



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Springfield Charter Township Board of Trustees

FROM: Megan A. Masson-Minock, AICP

DATE: August 6, 2026

RE: Proposed Amendments to Chapter 12-Environment, Article IV. Mining Control of the Code of Ordinances of the Charter Township of Springfield

Please find attached draft amendments to Chapter 12-Environment, Article IV. Mining Control of the Code of Ordinances of the Charter Township of Springfield. Attorneys Greg Need and Gerald Fisher drafted these amendments for your consideration.

Proposed additional language is shown in red or green underlined font (example, example). Language proposed for deletion is shown in red or green strikethrough font (~~example~~, ~~example~~).

Township Attorney Hamameh will be in attendance at your upcoming meeting and is reviewing the proposed amendments in preparation.

Respectfully submitted,

CARLISLE/WORTMAN ASSOC., INC
Megan Masson-Minock, AICP
Principal

Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal* Brent Strong, *Principal*
David Scurto, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* Douglas J. Lewan, *Principal*
Richard K. Carlisle, *Past President/Senior Principal* R. Donald Wortman, *Past Principal*

ARTICLE IV. MINING CONTROL¹

Sec. 12-78. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person making application for a permit under this article.

Hazardous waste means a solid waste, or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible, or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Industrial waste means any waste substance or combination thereof resulting from any process of industry, manufacturing, trade, or business, or from the development of any agricultural or natural resource, excluding common rubbish and garbage.

Mineral mining or mining means the excavation, stripping, removal or processing of gravel, sand, clay, stones, rock, aggregates, or other soils, including overburden, or the storage or transporting of such minerals and soils on a mining site, or the reclamation of the site after removal, excavation, stripping, and/or processing of the minerals or soil.

Legal holidays means New Year's Day, Memorial Day, Easter Sunday, Independence Day, Labor Day, Thanksgiving, and Christmas Day.

Operator means any person conducting mining operations on a site.

Owner means any person with an ownership interest in the site.

Permit holder or operator means the person receiving a permit under this article.

Person means an individual, partnership, corporation, limited liability company, limited liability partnership, trust, the state and any of its agencies or subdivisions, and any body of persons that together hold joint ownership of a site.

¹Editor's note(s)—Ord. No. 2016(8), § 1, adopted Oct. 13, 2016, amended Art. IV, §§ 12-78—12-84, in its entirety in effect repealing and replacing said article as set out herein. Former Art. IV pertained to similar subject matter and derived from Ord. No. 80, §§ 3—9, adopted Dec. 11, 2008.

State law reference(s)—Mineral mining, MCL 324.63101 et seq.

Sewage means water-carried human or animal wastes from septic tanks, water closets, residences, building, industrial and municipal establishments, or other places, together with such groundwater infiltration, subsurface water, mixtures of industrial wastes or other wastes as may be present.

Site means a parcel or unit of land on which mining operations have been, are, or are proposed to be conducted.

(Ord. No. 2016(8), § 1, 10-13-2016)

Sec. 12-79. Permits.

- (a) *Permit requirements.* From and after the effective date of the ordinance from which this article is derived, no person shall ~~own or~~ operate a mineral mining site in the township, except in accordance with a permit issued pursuant to this article and in accordance with the requirements of this article. A permit issued pursuant to this article shall be nontransferable.
- (b) *Compliance with other ordinances and regulations.* The grant of a permit under this article does not relieve the applicant from compliance with, as well as from applying for and receiving any approvals required by, the Springfield Township Zoning Chapter, or any other applicable law, ordinance or regulation.
- (c) *No permits required.* No permit under this section shall be required for any of the following:
 - (1) Excavations for the construction of buildings and structures for which a building permit has been issued;
 - (2) For the moving, grading or leveling of earth or rock materials by a property owner solely upon his residential property as required for home construction or improvement, landscaping, lawn maintenance, or gardening. Whether or not a permit is required for any activity described in this subsection, any fill should be placed so it will not exceed a minimum slope ratio of four feet horizontal to one foot vertical from any adjacent property owner and not block any natural drainage course;
 - (3) For the filling of land for purposes of construction or land balancing where the land is low (but is not considered a wetland pursuant to applicable law) and in need of fill so long as the fill does not contain any refuse, is not a commercial operation and not more than 1,000 cubic yards of fill are deposited in any calendar year;
 - (4) For the removal of soil when no more than 1,000 cubic yards are removed in any calendar year;
 - (5) Excavations or land balancing in connection with development of property pursuant to ~~a~~an approved site plan, condominium plan, or subdivision plan previously approved by the township;
 - (6) Excavations or land balancing in connection with the installation or repair of a septic system for which any required permit has been secured from the county health division.

