

OGDEN TOWNSHIP

ORDINANCE NO. 10

**OGDEN TOWNSHIP LIVESTOCK PRODUCTION FACILITY
INFORMATION ORDINANCE**

An Ordinance to require the sharing of information from new or expanding livestock production facilities with the Township Board; to establish regulations for the provision of such information; to protect and safeguard the health, safety, and general welfare of citizens, residents, property owners, farmers, businesses and industries within the Township who are entitled to full disclosure of information of such new or expanding livestock production facilities and the impact of same on the natural resources, infrastructure and quality of life within the Township; to provide for the enforcement of said ordinance; and to repeal any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP BOARD OF OGDEN TOWNSHIP, LENA WEE COUNTY, MICHIGAN,
ORDAINS:

Sec. 1 Title

This ordinance shall be known and cited as the "Ogden Township Livestock Production Facility Information Ordinance." (hereinafter referred to as "Ordinance")

Sec. 2 Purpose.

As natural resources, infrastructure and the quality of life in the Township can be greatly impacted by the location within the Township of new or expanding livestock production facilities it is the object and purpose of this ordinance to safeguard the health, safety and general welfare of the inhabitants by requiring the free flow of information with the Township concerning such facilities in order that the Township Board and inhabitants may be fully and adequately informed as to the nature and extent of such operations and the potential impact on the natural resources, existing infrastructure and quality of life within the Township.

Sec. 3 Definitions.

When used in this ordinance:

- A. "Township Board" shall mean the Ogden Township Board or such committee or commission appointed by and to which the Ogden Township Board's authority has been duly and properly delegated "Person" or
- B. "Livestock Production Facilities" shall mean and include all facilities where farm animals as defined in the Right to Farm Act are confined with a capacity of 50 animal units or greater and/or the associated manure storage facilities. Pasture systems are excluded.
- C. "Expanding Livestock Production Facility" shall mean an addition to a facility to increase the holding capacity where animals will be confined at a site that presently has livestock production facilities contiguous to the construction site.

A new or expanded manure storage structure built to accommodate an expansion in animal units within three years from construction of the manure storage will also be considered an expanding livestock production facility.

- D. "New Livestock Production Facility" shall mean all facilities where animals will be confined and/or manure storage structures that are built at new sites and are not part of another livestock production facility, including a site that is expanding greater than 100% of existing production within any 3 year time period and the resulting number of animal units will exceed 749.
- E. "GAAMPS" shall mean and include all Generally Accepted Agricultural and Management Practices developed by the Michigan Department of Agriculture whether currently in place or developed in the future and as same may from time to time be amended or revised by MDA.
- F. "Animal Units" shall have the same definition as that incorporated in the GAAMP for Site Selection and Odor Control for New or Expanding Livestock Production Facilities developed by MDA and as same may from time to time be amended or revised by MDA.

Sec. 4 Regulations.

- A. Each Livestock Production Facility locating or expanding within Ogden Township shall provide to the Township for review and at the same time submitted to MDA, a complete copy of any and all, site plans, associated Odor Management Plan, Manure Management System Plan and/or Comprehensive Nutrient Management Plan and any other information, required by, or voluntarily submitted to, MDA in compliance with all applicable GAAMPS, including but not limited to those concerning Site Selection and Odor Control for New and Expanding Livestock Production Facilities and Manure Management and Utilization. Such submittal shall be at no charge to the Township.
- B. Any person feeling aggrieved by the foregoing regulation because of peculiar circumstances or undue hardship may apply to the Ogden Township Board for a waiver of compliance with this ordinance and the Township Board shall have the authority, upon cause therefore being shown, to grant such waiver.
- C. The burden of proof to support the granting of any waiver of compliance with this ordinance shall be upon the applicant for such waiver, which shall consist of sufficient information acceptable to the Township Board, of the peculiar circumstances, or undue hardship that would result if the ordinance was enforced as written.

Sec. 5 Enforcement

- A. Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan law which shall be punishable by a civil fine of \$1000.00 per day that any such violation continues to exist.

- B. In addition, any person, firm, association, partnership, corporation or governmental entity found in violation of this ordinance shall be liable for all costs of enforcement of this ordinance, which includes all expenses, direct or indirect, which Ogden Township has expended in connection with such municipal civil infraction. The Township shall also have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance.

Sec. 6 Validity

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not effect the validity of the ordinance as a whole or any part thereof other than the pars so declared to be invalid.

Sec. 7 Repeal.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

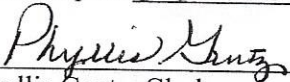
Sec. 8 Effective date.

This ordinance shall be come effective thirty (30) days after publication as provided by Michigan law.

Roll Call: YEAS: Sell, Dennison, Simon, Goetz, Gentz
 NAYS: None
 ABSENT: None

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Phyllis Gentz, the duly elected Clerk of Ogden Township, certify that the foregoing Ordinance is a true and correct copy of the Ordinance adopted by the Ogden Township Board on December 19, 2006 and published in the Adrian Daily Telegram, a newspaper circulated in Ogden Township on December 22, 2006.



Phyllis Gentz, Clerk
Ogden Township