

**CHARTER TOWNSHIP OF COMMERCE
LANDFILL & LAND BALANCING APPLICATION
ORDINANCE #85-12-55-0, SECTION 2018**

PERMIT # _____

DATE: _____

1. Owner name _____
Address _____
City, State, Zip _____
Phone _____ Cell/Beeper _____

2. Contractor _____
Address _____
City, State, Zip _____
Phone _____ Cell/Beeper _____

3. Property Location _____
Property ID Number _____
Property Size _____
Total number of cubic yards of soil _____
Type of material _____
Route of transporting fill _____
Hours of operation _____
Estimated time to completion _____

4. Signature of Applicant _____

Do not write below line

Approved _____ Date _____

Application Fee \$ _____ Permit Fee \$ _____ Bond \$ _____

- A bond amount will be determined as provided for in Ordinance prior to permit issuance
- A Plan must be submitted (in duplicate) with sufficient information to allow necessary determinations as required by Ordinance.
- An inspection will be conducted on the premises to determine if additional information will be required to determine compliances with considerations in this Ordinance.
- If additional fees are required for review by consultants, you will be notified of amount of deposit.
- Copies of Ordinance are available for inspection

The decision on a special land use or activity, or a use requiring a discretionary decision by the Township Board, planning Commission or designated official, may be appealed to the Oakland County Circuit Court.

SECTION 2018, EXCAVATION OF LAND, LAND BALANCING, AND FILLING OF LAND

This section shall regulate the depositing of soil as herein described within the charter Township of Commerce and regulate grading and leveling of land within the Charter Township of Commerce; provide for the issuance of licenses and/or permits for such activities; prescribe rules and regulations and conditions for issuance of such licenses and/or permits; provide for bonds to insure satisfactory performance of the terms of said ordinance, and provide penalties for the violation thereof.

This section shall not include and sanitary landfill operations covered in the Charter Township of Commerce Ordinance No. 10.

1. **Definitions used in this section only**
 - A. "Township" shall mean Charter Township of Commerce
 - B. The term "soil" as used herein shall mean topsoil, subsoil, sand, gravel, rock, stone, aggregate, and earth of any other similar material. Said soil shall be free from litter, debris, rubbish, refuse and similar material, including those materials covered by the Charter Township of Commerce Ordinance No.10
 - C. The term "fill project" shall mean the depositing, removal, redistribution of placement of soil on land in a manner which alters the pre-existing contour or elevation of said land
2. **Purpose of these Provisions:** Land balancing, grading, and trenching of Land, and other materials and the removal of topsoil, subsoil, sand, gravel and other materials and the filling of land with other soils will result in the emission of noise, dirt, dust, and odors and said operations effect permanent changes n the topographical and geological characteristics of land; and further, because of these changes, the operations create dangers and hazards by virtue of shifting earth, standing water, filtration into the underground water systems and other like considerations. In recognition of these facts and in order to preserve Township resources, prevent nuisances and hazards, and require reasonable control of such operations it is deemed necessary that said operations is regulated.
3. **Administration and enforcement:** It shall be the responsibility of the Zoning Administrator to administer and enforce all provisions of this section.
4. **Permit required; exceptions:**
 - A. It shall be unlawful for any person to undertake any fill project upon any land in the Charter Township of Commerce without a permit issued pursuant to the terms of this Section.
 - B. When the Township for mineral and soil removal pursuant to Section 1601 has issued a special land use permit, Item 7 of this Ordinance.
 1. When said project is incidental to an operation for which a building permit has been issued by Township?
 2. When said project is incidental to development of land subject to Public Act 288 of 1967, as amended, and when preliminary plat approval has been obtained.
 3. When said project involves construction of a private road in a private road easement approved by the Township.
 4. When a permit has been issued by the Township for mineral and soil removal pursuant to Section 1601. Item 7 of this Ordinance, when said project involves any normal landscaping, driveway installation and repairs, or other minor fill project conducted in the interest of good land husbandry, and not in conflict with Item 5 of this Section or any other Township Ordinance or State Law.
 5. When said project involves any normal landscaping, driveway installation and repairs, or other minor fill project conducted in the interest of good land husbandry, and not in conflict with Item 5 of this Section or any other Township ordinance or State Law.
5. **Requirement for Obtaining Permit:**
 - A. The application for a permit shall be filed with the Zoning Administrator. The Zoning Administrator may request such information from the applicant as is necessary to determine that the fill project for which approval is requested will meet the requirement of this Section. The Building Department may consult with the Township Engineer to make such a determination. The Building Department shall issue the permit requested if it is satisfied that:

1. The fill project will not impede drainage.
 2. The fill project will not alter the topographical features of the applicant's property causing a change in the natural flow of surface waters with respect to adjoining properties
 3. The fill project will not be in violation of any condition of this Ordinance or other Township Ordinance or State Law.
 4. The fill project uses only soil as defined in Section 1 of this Ordinance.
 5. That fill project does not endanger health, safety or welfare of any individual.
 6. The proposed operation will not create an unreasonable hazard, annoyance, or inconvenience to the owners or occupants of nearby property; will not significantly change the character of the neighborhood or unreasonably reduce the value of nearby properties or adversely affect implementation of the Zoning Plan as evidenced by this Ordinance and the Master Land Use Plan of the Township.
- B. Where necessary to a proper consideration of the factors listed in Section 2018.5, a, the Zoning Administrator is authorized to require the applicant to furnish any or all the information described in this sub-section.
1. A full identification of the applicant and all persons to be directly or indirectly interested in the permit if granted.
 2. The residence and business address of the applicant, including all members of any firm or partnership or all officers and directors of any corporation applying for a permit.
 3. The exact nature of the proposed soil to be used in the project and an estimate of the approximate number of cubic yards involved.
 4. The proposed route where soil will be transport.
 5. The past experience of the applicant in the matter to which the permit pertains and the name, address and past experience is such matters of the person to be in charge of the proposed operations.
 6. The location of the place and the name and address of all persons and firms from whom the soil and any materials to be used in the project are to be obtained.
 7. The time within which the project is to be commenced after the granting of said permit, the time when it is to be completed and the sequence of operations and hours of operation.
 8. Such further information as the Township may require evaluating the impact of the proposed fill project on the health, safety and welfare of the community.
 9. A topographic map of existing land features prepared under the supervision of a land surveyor or professional engineer (civil), registered in the State of Michigan, as a scale not smaller than one hundred (100) feet to one (1) inch, indicating:
 - a. A legal survey of the property wherein filling is proposed.
 - b. Existing ground surface elevations for involved property and adjacent, contiguous areas within three hundred (300) feet of said property boundaries, by accurate contours at intervals not exceeding two (2) feet, U.S.G.S. datum.
 - c. All existing surface and subsurface improvements within area covered by map, such as building, roads, driveways, fences, culverts, pipe lines, electric and telephone lines, etc., accurately located and clearly identified and described.
 - d. Existing drainage courses, with channel cross-section and profile information.

- e. Permanent parcel number(s) as on record with the County of Oakland of the subject site and all abutting properties, with ownership.
- f. Seal of the surveyor or engineer that supervised the preparation of the map, on each sheet thereof.

10. A map or drawing of the proposed land fill/land balancing project, prepared under the supervision of a land surveyor or professional engineer (civil), registered in the State of Michigan, at the same scale as the topographic map indicating:

- a. Proposed finished surface elevations and slopes, by contours at intervals not exceeding two (2) feet, on U.S.G.S. datum, with cross-sections as necessary to clearly indicated proposed slopes and drainage provisions around periphery of proposed site.
- b. Clear delineation of limits of proposed grade changes.
- c. Location of proposed access road or roads from public highway to proposed site.
- d. Storm water drainage provisions, both during and following completion of operations, including drainage pattern, runoff calculations and detailed information for proposed new or improved drainage facilities.
- e. Type of proposed fill material and proposed placement and compaction methods.
- f. Details of provisions for controlling soil erosion and for controlling sedimentation onto contiguous properties and into watercourses, both during and following completion of operations.
- g. Seal of the surveyor or engineer that supervised the preparation of the map, on each sheet thereof.

6. The Zoning Administrator may attach such conditions to the granting of the Permit under this Section which he may find necessary to insure that the intent and purpose of this ordinance is in all respects observed. Any violation of a condition(s) included in the Permit shall be construed as a violation of this Ordinance, and shall give rise to the penalties provided in the Ordinance, and shall be grounds for revoking the Permit. The permittee shall submit a written request to the Zoning Administrator for approval of changes to the original plans, specifications, reports and methods of operation submitted with a Permit application. No such change shall be initiated until the written approval of the Zoning Administrator has been obtained (4/16/86).

7. **Payment of Fees and Issuance of Permits:** At the time of application, the applicant shall pay an application fee. At the time of the issuance of the permit, if the application for the permit is granted, the applicant shall pay a permit fee. Such fees shall be established by resolution of the Township Board. These fees shall have no effect on any additional fees and/or costs as required by the Township in any other Ordinance. If the application is approved and all fees paid, the Zoning Administrator shall issue a permit.

8. **Expiration, Termination, Suspension and Revocation of a Permit:**

- A. When a fill project, as described in the application and supporting information submitted to the Zoning Administrator is completed, the permit granted shall terminate and no further materials may be deposited or moved on the site until a new application has been filed and a permit granted in the same manner as provided for the original application and permit.
- B. In the event that any project for which a permit has been granted is not commenced within three (3) months from the date of granting of such permit or in the event work is started on a fill project pursuant to a permit properly issued and said work is abandoned for a period of three (3) months, then in that event, said permit shall automatically expire by limitation and cease to be valid for any purpose.
- C. The permit holder shall confine his activities with regard to any fill project for which a permit has been granted to those activities described in the permit application and/or in the plans and specifications submitted pursuant to Section 2018, Item 5 of this Ordinance. Failure of the permit holder to conform the fill project to the activities described in the approved permit application and plans upon which granting of the permit was based (and any

approved amendments thereto) shall result in the suspension or revocation of the permit, forfeiture of any and all bonds furnished, and prosecution under the terms of this Ordinance.

9. **Appeals:** an applicant whose application for a permit under the Section has been denied by the Zoning Administrator or issued in a form different than requested shall have the right to appeal the Zoning Administrator's decision to the Zoning Board of Appeals of the Charter Township of commerce in accordance with Section 2303.
10. **Bond:** Before issuance of a permit, there shall be filed by the applicant a survey bond, executed by a reputable surety company authorized to do business in the State of Michigan, or a letter of credit to the Township in amount established by the Zoning Administrator shall, in establishing the amount of the bond, consider the scale of operation, the prevailing costs to rehabilitate the property upon default of the operator, courts costs and other reasonable expenses. Applicant, with the approval of the Zoning Administrator may substitute cash in place of surety bond.