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- (d) *Administrative review.* Where a permit is required due to the volume of cubic yards to be distributed yet a minimum impact is apparent, in the discretion of the Township Supervisor, or the Supervisor's designee, an administrative review performed by the township supervisor or his designee will be allowed to prevent unnecessary and costly information from being submitted. A minimum administrative review fee, as established by resolution of the township board, will be charged for this review. The township supervisor or his designee may allow the processing of an application with less than all the information otherwise required by this article.

(Ord. No. 2016(8), § 1, 10-13-2016)

Sec. 12-80. Application procedure for mining permit.

- (a) *Mining permit application procedure.*

- (1) For a property which is not the subject of a special land use approval, a person with an interest in property may submit an application for a mining permit under this Article. For property which is the subject of a special land use then, after a property has been approved for a special land use, and received site plan approval, for permitting mineral mining under the Township Zoning Ordinance, as amended, a person with a sufficient interest in such property may submit an application for a mining permit under this Article IV of Chapter 12 of the Township Ordinance Code.
- (2) The following application procedure shall be complied with prior to the commencement or continuation of any mining which exists or is proposed as of or after December 11, 2008. The application form, approved by resolution of the Township Board, shall be obtained from the township clerk.
- ~~(1)~~(3) All applicants shall use the form provided by the township clerk, accompanied by the documents listed on that form. All permits ~~are annual in nature and all permits expire on~~ shall be subject to being updated and renewed on or before May 15 of each ~~permit~~-year in which any mineral mining is proposed, and any year in which reclamation of the property is incomplete. To be considered for renewal, 15 copies of the proper application, based on the application form approved by resolution of the Township Board, with required attachments must be submitted to the township on or before November 30 of the year preceding.
- ~~(2)~~(4) Upon receipt of any application, the township engineer, and such other experts determined to be relevant and recommended by the Township engineer and specified by the Township Supervisor, shall review the application and attachments, physically inspect the premises to determine compliance with the standards based on any conditions made a part of special land use approval under the Zoning Ordinance, and the standards of this article and any previously ~~issued permit~~imposed conditions required under prior annual update and renewal. Such review shall also determine the feasibility of complying with-and the reclamation plans. The Township engineer, and the other experts specified, if any, and shall prepare a report to the township board; which report shall also include feasibility of the reclamation plans, on the compliance

with ~~any previously issued permit and~~ all of the conditions and requirements established for the mining operation and reclamation plan, including ~~and~~ engineering and technical considerations. The report shall also, specify an estimate of the cost of complying with any requirements and conditions which are not in compliance, and for the reclamation of the property upon abandonment for bond amount purposes, and general safety and environmental protection of the property and surrounding area, drainage and other engineering considerations of the permit ~~application~~. The report by the township engineer shall be rendered no later than the regular February meeting of the township board.

(5) The township board shall make final determination on issuance, ~~the and~~ renewal and any relevant and recommended updates or nonrenewal of the mining permit on or before May 15 of the respective year. Failure of the township board to act ~~by~~ within the time frames mandated above shall not result in an automatic renewal for a one-year renewal period, but such failure merely results in an extension of the existing annual license authorization for ~~an additional~~ such period of time until the up to the time of final determination by action of the township board is taken.

~~(3)~~(6) For a property that did not receive special land use approval but requires a permit under this Article, the applicant may request the Township Board for a waiver of some of the application requirements if the Board determines that such information is unnecessary or unnecessarily expensive.

