

LINCOLN TOWNSHIP
NEWAYGO COUNTY, MICHIGAN
ORDINANCE NO. 11-01

At a regular meeting of the Township Board for Lincoln Township held at the Township offices on February 24, 2011 beginning at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member G. Dickinson, and was seconded by Township Board Member D. Dickinson:

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF ANY TOWNSHIP PERMITS, LICENSES OR APPROVALS FOR THE APPLICATION OF SEPTAGE WASTE TO LAND WITHIN THE TOWNSHIP AND TO PROHIBIT SUCH APPLICATIONS TO LAND WITHIN THE TOWNSHIP DURING THE TIME THAT THE MORATORIUM ORDINANCE IS IN EFFECT.

THE TOWNSHIP OF LINCOLN (the "Township") ORDAINS:

Section 1. Findings. In accordance with Act No. 110 of the public Acts of 2006, as amended, and MCL 41.181 *et seq.*, as amended, Lincoln Township has determined that:

1. The provisions within the Lincoln Township Zoning Ordinance and other Township ordinances (collectively, "Township Ordinances") have not kept pace with recent developments, technology, and other matters related to the application of septic tank waste or septage waste (collectively, "septage waste") to lands within the Township as well as MCL 324.11701 *et seq.*
2. It is within the rights and authority of Lincoln Township to establish reasonable regulations to protect the public health, safety and welfare, particularly with regard to the application of raw or partially-treated septage waste to lands within the Township.
3. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to the Township Ordinances.
4. During this moratorium period, the Township Board and Planning Commission will investigate potential modifications to the Township Ordinances that will establish reasonable regulations and controls regarding the application of septage waste to land within the Township.

Section 2. Administrative Action. A moratorium is hereby imposed upon the issuance of any Township permit, license, variance, or similar approval regarding the application of raw or partially-treated septage waste to land within Lincoln Township, so long as this Ordinance is in effect. During the moratorium term specified in this

Ordinance, no Township official, employee, body, or agent shall issue any such permit, license, variance, or other approval.

Section 3. Prohibition on the Application of Septage Waste. No septage waste (whether raw or partially treated) shall be applied to any land within the Township, nor shall any business or operation engage in any such use or activity within the Township while the moratorium imposed by this Ordinance is in effect.

Section 4. Term of This Ordinance. The moratorium by this Ordinance shall remain in effect for six months following the effective date of this Ordinance or until amendments to the Township Ordinances regarding the application of septage waste, whether raw or partially treated, to any land within the Township are effective. Prior to the expiration of the six-month moratorium, Lincoln Township may extend the moratorium for an additional six months to allow sufficient time to complete any such amendments to the Township Ordinances.

Section 5. Exemption. This moratorium shall not apply to any parcel or lot which had septage waste lawfully applied to such lot or parcel on or prior to January 1, 2011 and where all of the following are applicable to such lot or parcel on or prior to January 1, 2011:

- A. Such septage waste application was lawful, and in full compliance with a all applicable state permits and requirements.
- B. Such septage waste application fully complies with MCL 324.11701. *et seq.*
- C. Such septage waste application complied with a all applicable Township Ordinances.

Notwithstanding such exemption, septage waste shall not be applied on those exempted lots or parcels during the term of this moratorium in areas or portions of such lots or parcels here such septage waste was not regularly and lawfully applied on or before January 1,2011.

Section 6. Effective Date: This Ordinance is declared to be an emergency ordinance and shall become effective the day following its publication (or a summary hereof) in a newspaper of general circulation within the Township.

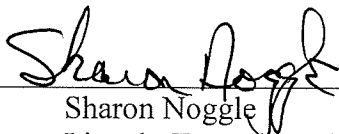
The vote in favor of this Ordinance was as follows:

YEAS: D. Dickinson, G. Dickinson, S. Noggle, B. Geno Jr.

NAYS: None

ABSENT: R. Ungrey

ORDINANCE DECLARED ADOPTED.



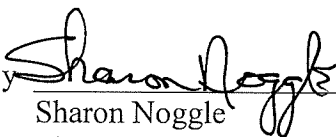
Sharon Noggle
Lincoln Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an emergency Ordinance adopted by the Township Board for Lincoln Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: February 24, 2011

By 

Sharon Noggle
Lincoln Township Clerk