

**OTSEGO LAKE TOWNSHIP
OTSEGO COUNTY, MICHIGAN**

**TOWNSHIP ORDINANCE NO. 1991-3
SOLID WASTE FEES**

AN ORDINANCE imposing a solid waste impact fee and a solid waste incinerator ash impact fee to be used for the public health, safety, or welfare of Otsego Lake Township providing for collection of the impact fees and imposing a penalty for the violation of this ordinance.

THE TOWNSHIP OF OTSEGO LAKE ORDAINS:

SECTION 1. IMPOSITION OF IMPACT FEES:

Pursuant to Public Acts of 1990, Act No. 66 (MCLA 299.424a.) Otsego Lake Township hereby imposes an impact fee of \$0.10 per cubic yard on solid waste disposed of in all landfills located in Otsego Lake Township that are utilized by the public and utilized to dispose of solid waste collected from two or more persons, and \$0.10 per cubic yard of municipal solid waste incinerator ash that is disposed of in all landfills located in the township that are utilized to dispose of municipal solid waste incinerator ash.

SECTION 2. COLLECTION OF IMPACT FEES:

Said fees shall be collected by the owner of the landfill, as required by Act No. 66, and paid quarterly to the Otsego Lake Township Treasurer, by the 30th day after the end of each calendar quarter. The owner may authorize the operator of the landfill to collect and pay the same, but the owner shall remain primarily responsible. There being no revenue paid to or available to Otsego Lake Township from the landfill under the terms of any pre-existing agreements, said impact fee is not subject to reduction.

SECTION 3. USE OF IMPACT FEES

Until or unless a trust fund is established pursuant to subsection 6 of Section 24a of Act No. 66, all revenue collected pursuant to this ordinance shall be deposited in the Township General Fund to be used for any purpose that promotes the public health, safety, or welfare of the citizens of Otsego Lake Township except that said funds shall not be used to bring or support a lawsuit or other legal action against the owner or operator of the landfill who is collecting an impact fee unless the owner or operator of the landfill instituted a lawsuit or other legal action against the municipality.

SECTION 4. SEVERABILITY CLAUSE:

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not effect the validity of the ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 5. REPEALING CLAUSE:

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 6. PENALTY:

Any persons, firm or corporation who shall violate or assist in the violation of any provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation under the provisions of this ordinance.

SECTION 7. PUBLICATION:

This ordinance shall be published once, in full, in the newspaper of general circulation within the boundaries of Otsego Lake Township and qualified under state law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signature of the Township Clerk.

SECTION 8. EFFECTIVE DATE:

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

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of the ordinance duly adopted by the Township Board of the Township of Otsego Lake, County of Otsego, Michigan, at a special meeting held on the 24th day of August, 1991.

I further certify that the following Board members were present at said meeting:

Gerald E. Noffsinger	Leonard Jensen
Cecelia Schotte	Hazel Ashworth
B. Suzanne Whyte	

And that the following Board members were absent: None.

I further certify that Leonard Jensen moved adoption of said Ordinance and that said motion was Supported by Cecelia Schotte.

I further certify that the following Board members voted for the adoption of said Ordinance:

Gerald E. Noffsinger	Leonard Jensen
Cecelia Schotte	Hazel Ashworth
B. Suzanne Whyte	

That the following Board members voted against the adoption of the said Ordinance: None.

Dated: August 24, 1991

Cecelia Schotte
Otsego Lake Township, Clerk