(b) *Application contents.* The contents of an application for a mining permit shall be as follows:

- (1) Name of the owner, or owners, of land from which removal is to be made.
- (2) Name and address of applicant making a request for such permit.
- (3) Name and address of the person who will be conducting the actual removal operation.
- (4) Location, size, and legal description of the area from which the removal is to be made.
- (5) Location of the processing plant and type of plant to be used.
- (6) Detailed statement as to the exact type of materials or resources to be removed, and the estimated number of cubic yards.
- (7) Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.
- (8) General description of types of equipment to be used.
- (9) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site.
- (10) Proposed method of filling excavation where mining is proposed to results in extensive under-surface extension.
- (11) A vertical aerial photograph (submitted on an annual basis), enlarged to a scale to fit on a 24-inch by 36-inch blueprint, from original photograph flown at a negative scale no smaller than one-inch equals 660 feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of onsite

trees. If there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The photograph shall be provided from an aerial flight having occurred within six months prior to the application filing date. The vertical photograph shall cover:

- a. All land anticipated to be mined in the application, together with adjoining land owned by the applicant;
- b. All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous land in which the applicant or any affiliate has a current interest;
- c. All lands within 200 feet of a proposed mining area;
- d. All private and public roads from which access to the property may be immediately gained;
- e. Boundary of the entire planned mining area by courses and distance;
- f. Site topography and natural features including location of watercourses within the planned mining area;
- g. Means of vehicular access to the proposed operation.

(12) A mining and reclamation plan incorporating the updated contour base map drawn to a scale of no greater than one—inch equals 200 feet and containing elevation contours at a maximum five-foot interval. The mining and reclamation plan shall show final elevation contours for the entire site and shall identify areas to be mined and reclaimed under the mining year in which a permit is being applied for. The mining and reclamation plan shall contain the following general information:

- a. General area of completely reclaimed land;
- b. General area of reclamation underway;
- c. General area currently used for topsoil and overburden storage;
- d. General area proposed for reclamation during the mining permit renewal year;
- e. General area proposed for topsoil and overburden storage during the mining permit year;
- f. The acreage for each area shown on the mining and reclamation plan;
- g. A description of the methods and materials proposed for reclamation including placement of topsoil and planting materials;
- h. A schedule for reclamation activities.

(13) A surety performance bond to cover full reclamation for current and past operations at the site (including any mining activities prior to the effective date of the ordinance from which this article is derived) in an amount approved by the township based upon the report and recommendation of the township engineer, which shall include the costs

of inspections and administration of the permit, which bond shall be continued until all property where mining was conducted is fully reclaimed, at which time the bond shall be released. The form and content of the bond shall be approved by the township attorney. As acreage is reclaimed, the permit holder's bonding requirements will be reduced on a per acre basis. Mining activity shall only be permitted in areas of the subject properties for which the bond was posted, and there shall be no mining in any area which was not taken into consideration in the determination of the bond amount. The bond amount shall remain in effect for three years from the date of issuance of the initial permit. The township may review and adjust the bond amount annually.

(14) A copy of the policy or policies of insurance required as part of the permit.

(15) Any other information deemed necessary by the township board in order to make its recommendation or decision.

(1516) The signature of the owner of the site, consenting to the application and agreeing to be bound by all the provisions of the permit and this article.

(c) *Fees.* The application for initial approval of permit, and any all annual renewals permits shall be accompanied by a processing fee, to be paid by the applicant in an the reasonable amount established by the township board, covering the cost of the initial or annual review and ongoing monitoring of the mining site and surrounding areas, including haul route, reasonably determined to be impacted by the mining operation based on the recommendation of the Township Engineer and any other experts called upon to review the applications.

(d) *Renewal of annual permit.* The mining permit shall be annual in nature and shall expiresubject to annual renewal and update on May 15 of each year. To renew the mining permit for the parcel or parcels being mined the township board shall receive a report from the township engineer as to compliance with the permit by the applicant. Upon finding the applicant has complied with the plan, and all conditions imposed, as specified above, and the filing of the bonding and insurance requirements for the upcoming year, another miningthe permit may be issuedrenewed, subject to compliance with the provisions of this article. For each annual review, the applicant shall submit

