grade level over the entire site on which the proposed Earth Change will take place.

- (4) Provisions for grading, revegetation, and stabilization that will minimize Ground erosion, sedimentation, and public safety problems.
- (5) The location of buildings, equipment, stockpiles, roads, or other features necessary to the Earth Change and provisions for their removal and the restoration of the area at the Project's termination.
- (6) Provisions for buffer areas, landscaping and screening.
- (7) Maps and other supporting documents required by the Township Board.

4. Class D Permit Application. In addition to the information required above for a Class A or a Class B Permit application, depending upon the volume of the proposed Earth Change, and the information required above for a Class C Permit application, a Class D Permit application shall contain or be accompanied by the following information:

- a~ A comprehensive Environmental Impact Statement on the site of the proposed Earth Change Project, following guidelines prescribed by the Township Board by resolution, but including, at a minimum, the following:
- (1) An aerial photograph of all land within one thousand three hundred twenty (1,320) feet of the perimeter or external boundaries of the proposed Earth Change site showing (i.e. indicating) the location of the various existing uses of such lands, the location and type of existing vegetation, existing soils and any other significant features. Appropriate overlays at the scale of the aerial photograph can be used to depict topography, slope, hazards, soils, vegetation, wildlife habitat and any other significant features.
 - (2) A list of the various major Ground vegetation found within the proposed Earth Change area, together with an indication of the presence of rare and endangered species.
 - (3) The impact of the proposed Earth Change Project on flora, fauna, or wildlife habitats in and around the Project site.
 - (4) The economic impact of the Earth Change Project and activity on the surrounding area.
 - (5) A description of any traffic control devices, public facilities, or public services which will be required by the proposed operations, and a statement of how, and by whom, the applicant proposes that the costs thereof be paid.

- b. A progressive Earth Change and Reclamation Plan for the proposed Earth Change Project, for both the total Project and for each Earth Change Unit, including, at a minimum, the following:
 - (1) The interim use or uses of reclaimed Earth Change Units before the cessation of the entire Earth Change Project.
 - (2) Provisions for ingress and egress, including proposed routes for all truck and other vehicular travel in connection with the Earth Change Project.
- c. A Fifteen (15)-Year Earth Change Plan including, at a minimum, the following:
 - (1) The location and acreage of Ground deposit areas presently subject to an Earth Change, if any.
 - (2) The location and acreage of Ground deposit areas not presently subject to an Earth Change, but planned for that purpose, and the amount of Ground planned to become subject to an Earth Change.
 - (3) A schedule indicating when the Earth Change Project will begin in each Ground deposit area and the probable termination date of the Earth Change Project in each area.
 - (4) Additional information requested by the Township Board.
- 5. Review and Comment. The Township Board may, at its discretion, request a review of any Earth Change application and solicit comments from various agencies, such as (but not limited to) the Soil Conservation District in Ottawa County, the Ottawa County Drain Commission and the West Michigan Regional Shoreline Development Commission.
- 6. Application Fees. All Earth Change applications filed with the Township Zoning Administrator shall be accompanied by the respective application fees in such amounts as may be determined by the Township Board by resolution from time to time relative to Class A, Class B, Class C and Class D Permit applications.

Section 4. Processing of Applications for Permits. Section 15.445(E) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be amended to state in its entirety as follows:

E. PROCESSING OF APPLICATIONS FOR PERMITS.

Upon receipt of an application by the Township Zoning Administrator, said application shall be reviewed by the Township Board at its next regularly scheduled meeting to determine if said application contains

the information required by Paragraph D above. If the Township Board deems the application does not address the requirements, **it** shall so advise the applicant in writing, specifying the deficiencies; provided that the Township Board's preliminary determination of completeness, or its failure to specify deficiencies, shall not preclude the Township Board from later identifying or asserting any such deficiencies or from requesting such further or additional information as the Township Board may reasonably require to determine whether or not a permit should be issued.

