

Dexter Township Resolution #23-668

A RESOLUTION OPPOSING MICHIGAN HOUSE BILLS 4526, 4527, and 4528

MAY 16, 2023

WHEREAS, On May 4, 2023, House Bills 4526, 4527 and 4528 were introduced in the Michigan House of Representatives. These bills amend various sections of Michigan law, including the Michigan Zoning Enabling Act, Natural Resources and Environmental Protection Act, and criminal code to modify state policy on sand and gravel mining.

WHEREAS, these modifications would place significant limitations on the Township Board's ability to regulate sand and gravel mining in the Township.

WHEREAS, several groups that advocate for municipal governments have opposed the bills, including the following:

1. Southeast Michigan Council of Governments ("SEMCOG") states that the bills would, "usurp all local authority and allow a sand and gravel mine, crushing facility or storage facility to operate anywhere in a community—regardless of zoning—undermining the ability of local officials to balance the needs of all property owners within their jurisdiction." See Exhibit A.
2. The Michigan Townships Association analysis of the bills, attached hereto as Exhibit B, states that the legislation:
 - "Prohibits municipalities and affected residents or businesses from requesting any permit modifications, silencing the community from issues impacting their daily lives and livelihood, but allows EGLE to grant modifications requested by the mine operator only.
 - Allows 70-foot-high aggregate stockpiles just 50 feet from property lines—an obvious impact on neighboring property owners.
 - Holds neighboring properties hostage for years by allowing mines to bank sites for up to a decade.
 - Artificially limits required financial assurances at levels that do not provide for proper protections for amounts needed for land reclamation.
 - Codifies operation hours for activities such as truck loading, blasting and crushing to begin by at least at 6 a.m. six days per week—and allows for hours beyond that time for state or county contracts.
 - Limits local government and resident input only through public comment periods and removes any right of referendum by impacted residents.
 - Prescribes noise levels required for worker safety hearing protection only and weighted over eight hours—with no considerations for the impact of noise to nearby homes, businesses, schools and property.
 - Vacates previous judicial and administration opinions related to all mining permit applications—including those previously submitted to a local unit of government."

WHEREAS, The Township Board opposes efforts to constrain municipal decision-making on zoning issues, which are inherently local in nature and best decided by local government officials.

RESOLUTION

IT IS HEREBY RESOLVED:

After considering the Recitals above, the Township Board strongly opposes Michigan House Bills 4526, 4527, and 4528.

FURTHER RESOLVED, that the Township Supervisor draft a letter of opposition to these bills and send a copy of the letter and this resolution to our local State Representatives and State Senators.

Resolution offered by Board Member: Trustee Scott

Resolution seconded by Board Member: Treasurer Metz

Roll call vote: Clerk Stamboulellis, Treasurer Metz

Trustees: Scott, Sanders, Sikkenga, Nolte

Yeas: Stamboulellis, Metz, Scott, Nolte, Sanders, Sikkenga

Nays: None

Abstain: None

Absent: None

Tally Y = 6; N = 0; Abstain = 0; Absent = 0

The Supervisor declared the resolution adopted.

CERTIFICATE

The undersigned, being the duly elected and acting Clerk of the Township of Dexter hereby certifies that the foregoing resolution was adopted at a regular meeting of the Dexter Township Board at which a quorum was present on the 16th day of May, 2023, and that the members voted thereon as hereinbefore set forth.



Michelle Stamboulellis, Clerk