(e) *Standards for initial approval and requirements for annual review.*

(1) Application for initial approval (if required) and annual review. The application shall include the following:

a. A vertical aerial photograph corresponding to the initial application submittal (submitted on an annual basis), enlarged to a scale to fit on a 24-inch by 36-inch blueprint, from original photograph flown at a negative scale no smaller than one-inch equals 660 feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of onsite trees. If there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The photograph shall be provided from an aerial flight having occurred within six months prior to the application filing date. The vertical photograph shall cover:

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- b. All land anticipated to be mined during the annual renewal year;
 - c. All contiguous land impacted by the mining operation during the past year;
 - d. All changes of private and public roads from which access to the property may be immediately gained;
 - f. All changes in site topography and natural features including changes to watercourses within the planned mining area;
 - g. All changes in the means of vehicular access to the proposed operation.
 - h. Superimposed on the photograph shall be the following:
 - 1. The outer boundaries of areas in which mining has occurred in the prior year.
 - 2. All changes in the location of operational components of the mining operation, including such things as internal truck routes, loading area(s), stockpile(s), wash plant, crusher, and the like. This shall include a depiction of the prior areas and the proposed new areas.
 - 3. All deviations, if any, from the standards and requirements of Township Zoning and Ordinance Code requirements and specifications, conditions imposed as part of the special land use approved under the Zoning Ordinance and permit granted under this Article of the Ordinance Code, and conditions imposed as part of prior annual reviews. With each statement of a deviation, there shall be a specification of the proposed action(s) to be taken to cure the deviation, and the timing for taking such curative action.

(2) The township board shall grant or renew a permit under this article ~~approve a renewal~~ only if it finds that the applicant has demonstrated all of the following:

- a. The proposed or existing mining operation complies with the standards of this article (including the requirements stated in paragraph (1), above, or that any deviations from compliance are approved by the Township Board in a stated condition to renewal.
- b. The proposed or existing mining operation complies with the environmental performance standards of the Springfield Township Zoning Chapter, and any other applicable law, ordinance or regulation.
- c. All issues raised in the annual report of the Township Engineer, and other experts called upon to report, have been reasonably addressed.
- e. ~~For renewals, that the mining operation is in compliance with the terms of the existing permit.~~

(23) If, in the opinion of the ~~T~~township ~~b~~ Board, approval ~~or renewal~~ renewal should be granted, it shall establish the following in the initial permit ~~or renewal~~:

- a. Identify the person, contractor or subcontractor who will be doing the removal and provide the updated contact information for their representatives, and also indicate that no other individuals shall be allowed to work on the site.

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- b. Set a reasonable time limit for all mining and hauling operations and a reasonable time extension for the land to be completely restored.
 - c. Indicate hours of operation and maximum noise levels, including the number of decibels that may not be exceeded, including the time and decibel limit when an excess noise may be permitted (see Section 12-81(f), below).
 - d. Set-Confirm the liability insurance provided by the permit holder, the required escrow to cover the monitoring of the site and haul route, and set the amount of the bond to ensure final restoration of the property as provided by subsection (b)(13) of this section, and also ensuring the completion of any curative actions necessary, and the time within which cures will be completed.
 - e. Establish the frequency of engineering reviews and reports to be prepared by a local engineering firm monitoring the property and haul route, and to be reviewed by the township engineer and any additional experts to be providing monitoring services.- Establish the schedule for groundwater monitoring wells to be reviewed and samples provided for expert testing.
 - f. Establish the frequency of on-site inspections to be made by the township engineer and other experts, and establish the amount of cash deposit necessary to cover such on-site inspections.
 - g. Establish any other reasonable conditions and requirements as deemed necessary to adequately protect the general health, safety, and welfare of the township.

(Ord. No. 2016(8), § 1, 10-13-2016)

Sec. 12-81. Standards, required improvements and reclamation.