1. When the Township Board determines that an application and fee for a Class A, Class B or Class C Permit are complete, the Township Board, may, in its discretion, schedule one (1) or more public hearings on the question of issuing a Class A, Class B or Class C Permit to the applicant. If the Township Board shall determine that a public hearing is not necessary or contemplated, the Board shall, at a minimum, before issuing a Class A, Class B or Class C Permit, satisfy all of the minimum notice and procedural requirements before issuing a Special Land Use Permit which are mandated by Section 16b of the Township Rural Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended (MSA 5.2963(16b); MCL 125.286b). In addition, the Township Board may, in its discretion, refer the application to the Township Planning Commission for its recommendation before rendering a final decision. The Planning Commission shall consider, review and make its recommendation to the Township Board on the application no later than its next regularly scheduled quarterly meeting. The applicant shall have the right to request a special meeting of the Planning Commission for purposes of reviewing the application; the Planning Commission need not grant such a request, although the applicant shall bear the cost incurred by the Township pursuant to such special meeting if held.
2. Upon receipt by the Township Zoning Administrator of an application for a Class D Permit, the Township Board shall submit the application to the Planning Commission for its consideration, review and recommendation. The Planning Commission shall schedule at least one (1) public hearing on the question of issuing a Class D Permit. Notice of such public hearing shall comply with the minimum notice standards established by Section 16b of the Township Rural Zoning Act, as amended, with regard to the issuance of a Special Land Use Permit, provided further that notice of such public hearing shall be mailed to the owners of all property and occupants of all structures within one thousand three hundred twenty (1,320) feet of any portion of the parcel or tract of land within which the proposed Earth Change Project would occur (as such owners appear according to the Township's last tax assessment roll). In addition, notice of said public hearing shall be published in a newspaper of general circulation in the Township not more than fifteen (15) nor less than five (5) days prior to the public hearing.

3. Whenever the Planning Commission is requested or required to make recommendation to the Township Board on the question of issuing a Class A, Class B, Class C or Class D Permit, the Planning Commission shall prepare and submit a written recommendation to the Township Board on the question of issuing the Permit. If such recommendation favors issuance of a Permit, then the Planning Commission's recommendation shall contain suggested terms and conditions to which the Permit should be subject and upon which the Permit should be issued. In the course of its consideration and investigation of the application for a Permit, the Planning Commission may consider all factors it deems relevant to the question of issuing a Permit, and the Planning Commission may require such further investigation and/or make such further inquiries as it deems necessary or advisable in making its written recommendation to the Township Board.
4. Upon receipt of the Planning Commission's written recommendations, the Township Board may, in its discretion, schedule one (1) or more public hearings on the question of issuing a permit. Following the Township Board's consideration of the application, after any and all recommendations from the Planning Commission have been held, the Township Board shall determine whether or not to issue a Class A, Class B, Class C or Class D Permit.
5. All Permits issued by the Township Board shall be subject to and shall be in accordance with the terms, provisions and requirements of this section pertaining to issuance of Earth Change Permits herein set forth.
- p. Notwithstanding any provision to the contrary herein, the Township Zoning Administrator is hereby authorized to perform all of the functions of the Township Board in the processing of an application for a Class A Permit. In that regard, the Township Zoning Administrator has the discretion either to fully assume the authority and perform the functions of the Township Board in processing an application for a Class A Permit, or to refer the application for a Class A Permit to the Township Board for its consideration.

Section 5. Permit Requirements. Section 15.445(G) (6), (7), (8) and (9) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be amended to state in its entirety as follows:

6. The expiration date of the Permit; however, if no expiration date is set forth in the Permit, the following rules shall apply:
 - a. Class A Permits shall expire one hundred eighty (180) days following the issuance thereof, unless the Township Board specifically designates a longer period.
 - b. Class B and Class D Permits shall expire three (3) years following the issuance thereof, unless the Township Board specifically designates a longer period.

