

Summerfield Township  
Monroe County, Michigan

Waste Disposal Ordinance.  
Ordinance No 2015- 001

*An ordinance to ban the subsurface disposal of waste products from all sources within the Township, in order to protect the health, safety, and welfare of the residents of Summerfield Township.*

**Section 1 Title**

This ordinance shall be known and may be cited as "Summerfield Township Waste Disposal Ordinance."

**Section 2 Findings and Intent**

The Board of Trustees of Summerfield Township having reviewed scientific studies that find that the disposal of waste from any source into the ground, as well as the disposal of such waste into surface waters, onto the land or into the air in Summerfield Township, pose a significant threat to the health, safety, and welfare of the residents of the Township due to the karst terrain. Karst is a terrain with distinctive landforms and hydrology created from the dissolution of soluble rocks, principally limestone and dolomite [Source: U.S. Geological Survey (U.S. Department of Interior)]. Karst terrain is characterized by springs, caves, sinkholes, and a unique hydrogeology that results in aquifers that are highly productive but extremely vulnerable to contamination. Waste-disposal facilities should not be located within a karst terrain (Source: United States Environmental Monitoring Environmental Protection EPA/600/X-8 9/050).

**Section 3 Definitions**

- A. "Corporation" for purposes of this ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability attributes for its owners, directors, officers, and/or managers.
- B. "Disposal" shall include but not be limited to the depositing, storage, treatment, recycling, injection, or by any other means the distribution or depositing of brine, "produced water," "frack water," tailings or any other waste upon, into, or over the land, waterways, air or any area within the jurisdiction of Summerfield Township.

#### **Section 4 Prohibition**

It shall be unlawful for any individual or corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to deposit, store, recycle, "treat," inject or dispose of waste from all sources onto or into the land, air, or waters within Summerfield Township.

#### **Section 5 Nuisance Per Se**

Any violation of this ordinance is deemed to be a nuisance per se.

#### **Section 6. Enforcement and Penalty**

Upon discovering a violation of this ordinance, the Ordinance Enforcement Officer shall notify the violator orally or in writing by means of first class letter. Such notice shall give up to 5 days for the violation to be abated or a civil infraction shall be issued. No further notification is required for subsequent violations in a three year period.

- A. Any person violating any provision of this ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 2014-004, the Summerfield Township Municipal Civil Infractions Ordinance, together with costs and all expenses, direct and indirect, to which the plaintiff has been put in connection with the municipal civil infraction, including actual attorney fees, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered.
- B. Each and every day during which a violation of this ordinance shall exist shall be deemed to be a separate offense.
- C. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this ordinance or any provision of the ordinance. The Township shall be entitled to receive actual attorney fees expended for enforcement of this ordinance from any person found in violation.
- D. All remedies available to the Township under this ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- E. Any person, firm or entity that assists with or enables the violation of this ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this ordinance shall be deemed a violation of the provision of this ordinance involved as if the violation had been successful or completed.



**Section 7. Effective Date**

This Ordinance shall be effective thirty (30) days after the date of its enactment.

**Section 8. Severability**

The provisions of this Ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance. The Board of Trustees of Summerfield Township hereby declares that in the event of such a decision, and the determination that the court's ruling is legitimate, it would have enacted this Ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

**Section 9. Effective Date**

This ordinance shall take effect 30 days after the publication of this ordinance.

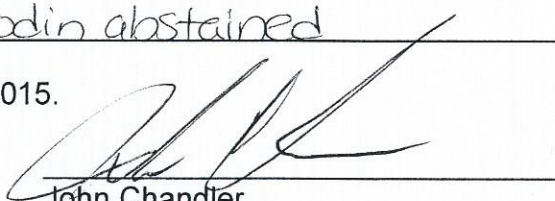
Ordinance declared adopted on Monday, March 16, 2015.

YEAS: (3) Missler, Wagenknecht, Chandler

NAYS: (1) Wiederhold

ABSENT: (0) \*Clerk Goodin abstained


Ordinance declared adopted on March 16, 2015.



John Chandler  
Supervisor for the  
Township of Summerfield

**CERTIFICATE OF ADOPTION AND PUBLICATION**

I, Trudy Goodin, the duly elected Clerk of the Township of Summerfield certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Summerfield on March 16, 2015 and published in the Dundee Independent, a newspaper circulated in the Township of Summerfield on March 19, 2015.



Trudy Goodin  
Township Clerk for the  
Township of Summerfield