NORVELL TOWNSHIP BOARD OF TRUSTEES

ORDINANCE NO. 52

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR CERTAIN USES OF PROPERTY RELATED TO MINING OF NATURAL RESOURCES

NORVELL TOWNSHIP ORDAINS:

Section 1: **Findings.** In accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 *et seq.*, and Public Act 246 of 1945, MCL 41.181 *et seq.*, Norvell Township has determined that:

1. Pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 *et seq.*, and Public Act 246 of 1945, MCL 41.181 *et seq.*, Norvell Township has the authority to establish, modify and implement reasonable regulations to control the mining of natural resources in order to protect the public health, safety and welfare.

2. The Township wishes to consider amendments to its Zoning Ordinance related to the regulation of gravel mining and other mining of natural resources, particularly in light of the authority granted to municipalities under Act 113 of 2011, which specifically allows municipalities to establish, modify and implement certain regulations related to gravel mining, including but not limited to regulation of hours of operation, blasting hours, noise levels, dust control measures, traffic and restoration.

3. The Township wishes to consider such amendments prior to granting any permits for mining under its Zoning Ordinance, including but not limited to approvals and permits under Section 6.7 (A) of the Zoning Ordinance.

4. 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's Zoning Ordinance.

5. A moratorium should be imposed upon the issuance of any and all permits, licenses and approvals for any property subject to or under the jurisdiction of the Norvell Township Zoning Ordinance for the use of property for (1) the extraction, by mining, of valuable natural resources from any property; (2) quarrying, stockpiling, stripping, tunneling, or shaft mining any soil, sand, clay, gravel, or similar materials; or (3) using lands for filling or to expand an existing mining operation.

6.   The moratorium should remain in effect for six (6) months or until an amendment to the Norvell Township Zoning Ordinance and/or the Township's Ordinances consistent with paragraph 2 above, whichever occurs first.

Section 2:   **Moratorium**. A moratorium is hereby imposed upon the issuance of any and all permits, licenses or approvals for any property subject to or under the jurisdiction of the Norvell Township Zoning Ordinance for (1) the extraction, by mining, of valuable natural resources from any property; (2) quarrying, stockpiling, stripping, tunneling, or shaft mining any soil, sand, clay, gravel, or similar materials; or (3) using lands for filling or to expand an existing mining operation.

Section 3:   **Term of Ordinance**. The moratorium imposed by this ordinance shall remain in effect until the **earlier of**:

(1) six (6) months following the effective date of this ordinance, or

(2) the date when amendments to Norvell Township's Zoning Ordinance and/or Township Ordinances become effective.

Prior to the expiration of the six (6) month moratorium, Norvell Township may extend the moratorium by resolution for an additional six (6) months to allow sufficient time to complete amendments to the ordinances. A notice of extension shall be published in a newspaper of general circulation following adoption of such resolution.

Section 4:   **Validity and Severability**. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5:   **Repealer Clause**. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6:   **Effective Date**. This ordinance shall become effective immediately following publication.

Adopted:
05/04/2022

[signature]
Clerk