- c. Class C Permits shall expire two (2) years following the issuance thereof, unless the Township Board specifically designates a longer period.
- d. If any work for which a Permit has been granted hereunder is not commenced within one hundred eighty (180) days from the issuance of the Permit. or if work is started on the Project pursuant to a Permit granted hereunder and then such work is abandoned for a period of one hundred eighty (180) days, the Permit shall automatically expire.
- e. Once a Permit has expired. no further Earth Change shall take place until the Township Board has issued a new or a renewed Permit therefor.

Section 6. Terms, Conditions and Limitations on Permits. Section 15.445(H) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be amended to state in its entirety as follows:

H. GENERAL TERMS, CONDITIONS AND LIMITATIONS APPLYING TO EARTH CHANGE PERMITS.

- 1. The following general conditions and provisions shall apply to Class A, B. C and D Permits. whether or not such general conditions and provisions are specified in any such Permit.
 - a. All vehicles used for transporting of Ground from or to any Earth Change Project shall follow established truck routes within the Township or shall travel only directly over such routes as may be determined by the Township Board to be least dangerous to the public health. safety and general welfare, to cause the least interference with general traffic. and to cause the least damage to the public roads.
 - b. No Earth Change Permit, nor any provisions thereof. shall authorize or permit any violation of the Township Zoning Ordinance or any other applicable ordinance, law, or regulation, either federal, state, county or local, in force and effect within the Township; and all Earth Change Permits shall be subject to any such applicable ordinances. laws or regulations.
 - c. During any period in which an Earth Change Project is being carried on or operated, no person shall cause or allow stagnant bodies of water to form. and persons ownIng or operating an Earth Change Project or site shall spray as necessary any bodies of water which may exist in conjunction with such Project to keep the water from becoming breeding places for mosquitoes or otherwise creating any unhealthy condition.
 - d. Where Earth Change Project operations result in a body of water, the persons owning or operating the Project shall place appropriate "Keep Out - Danger" signs around the body

of water, not more than two hundred (200) feet apart. Such signs shall be maintained at least until all Earth Change Project activity is completed and the slopes of any banks comply with any applicable provisions herein.

- e. The Earth Change Project site shall be landscaped or stabilized as the replacement of topsoil occurs. at least to the extent necessary to eliminate any Ground erosion by wind or water.
 - f. The final slopes of the banks of an Earth Change Project involving any excavation shall in no event exceed a minimum of three (3) feet horizontal to one (1) foot vertical; and where ponded water results from the Project. this slope shall be maintained and extended into the water to a depth of five (5) feet.
 - g. No Earth Change shall occur closer than fifty (50) feet from the nearest street or highway right-of-way nor closer than fifty (50) feet from the nearest property line. However. the Township Board may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant it; and the Township Board may, in its discretion. prescribe less strict requirements upon written consent of the adjoining property owner. (Under no circumstances, however, shall the Township Board permit a minimum less than that contained in such written consent.)
 - h. If, in the opinion of the Township Board. any such Earth Change Project will present a dangerous condition if left open, such Project shall be enclosed by a chain link or wire mesh fence completely surrounding the portion of the site where the Project extends. said fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on. Barbed wire shall not be used.
2. The following general conditions and provisions shall apply to Class B. Class C and Class D Permits. whether or not such general conditions and provisions are specified in any such permit.
- a. Trees and other vegetation or Ground cover shall not be stripped off any Ground landform so as to unnecessarily expose areas of Ground that are prone to wind or water erosion and thus create a nuisance by causing Ground or dust to be carried by wind or water onto adjoining or surrounding properties. or onto public or private roads.
 - b. Any Ground that may be spilled or deposited on any public road or other public place within one thousand five hundred (1,500) feet of any point of ingress or egress to the Project site from any vehicle transporting such Ground from

or to any Project site shall be immediately removed in a manner satisfactory to the Township Board at the expense of the person to whom the Earth Change Permit is issued.

