

ORDINANCE NO. 1.22A

**TOWNSHIP OF CHARLEVOIX
CHARLEVOIX COUNTY, MICHIGAN**

THE TOWNSHIP OF Charlevoix ORDAINS, That the following Mineral Resource District be adopted to replace Ordinance No. 1.22, Chapter XIII (B) of the Charlevoix Township Zoning Ordinance.

**ARTICLE V SECTION 5.12 OF THE CHARLEVOIX TOWNSHIP ZONING ORDINANCE
MINERAL RESOURCE DISTRICT ORDINANCE
CHARLEVOIX TOWNSHIP
2005**

ARTICLE I

Purpose: To promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and peculiar suitability for particular uses; to meet the needs of the State's residents for natural resources and industry; to promote the order development of quarrying, the encouragement of good quarrying practices, and the recognition and identification of the beneficial aspects of quarrying; to control possible adverse environmental effects of quarrying; to preserve the natural resources and encourage the planning of future land use and to provide for reclamation of lands subjected to the quarrying of minerals. For purposes of this ordinance, quarrying and mining shall have the same meaning.

ARTICLE II

Intent: To establish and zone lands for the preservation, protection and extraction of minerals; to prevent non-compatible land uses from denying the use of minerals; to protect mineral deposits; to provide for the orderly economic growth of Charlevoix Township and Charlevoix County; to provide for proper environmental management during the site planning, operational and reclamation stages of the extraction process; and to provide the Township with information important to the overall planning process.

ARTICLE III

Permitted Uses and Structures: All uses and structures necessary or convenient for the quarrying and processing of minerals, agriculture and silviculture uses.

Special Uses: Special uses shall include any uses permitted in the commercial district of the Charlevoix Township Zoning Ordinance and mobile home subdivisions permitted in the R-3 district of the Charlevoix Township Zoning Ordinance so long as such uses do not conflict with quarrying or the need for quarrying and so long as the special uses granted shall cease in favor of quarrying.

ARTICLE IV

Definitions: In the interpretation and administration of this Ordinance, the following terms shall have the meanings herein ascribed to them.

- 1) "Abandoned" means termination of mining operations, or cessation of the use of the mining area or any portion thereof, with intent not to resume. – Michigan's Mine Reclamation Regulations, Part 631, 1994 Public Act 451, as amended
- 2) "Abandoned Land" means any disturbed land which has not been actively quarried, devoted to active stockpiling, or otherwise actively used for a continuous period of twelve (12) months. The term "Abandoned Land" shall not include any part of the Face or Floor of an Open Pit Quarry while any part of said Quarry shall be disturbed for Mining or quarrying purposes.
- 3) "Air Pollution" means the emission of airborne particulate beyond the Boundary in amounts exceeding levels established by the Air Pollution Control Rules that have been adopted pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), as well as those standards established by the Federal Clean Air Act, Code of Federal Regulations Title 40: Protection of Environment, Chapter 1, Subchapter C – Air Program
- 4) "Annual Plan" means a written statement and graphic depiction on a topographic base, including items referred to in Article VIII hereof. The Plan shall be submitted annually no later than March 31 of each year.

The Plan shall reflect the status of operations as of December 31 of the year immediately preceding the year in which the Plan is submitted, and a projection of the status of operations as of December 31 of the year immediately following the year in which the Plan is submitted, or as near to such dates as operations permit.

- 5) "Berm" means a sloped and vegetated strip of ground elevated to a height of not less than twenty five (25) feet above the immediately adjacent ground when not adjoining a public highway and means a sloped and vegetated strip of ground elevated to a height of not less than twenty five (25) feet above the mean elevation of a public highway which immediately adjoins such Berm.
- 6) "Blasting" means detonation of explosive devices.
- 7) "Blasting Pollution" means any Blasting occurring between 7:00 am and 6:00 pm, excessive overpressure produced by blasting, or Blasting which exceeds the safe level blasting criteria established in the U.S. Bureau of Mines Report of Investigation #8507. The USBM RI #8507 provides limits using a plot displaying Peak Particle Velocity (PPV) vs Blast Vibration Frequency (BVF), with maximum allowable PPV's being offered for BVF's ranging from 1 up to 100 Hz. Airblast or excessive overpressure resulting from a portion of the blast energy of surface blast escaping into the atmosphere shall not exceed 134 dB (128 dB in the vicinity of hospitals and schools, and 134 dB in the vicinity of residential type structures. In the event new technology is developed in this area, the Operator may approach the Board for approval to change its Blasting Methods.
- 8) "Bond" means a cash deposit with the Treasurer of Charlevoix Township, a surety performance bond shall be posted naming Charlevoix Township as the Beneficiary thereof in an amount determined by the Township Planning Commission to be reasonably necessary to insure compliance hereunder, letter of credit, or other financial assurance reasonably acceptable to the Township; provided however that in no case shall the sum of the surety bond