- (a) *Fencing and screening.* A permit holder shall maintain and install/repair as necessary a four-foot-high farm type fence along the outside perimeter of all areas where mining activities have or are to occur. Fencing shall not be required along the common property lines for sites owned by the permit holder. The fencing must be continuous and in good repair so as to secure the subject property from trespassers.
 - (1) During the mining and reclamation period, the permit holder shall maintain such fence. Any necessary repairs to the fencing shall be promptly made by the mining operators so as to maintain the integrity and continuity of the fence along the outside perimeter of the mining site properties.
 - (2) All fenced areas shall be conspicuously posted with "No Trespassing" signs spaced 100 feet apart, which shall be of sturdy and rigid material. A permit holder shall promptly replace any missing signs.
- (b) *Hours of operation.* A permit holder may carry on mining activities during the hours of 6:00 a.m. to 7:00 p.m., except during daylight savings time when the closing time can be extended to 8:00 p.m., Monday through Saturday, and as the hours may be amended from time to time. The term "mining activities," as used in this section, means the operation of mining machinery and the processing plant. Mining and/or trucking activities shall not

occur on Sunday without advance authorization from the township supervisor or his/her designee. The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.

- (c) *Road access.* The proposed mining operation shall have immediate and direct access to a paved road having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use. In addition, the permit holder, and its agents and contractors, shall be restricted to using the haul route designated by the Township and Road Commission.
- (d) *Road maintenance.* Access roads, excluding roads under the jurisdiction of the Road Commission for Oakland County, to and within the subject properties shall be maintained by the permit holder so as to maintain the roads in adequate condition for access purposes and to minimize the dust arising from the use of such roads. Such maintenance shall be accomplished through the application of chloride, water, and/or similar dust retardant material. In the event notification is received from any other county and/or state agency having jurisdiction over the affected public roadway regarding maintenance requirements, the notified mining operators shall promptly take whatever appropriate action is necessary to address the agency's requirements. The permit holder shall establish a tire washing arrangement at the exit of the property onto the public road to clean the truck tires and avoid the tracking out of mud onto the roads.
- (e) *Operation of use.* All equipment and facilities used in the production, processing, ~~storage~~ or transportation of sand, gravel, or stone on the subject properties by the permit holder shall be constructed, maintained, and operated in such a manner as to eliminate, insofar as practicable, noises, vibrations, or dust which interfere with the reasonable use and enjoyment of surrounding property. Where feasible, the processing plants and accessory equipment shall be located below the average grade of the surrounding parcels so as to effectuate screening from sight, noise, dust, and vibration.
- (f) *Noise standards.* The permit holder shall not operate any equipment on the subject properties at any time or under any condition so as to cause a level of sound which exceeds that allowable by Code section 40-883. Noise levels may be increased by ~~ten~~ the number of decibels specified in the permit for a period of not to exceed 15 minutes in any one-hour period. The township supervisor/designee may grant a temporary waiver of this requirement for a period not in excess of 30 days.
- (g) *Lighting.* All lighting used on the site to illuminate the mining area, access roads, stockpile area, and similar use area shall comply with Code section 40-888.
- (h) *Drainage.* Proper drainage shall be provided at all times on the subject properties by the permit holder to prevent the collection and stagnation of water, and surface water shall at all times be directed in such a manner so as not to create an adverse impact to the adjoining properties; provided, however, that the maintenance of the natural flow of surface water shall not be deemed an adverse impact if the volume and rate of flow has not been modified. There shall be no creation of an adverse impact to the water table in the area, and the permit holder shall establish a contingency plan for the correction or replacement of local wells that cease to fully function during the course of the mining operation unless the permit

holder clearly demonstrates by professionally prepare expert report that the poor functioning has nothing to do with the mining operation.