- c. The floor of any Earth Change Project shall not be made lower than the level specified in the Permit. However, if no floor level is specified in the Permit, the floor shall not be made lower than the level specified in the application for the Permit.
 - d. All topsoil shall remain on the Project site. Sufficient subsoil and/or overburden shall be stockpiled on the Project site for reclamation purposes. The Permit applicant shall state in the reclamation plan the methods and specifications by which the topsoil and subsoil and/or overburden shall be redistributed over the site. The reclamation plan shall specify the combination of topsoil and/or overburden which shall be conducive to the establishment of a suitable ground cover and/or the growth of vegetation. In the event, however, that Earth Change operations within an Earth Change Unit continue for a period longer than thirty (30) days, the person holding the Permit shall, to the extent possible and practical, reclaim the completed Earth Change areas as the operation progresses.
3. The following general conditions and provisions shall apply to Class D Permits, whether or not such general conditions and provisions are specified in any such Permit.
- a. All roads, public or private, used by trucks (whether full or empty) for the purpose of hauling equipment, materials or Ground to and/or from the Project site shall be kept dust-free by hard topping with concrete, bituminous substance, chemical treatment, or other means approved by the Township Board if: (1) they are located within three hundred thirty (330) feet of an occupied residence. or (2) the dust would be detrimental to the public health, safety or welfare. The cost of such dust control shall be borne by the person to whom the Earth Change Permit is granted.
 - b. No part of any Ground processing equipment (such as crushers, mixers, separators, etc.), excluding transporting equipment, shall be operated closer than five hundred (500) feet from the nearest adjacent parcel not owned by the person to whom the Earth Change Permit is granted, or closer than three hundred (300) feet from any adjacent road right-of-way or adjacent property line. However, the Township Board may, in its discretion, prescribe less strict requirements upon written consent of the adjoining property owner. (Under no circumstances, however, shall the Township Board permit a minimum less than that contained in such written consent.)
 - c. The Permit shall state any other conditions, limitations, or other restrictions determined by the Township Board but

not expressed or implied pursuant to the provisions of this Ordinance, as amended.

- d. No Class D Permit shall be issued except on an Earth Change Unit basis. No Class D Permit shall be issued for a Project which contains less than six (6) Earth Change Units. No Earth Change Unit shall exceed twenty (20) acres.
- e. Prior to the expiration of a Class D Permit, if the person holding such a Permit wishes to renew it, he shall make a written request to the Township Zoning Administrator for a renewal. Said request for renewal shall be accompanied by a sworn affidavit that such person has complied and presently complies with all of the conditions of said Permit and all other applicable ordinances, laws, rules, and regulations. If the Township Board, after the recommendation of the Planning Commission, finds the representations in said request for renewal to be true. and further that such renewal would not be adverse to the health, safety and welfare of the Township, it may proceed with the issuance of a renewed Permit without further hearings. In the event the Township Board finds to the contrary, then no further Earth Change shall take place without obtaining a new Permit therefor upon application in accordance with this Ordinance. In considering such application for a new Permit, the procedures prescribed in this Ordinance shall be followed. unless a specific written waiver is granted by the Township Board. The Township Board shall. in addition to those things to be considered under this Ordinance. also consider the person's performance under the prior Earth Change Permit with respect to the person's compliance or non-compliance with this Ordinance and with the general and specific conditions of the prior Permit.

Section 7. Surveillance and Report. Section 15.445(H)(15)(f) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be eliminated in its entirety. Section 15.445(1) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be added to state in its entirety as follows:

I. SURVEILLANCE FEE; fu~UAL REPORT; SURVEILLANCE REPORT.

For purposes of surveillance. monitoring. administration. and enforcement of this Ordinance. a person holding a Permit pursuant to this Ordinance shall be assessed a fee of not more than one and one-half cents (1 and 1/2¢) per ton of Ground removed from a Project pursuant to an Earth Change under this Ordinance for the calendar year reported. The assessed fee shall be based upon an annual report to be filed with the Township Board by a person to whom a Permit is granted. Such annual report shall contain, at a minimum. the number of tons of Ground removed from the Project site, the location of the Earth Change area, and such other information as the Township Board may by resolution require from time to time. The annual report shall be verified under oath (notarized) that the information and represen-

tations contained therein are true and correct to the best of the person's knowledge and belief.