be less than Twelve Hundred (\$1,200) Dollars for each acre or fraction thereof of land. This amount shall be reevaluated no less than every three (3) years. In addition to the amount necessary to restore the land, the Operator shall be required to post an additional bond in an amount established using reasonable estimation methods, that would be required for the demolition and removal of all processing facilities. Such facilities would include: crushing and processing facilities used in various stages of producing the resulting product(s), storage facilities, material handling systems, operations associated with shipping and receiving. The condition of such bond being that if upon completion of the mining activities the land has been reclaimed to the satisfaction of the Township Planning Commission, the bond shall be void; otherwise the Township shall have right to use the bond proceeds to the extent necessary to reclaim the parcel. The bond shall be kept in effect until the property has been restored as required by Article V of this Ordinance and until such time that the Township, and its agents and contractors are hereby granted a license to go onto the premises to fulfill the bond requirements. In fixing the amount of surety performance bond, the Township Planning Commission shall take into account the size and nature of the structures used in the mining and processing operations, current prevailing cost of reclaiming the premises upon default of the Operator, and other such conditions and factors as might be relevant in determining a reasonable sum in light of all facts and circumstances pertaining to the production of marketable products. For each acre restored and reclaimed in accordance herewith, or otherwise, said bond may be reduced by Twelve Hundred (\$1,200) Dollars, or the adjusted amount as set forth above, per acre or fraction thereof as determined by the Township Planning Commission. The portion of the bond pertaining to the various structures may be reduced as a result of the demolition of existing structures and land filling of the resulting debris or increased as a result of additional structures being erected. The value of the bond pertaining to the demolition and removal of processing facilities shall be reevaluated no less than once every three years, to take into account the varying costs associated with the demolition and reclaiming of this portion of the mining operation. The amount associated with this portion of the surety bond will be established using estimation methods acceptable to the Township Board, with the resulting figures being placed on file at the Charlevoix Township Office.

- 9) "Boundary" means the boundary lines of the real property included within the Mineral Reserve District which are contiguous to other lands; the term "Boundary" does not include Lake Michigan shoreline.
- 10) "Buffer Zone" is a strip of land designed to protect one land use from another.
- 11) "Disturbed Land" means all lands that have been devoted to active Stockpiling or Open Pit Quarrying during the preceding twelve (12) months.
- 12) "Environmental Impact Assessment" means a review of a proposed operation describing the physical features and plan of operation with emphasis on economics and the environment.
- 13) "Environmental Plan" means an Operator's written proposal for reclamation of the mining area or portion thereof.
- 14) "Erosion" means the spillage of earth materials from lands under the control of the Operator across a Boundary, or Open Pit Quarrying on lands under the control of the Operation which

results in the spillage of earth materials from lands not under the control of Operator unto lands under the control of the Operator.

15)“Face” means the side or nearly vertical area of an Open Pit Quarry.

16)“Floor” means the bottom or nearly horizontal area of an Open Pit Quarry.

17)“Groundwater” means underground water within the zone of saturation.

18)“Inactive Land” means all land within this District which is neither disturbed land nor abandoned land.

19)“Increase in Magnitude of Existing Mining Operation” means an increase in the design capacity existing on the effective date of this Ordinance.

20)“Mineral” means an organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but is not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, limestone, shale, and uranium.