- (i) *Termination and reclamation.* The mining sites shall be reclaimed in a manner such that no final slopes shall have grades in excess of one foot vertical to three feet horizontal except with regard to submerged slopes which shall be graded from the waters edge at a grade not in excess of one foot vertical to seven feet horizontal for a distance of not less than ten feet, nor more than 50 feet. In such cases as the reclamation plan provides for a permanent water area, excavations shall be made to a water depth of at least ten feet below the low water mark, for at least 80 percent of the entire water area. All mining activities are to occur at least 100 feet from the nearest property line (exclusive of a common property line with other permit holders or active mining operators), provided all processing shall be at least 400 feet, and stockpiling shall be conducted at least 200 feet, from the nearest property line (exclusive of common property line with other permit holders or active mining operators). Where the property is currently disturbed within the exterior 25-foot setback, as indicated on the submitted mining and reclamation plan, the disturbed property shall be fully reclaimed in accordance with the reclamation plan details. Reclamation activities shall consist of the grading necessary to effectuate a smooth transition in site grades and stabilization of all disturbed areas with topsoil, seed, and mulch and may extend up to the 25-foot setback line. The submitted mining and reclamation plan shall include turf establishment specification acceptable to the township engineer. All areas on which mining has been completed, and to the extent not required to access unmined areas, shall be reclaimed without delay.
- (j) *Excavation filling.* In the event filling of the mined area is necessary in the course of reclamation, the fill material shall be inert materials only and shall not consist of and/or contain any organic waste, hazardous waste, radioactive waste, agricultural waste, industrial waste, or sludges and sewage residues, whether or not compounded, mixed, combined, bound, or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion; and moreover, such fill material shall not contain any other material which will, or is likely to, impair or harm the air, water, and natural resources, and public trust therein, and/or the public health and safety.
- (k) *Cessation of mining.* Upon cessation of all mining operations, except stockpiles, the operator within a reasonable period of time not exceeding 12 months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which the structures, buildings, stockpiles and equipment are located. Storage and stockpiling of mined products after cessation of mining activities may be permitted by the township board by annual permit for that purpose only. In no event shall any additional materials be allowed to be added to these stockpiles and such a permit shall not interfere with or excuse reclamation as provided by this article.
- (l) *Monitoring.* Three times during each mining year, upon seven days' notice provided to the owner, permit holder, or designated agent, the township engineer may inspect the mining sites with the permit holder and his representative present if possible. The detail of the inspection shall be determined in a reasonable exercise of discretion by the township engineer. All efforts shall be made toward a mutual cooperation during such inspections,

toward the ends of allowing such inspection to be expeditiously and accurately undertaken, and minimizing interference with the operation. The township engineer shall be responsible for inspections hereunder, and shall, at all times, have the right to peaceably enter upon the subject property for the purpose of conducting inspections to ensure compliance. In the event the township engineer shall determine that a violation of any of the provisions of this article exists, notice of such fact shall be sent to the permit holder with a copy of such notice to the township board. Such monitoring by the township engineer shall in no way limit access to the mining sites by authorized township personnel, subject to applicable laws and ordinances, in the exercise of their official township duties. Groundwater monitoring wells shall be reviewed and samples provided for expert testing based on the schedule provided and updated in the permit.

- (m) *Failure to implement reclamation plan.* In the event the permit holder fails to implement the reclamation plan in accordance with the approved reclamation schedule, then upon 15 days' notice to the owner and the permit holder, the township, and its contractors, shall be entitled to enter onto the subject property and take all actions necessary to comply with the reclamation plan. The township may use any or all of the bond's proceeds to accomplish the reclamation, and may draw upon such bond proceeds in advance of performing work. In the event the township is unable to utilize the bond proceeds for any reason, or if the bond proceeds are insufficient to complete the restoration, the township shall have a lien against the site to recover all of the township's expenses in reclamation, including any court costs, fees, attorney fees and engineering fees, which lien shall be enforceable in the same manner and terms as provided by law for the collection of special assessments, or using the then applicable provisions of state law for foreclosure of mortgages by advertisement, or by suit against the permit holder and/or the owner. The election of any remedy shall be at the sole option of the township and election of one remedy shall not be deemed to be a waiver of any other remedy.
- (n) In the event of a conflict between subsections (b), (c), or (f) and sections of the Springfield Township Zoning Chapter, the ~~subsections above shall control, even if the zoning chapter has more restrictive provisions~~ shall apply.

(Ord. No. 2016(8), § 1, 10-13-2016)

Sec. 12-82. Operational requirements during mining activities; authority to direct future action.