1. The fee described above shall be due not more than thirty (30) days after the Township Board sends written notice to the person holding the Permit, informing him of the amount due.
2. A penalty equal to ten (10%) percent of the amount due, or one thousand (\$1,000) dollars, whichever is greater, shall be assessed against the person holding the Permit for a fee not paid when due. An unpaid fee and penalty shall constitute a debt and become the basis of a judgment against the person.
3. Records upon which the annual report is based shall be preserved for at least three (3) years and shall be subject to audit by the Township Board.
4. The Township Board shall annually prepare and submit to the Planning Commission a written report on the Earth Change surveillance activities taken by or on behalf of the Township Board for the immediately preceding year and the cost thereof.

Section 8. Performance Bond. Section 15.445(H)(15)(g) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be eliminated in its entirety. Section 15.445(J) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be added to state in its entirety as follows:

J. PERFORMANCE BOND.

Unless this requirement is specifically waived by the Township Board, no Earth Change shall be initiated, commenced or continued pursuant to a Permit issued hereunder until the person holding the Permit shall have first filed with the Township Zoning Administrator a corporate performance bond, in favor of the Township and in form and substance acceptable to the Township, executed by a reputable insurance company authorized to do business in the State of Michigan. Such performance bond shall be for the following purposes and shall conform to the following provisions and requirements.

1. The bond shall be secured, furnished and maintained at the sole expense of the person holding the Permit, without expense to the Township.
2. The bond shall be conditioned upon the faithful performance of the person holding the Permit and upon the further condition that in the event the person fails to comply with any or more of the provisions of the Permit or of this Ordinance, there shall be recoverable by the Township, jointly and severally from the principal and surety of such bond, any damages or losses suffered by the Township and any costs or expenses incurred by the Township as a result thereof, plus a reasonable allowance for attorneys' fees and costs, up to the full amount of the bond.

3. The bond shall also be conditioned upon the person's full and faithful performance of all reclamation requirements of this Ordinance and of any Permit issued hereunder.
4. The bond shall be renewable annually, shall insure strict compliance with any regulations contained herein or required as a condition of the issuance of the Permit hereunder, and shall at all times after issuance of the Permit be maintained in full force and effect for the term of the Permit or any renewal thereof. Liability under the bond shall continue, even after expiration, revocation or suspension of the Permit, until the person has liquidated all obligations with the Township that may have arisen from the granting of the Permit or its renewal, or from the person's exercise of any privilege or right granted under this Ordinance or under any Permit; liability under the bond shall further be maintained as long as reclamation is not completed in full compliance with the reclamation requirements of this Ordinance and of the Permit.
5. The bond shall provide that at least thirty (30) days' prior written notice of intention not to renew, cancel, or materially change the bond shall be given to the Township in writing filed with the Township Zoning Administrator.
6. The bond shall be in such form and in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder. In fixing the amount of such bond, the Township Board shall take into account the size and scope of the proposed Earth Change Project, the probable cost of reclaiming and rehabilitating the premises upon default of the person holding the Permit, the estimated expenses to compel the person to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application and Permit. Notwithstanding the foregoing provisions of this subsection, however, unless the requirement of the bond is waived in its entirety by the Township Board, or unless the required amount of the bond is reduced by the Township Board, such bond shall in no event be in an amount less than ten thousand (\$10,000.00) dollars per Earth Change Unit or one thousand (\$1,000.00) dollars per each acre in the Earth Change Unit (whichever is greater).
7. The bond shall be filed and maintained for at least the Earth Change Units contained within a Permit by which the person is authorized to engage in Earth Change activity at any given time. Such bond shall be transferable to other Earth Change Units contained within a Permit upon full and faithful conformance with the reclamation requirements of this Ordinance and of the Permit.