- (a) In the preparation of this article, it is recognized that it is impossible to foresee all of the activities in connection with the mining operation which could potentially result in hazards to the public health, safety and welfare. Therefore, the township board shall be authorized to direct that actions of the permit holder be taken or ceased in order to prevent immediate and identified harm to the public health, safety and welfare in connection with the mining operation. The permit holder shall comply with such directive. However, in the event such a directive is given, the permit holder shall:
- (1) Be entitled to a written notice identifying the reason for the directive, and specifying the action which is to be taken or ceased; and

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- (2) Be entitled to a hearing before the township board upon request.
- (b) Such hearing shall be conducted at the next regular township board meeting, or at a special meeting the supervisor/designee may call for this purpose. Without limitation, hazards which could trigger the application of this section would include the effect of the mining operation on the water table of the subject property and surrounding and adjacent properties, including effects on private wells in the area.
- (Ord. No. 2016(8), § 1, 10-13-2016)

Sec. 12-83. Violations and penalties; suspension and revocation of permit; nuisance as municipal civil infraction.

- (a) Should the Township Engineer, or a person designated for inspection and enforcement by the Township Board ("Official"), discover any noncompliance with the terms and conditions of this Article and/or the permit issued under this Article, and/or with any other applicable law, ordinance or regulation, the Official shall prepare a notice of this fact detailing the violations, and shall send copies of same to the Permit Holder and to the Township Board. Within 15 days following such notice, the Permit Holder shall advise the Township, in writing, whether or not it concurs that a violation exists; and, if it is agreed that a violation does exist, the Permit Holder shall immediately commence steps to remedy the violation, and continue such action without delay. If the Permit Holder does not agree, it shall, within the same period of time, state the reasons for such lack of agreement.
- (b) The Permit Holder shall correct any and all violations on an immediate basis (to the extent feasible considering the nature of the violation). Corrections shall be made as soon as possible, and in all events corrections shall be made within a period not to exceed 60 days from the date of the violation notice unless, due to circumstances beyond Permit Holder's control, completion of the corrective measures are not possible within such period, in which event the Permit Holder may, upon approval of the Township Board, sought within the 60-day period, be given reasonable additional time by the Board within which to make the correction.
- (c) In the event of a dispute with respect to the existence of a violation, the Township Board shall set a reasonable time for a hearing, either before the Township Board or before a hearing officer designated by the Township Board, and shall notify the Permit Holder of the time, date and place of the hearing. After a review of the reasons stated by the Permit Holder for its position that no violation exists, the township may, in its discretion, include in the notice of hearing, responsive allegations with respect to the claimed violation.
- (d) In the event the Permit Holder has concurred that a violation exists, but has not remedied the same in a timely manner as provided for in this Section, a notice of violation shall be sent and a hearing thereon established utilizing the same form and procedure as set forth in subsections above of this section with respect to the notice and hearing on a violation.
- (e) At the hearing, the disputed violation, or the failure to timely cure a violation, shall be considered, which consideration may be adjourned from time to time. Such consideration

shall include a hearing conducted at the meeting or meetings, and shall further include the opportunity of the Permit Holder to appear in person, or by a duly authorized representative to present argument, witnesses and other evidence on behalf and in the defense of the Permit Holder, or, in addition to or in lieu thereof, to file a written presentation prior to the initiation of the meeting. The Permit Holder shall also be afforded the opportunity to examine individuals who have made statements or submitted other evidence supporting the existence of a violation or the failure to timely cure a violation; provided, such examination shall be limited in scope to matters relating directly to the statements made and evidence submitted. The Township Board, or the hearing officer appointed by the Board, shall likewise have the opportunity to examine witnesses who present evidence favorable to the Permit Holder. The hearing shall also include an attempt to ascertain whether the Permit Holder made a reasonable effort to prevent the occurrence of the violation, or to cure the same in a timely manner.

(f) If a Hearing Officer conducts the hearing, a detailed report shall be submitted to the Township Board, along with a record of the hearing officer proceedings. The report may include a recommendation.