Section 9. Limitations, Reclamation, Progression. Section 15.445(H)(15)(h) of Chapter 17 of Ordinance No, 102, as added by Ordinance No. 138, shall be eliminated in its entirety. Section 15.445(K) of Chapter 17 of Ordinance

No. 102. as added by Ordinance No. 138. shall be added to state in its entirety as follows:

K. EARTH CHANGE UNIT LIMITATIONS, RECLAMATION. AND PROGRESSION.

1. No Earth Change activity shall be permitted or shall occur (or be left uncompleted) in more than three (3) Earth Change Units contained within a Permit (and covered by the required bond) at any given time (i.e. while a Class D Permit may contain more than three (3) Earth Change Units, it shall not apply to more than three (3) Earth Change Units at any given time); and no Earth Change activity shall progress from anyone Earth Change Unit within a Permit to any other Earth Change Unit within a Permit until and unless:
 - a. The person holding the Permit makes written request therefor to the Township Zoning Administrator.
 - b. The Township Board has accepted in writing the reclamation activity for the completed Earth Change Unit.
 - c. The Township Board has approved in writing the progression of Earth Change activity to a new Earth Change Unit within the person's Permit.
 - d. The required bond has been transferred or extended to the new Earth Change Unit within the Permit.
2. Reclamation activity shall not be deemed to have been completed with respect to any Earth Change Unit contained within a Permit until the person has notified the Township Zoning Administrator in writing that such reclamation activity has been completed with respect to a specific Earth Change Unit and the Township Board has thereafter accepted in writing the completed reclamation activity for the specific Earth Change Unit. In notifying the Township Zoning Administrator of completed reclamation activity with respect to any Earth Change Unit and/or requesting permission to extend Earth Change activity into a new Earth Change Unit. the person holding the Permit shall submit to the Township Zoning Administrator, together with such notification and/or request. the written certification of (a) a registered civil engineer and (b) a professional ecologist that reclamation activity in the Earth Change Unit or Units involved has been completed in accordance and full compliance with the reclamation requirements of this Ordinance and of the Permit. Such certification shall be accompanied by such supporting documents as the Township Board may reasonably require.

Section 10. Terms, Conditions. Limitations. Section 15.445(H)(15)(L) of Chapter 17 of Ordinance No. 102. as added by Ordinance No. 138, shall be eliminated in its entirety. Section 15.445(L) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138, shall be added to state in its entirety as follows:

L. SPECIAL TERMS. CONDITIONS AND LIMITATIONS APPLYING TO PERMITS.

1. In addition to the general conditions and provisions applying to Permits issued pursuant to the terms of this Ordinance. the Township Board may in its discretion impose such additional or special terms, conditions and limitations on the issuance of any Permit hereunder as the Township Board deems reasonably necessary or advisable under the facts and circumstances of a particular application and Permit. In determining such additional or special terms, conditions and limitations, the Township Board shall consider at least the following standards:
 - a. The size, nature and character of the proposed Earth Change activity.
 - b. The scope and duration of the proposed Earth Change activity.
 - c. The proximity of the proposed Earth Change activity to adjoining properties.
 - d. Any traffic congestion or hazard which will be occasioned by the proposed Earth Change activity.
 - e. The relative need or necessity of the proposed Earth Change activity in relation to other possible uses of the property.
 - f. The effect of the proposed Earth Change activity on adjoining properties and the surrounding neighborhood.
 - g. The compatibility of the proposed Earth Change with the Township Land Use Plan.
 - h. The nature, character and extent of reclamation required to restore the property to a useful and suitable condition following the Earth Change activity.
 - i. The impact of the proposed Earth Change activity on the environment. including the potential impact of the proposed Earth Change activity on the groundwater table. the potential creation of hazards. erosion problems, Ground blows, stagnant bodies of water. or any type or kind of injurious areas or conditions.
 - j. The effect of the proposed Earth Change activity on the health. safety and general welfare of the Township's inhabitants.
2. If the Township Board imposes any additional or special terms, conditions or limitations with respect to the issuance of any Permit hereunder, such additional or special terms, conditions or limitations shall either be expressly set forth in the Permit itself or otherwise incorporated therein and made a part thereof by reference.