(g) Suspension and Revocation. In the event the Township Board shall determine that a violation of this Ordinance exists, or that the Permit Holder has failed to cure a violation in a timely manner, the Township Board is authorized to take the following action, considering whether the Permit Holder made a reasonable effort to prevent the occurrence of a violation and/or cure the same in a timely manner:

(1) If the violation constitutes the first uncured violation, and/or the first failure to cure a violation in a timely manner, and the same has not resulted in damage to person or property, the Board is authorized to suspend the permit for a period of up to one month or until the violation has been cured, whichever is longer;

(2) If the Permit Holder has previously had one uncured violation and/or one failure to cure a violation in a timely manner, and there is a second uncured violation or failure to cure a violation in a timely manner, or if any violation or failure to cure a violation results in damage to person or property, the Board is authorized to suspend the permit for a period of up to three months or until the violation has been cured, whichever is longer; or

(3) If the Permit Holder is found to be in violation of this Ordinance on a third occasion, and/or if the Permit Holder is found to have failed to cure a violation in a timely manner for the third time, or any combination of these, or if there are violations and/or failure to cure in excess of three, or such violation or failure to cure has resulted in damage to person or property, the Board may, after a further hearing, proceeded by a notice of grounds to the Permit Holder, suspend the permit for a period of up to one year, or revoke the permit permanently, and if suspended, the violation must be cured prior to re-commencing operations.

(h) Emergency Circumstances. In the event the Board shall determine, in its discretion, that serious and irreparable harm and damage is likely to occur to person or property, or that an impairment or pollution of the environment is likely to occur, the Township Board may order an emergency summary suspension of the permit, which shall become effective upon service of the Township Board's Order upon the Permit Holder. The Township Board, or its hearing officer, shall thereafter, as soon as is practical, conduct a hearing with the same notice and procedural standards set forth in the above subsections of this section pertaining to for violation hearings, to determine whether:

(1) To revoke the suspension order; or

(2) To continue the suspension order for a fixed period of time. or

(3) To revoke the permit permanently. The Board shall state reasons for its determination. If the Permit Holder wishes to expedite the hearing procedure, the Permit Holder may waive the advanced notice requirement and proceed immediately to a hearing. Following the entry of a determination and order by the Township Board to suspend the permit under this subsection, the institution of a lawsuit in the circuit court, or other court, shall not, without the order of the court, constitute a stay of the suspension. The procedures and remedial action authorized under this section shall be in addition to, and not in lieu of, additional actions the Township may seek, including the institution of district court or circuit court proceedings.

~~Revocation of permit. The township supervisor/designee or the township engineer as authorized by the township board, may at their discretion notify the owner and/or operator of any violation of the permit and/or of this article and upon failure of the owner and/or operator to abate such violation within a reasonable time stated in the notice after mailing of such notice, such mineral mining site may be summarily closed, and the permit therefor, suspended or revoked, and resort had to the bond for restoration. Any owner and/or operator aggrieved by any notice sent pursuant to this article may file a written request for a hearing before the township board. The request should set forth why the operation site should not be summarily closed, the permit suspended or revoked, and/or resort had to the bond. If a request for a hearing is received by the township board, the board shall accord rudimentary due process to the owner and/or operator who requested the hearing by giving such owner and/or operator notice of the time and place of the hearing, an opportunity to be heard through counsel or otherwise, and shall make an impartial determination of whether a violation of this article has occurred and whether the health and safety of persons and/or property require the suspension or revocation of such permit. Upon receipt of a request for a hearing, the township board may, at the request of the township supervisor/designee or engineer properly authorized by the township, summarily close the site pending the hearing, if it is determined that the health and safety of person and/or property require such action.~~

~~(b) Nuisance; municipal civil infraction.~~ Any violation of this article is hereby determined to be a nuisance per se, and the township may institute suit to have such nuisance abated. A violation of this article is deemed to be a municipal civil infraction.

(Ord. No. 2016(8), § 1, 10-13-2016)

Sec. 12-84. Interpretation, conflicting regulations, restrictions.

The provisions of this article shall be liberally interpreted in order to promote and accomplish the purposes of this article as set forth in the preamble to the ordinance from which this article is derived. Any limitations set forth in this article shall be construed as the minimum limitations. Whenever any provision of this article imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other ordinance or law, then the provisions of this article shall govern. In the event of a conflict between the provisions of this article and the environmental performance standards of the zoning chapter, those provisions which are deemed more restrictive shall apply, ~~except as provided in section 12-81(n).~~

(Ord. No. 2016(8), § 1, 10-13-2016)

Secs. 12-85—12-109. Reserved.