3. To the extent any such additional or special terms, conditions or limitations are expressly set forth in a Permit or are by reference therein incorporated in and made a part of a Permit, such additional or special terms, conditions or limitations shall be deemed as much a part of the Permit as if such additional or special terms; conditions or limitations were fully set forth in this Ordinance, and any violation of or non-compliance with such additional or special terms. conditions or limitations shall be deemed a violation of this Ordinance to the same extent as if such additional or special terms. conditions or limitations were fully set forth herein.

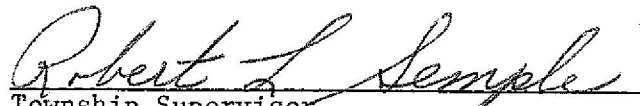
Section 11. Suspensions or Revocations. Section 15.445(H)(15)(j) of Chapter 17 of Ordinance No. 102, as added by Ordinance No. 138. shall be eliminated in its entirety. Section 15.445(M) of Chapter 17 of Ordinance No. 102. as added by Ordinance No. 138, shall be added to state in its entirety as follows:

M. SUSPENSIONS OR REVOCATIONS OF PERMITS.

Any Permit granted hereunder may be revoked and/or suspended for failure to comply with this Ordinance. Revocation of such Permit shall be accomplished only pursuant to a hearing held before the Township Board after five (5) days' written notice to the person holding the Permit, stating the grounds of complaint and stating the time and place where such hearing will be held. If, in the opinion of the Township Zoning Administrator, the public health, safety or welfare requires it. or the person is violating a condition to the issuance of the Permit, the Township Zoning Administrator may suspend any Permit granted hereunder pending the hearing for the revocation and/or suspension of such Permit by the Township Board. Such revocation or suspension of any Permit shall be in addition to any and all other legal remedies available to the Township.

Section 12. Repeal. All former ordinances or parts thereof conflicting in whole or in part with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

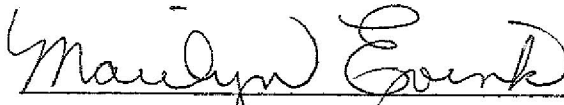
Section 13. Effective Date. This Ordinance was approved and adopted by the Township Board on June 15, 1987, after a public hearing as required pursuant to Michigan Public Act 184 of 1943. as amended, and after introduction and a first reading on May 18, 1987. and after publication following such first reading on May 28, 1987, 1987. as required by Michigan Public Act 359 of 1947, as amended. This Ordinance shall take effect upon publication.


Township Supervisor


Township Clerk

CERTIFICATE
ZONING

I, Marilyn Evink~ the Clerk for the Charter Township of Zeeland, Ottawa County, Michigan, do hereby certify that the foregoing.
Zeeland Charter Township Zoning Amendment Ordinance No. 173 was adopted at a regular meeting of the Zeeland Charter Township Board held on June 15, 1987. The following members of the Township Board were present at that meeting: Semple, Evink, Zeerip, Berghorst, Norman, Nykamp, Walcott. The following members of the Township Board were absent: none.
The Ordinance was adopted by the Township Board with members of the Board Semple, Evink, Zeerip, Berghorst, Norman, Nykamp, Walcott voting in favor and with members of the Board none voting in opposition. Notice of Adoption with a copy of the Ordinance attached was published in the Zeeland Record on June 25, 1987. Copies were placed in the township five bulletin boards on June 25, 1987. An attested copy of the Ordinance was sent to the Ottawa County Clerk by first class mail postage prepaid, on July 6, 1987.



Marilyn Evink
Zeeland Charter Township Clerk