21)“Mining” means any or all parts of the process involved in the extraction of a mineral in the regular operation of business by removing the Overburden lying over natural deposits thereof and mining directly from the natural deposits thereby exposed or from deposits lying exposed in their natural state, and the processing and transportation of minerals. “Mining” does not include mining of limited amounts of materials for the purpose of exploration and to the extent necessary to determine the location, quantity or quality of a mineral deposit. “Mining” means “Open Pit Quarrying” and “Quarrying”.

22)“Mining area” or “area subject to mining” means an area of land from which material is removed in connection with the production or extraction of minerals by surface or open pit mining methods, the lands on which material from that mining is deposited, the lands on which beneficiation or treatment and auxiliary facilities are located, the lands on which the water reservoirs used in the mining process are located, and auxiliary lands which are used.

23)“Noise Pollution” except as herein defined with respect to “Blasting Pollution” means emission of sound exceeding the average ambient for a continuous duration. Objectionable noises, which exceed the limits set forth below, due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses. Equipment on licensed sites at any time or under any condition shall not be operated so as to result in noise exceeding the following levels for specified adjacent land uses when measured at the common property line nearest the active work area:

Adjacent use Maximum Sound Level

Residential 75 dBA

Commercial 85 dBA

Industrial and other 90 dBA

The Township shall monitor noise levels using weighted decibel measurements (referenced to 20 micropascals) with a type of audio output meter approved by the United States Bureau of Standards.

24)“Open Pit Quarrying” and “Quarrying” means any or all parts of the process involved in the extraction of a mineral in the regular operation of business by removing the overburden lying over natural deposits thereof and mining directly from the natural deposits thereby exposed or from deposits lying exposed in their natural state, and the processing and transportation of minerals. “Open Pit Quarrying” and “Quarrying” does not include quarrying of limited amounts of materials for the purpose of exploration and to the extent necessary to determine the location, quantity or quality of a mineral deposit. “Open Pit Quarrying” and “Quarrying” means “Mining”.

25)“Operational Plan” means a written narrative description outlining the estimated life span of the operation, the type of material to be extracted, and other operational aspects of the mining activity.

26)“Operator” means an owner, lessee, or manager, having mineral rights, engaged in or preparing to engage in mining operations with respect thereto for the production of mineral products.

27)“Overburden” designates material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores.

28)“Post” means to place and maintain signs having letters at least 2 inches in height stating “Private Keep Out” or similar wording spaced so that not less than one such sign shall be visible in the area posted.

29)“Reclaim” means to recondition or rehabilitate Abandoned Lands within thirty-six (36) months following the date of abandonment in accordance with the Reclamation Plan. Reclamation of lands devoted to structures shall be completed upon removal of said structures and revegetation of the land. Reclamation of the Floor of an Open Pit shall be completed upon excavation of said Pit to an appropriate depth for lake purposes. Reclamation of the Face of an Open Pit along the perimeter shall be completed upon the stepping or Sloping of said Face in a manner to permit a person to escape from water filling the Pit. Reclamation of Stockpiles shall be completed upon sloping and vegetating same. In the vegetating of Stockpiles or lands formerly occupied by structures, reclamation shall be considered complete when such vegetation has attained fifty percent (50%) ground coverage.

30)“Reclamation” means that reconditioning or rehabilitation of the mining area or portions thereof for useful purposes and the protection of the natural resources, including the control of erosion and the prevention of the land or rock slides and air and water pollution.

31)“Reclamation Plan” means a written and graphic plan of a mining area or portions thereof, prepared by the Operator for the reconditioning or rehabilitation of abandoned land for useful purposes, and the protection of natural resources including, but not limited to, the control of erosion and the prevention of land or rock slides and air or water pollution.

32)“Screen” means to limit visibility through one or more of the following techniques: Buffer Zone; Berm; plant material which will attain a height of at least twenty five (25) feet at maturity; solid fence or wall constructed to a height of twenty five (25) feet.

33)“Site Plan” means a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features (both natural and man-made) and, depending on requirements, the locations of proposed utility lines.

34)“Slope” means to form into an incline downward or upward to a degree designed to limit erosion.

35)“Stockpile” means an artificial accumulation or deposit of overburden or other process byproduct.

36)“Township Mining Inspector” or “Mining Inspector” means an individual appointed and/or retained by the Charlevoix Township Board to serve until appointment is rescinded and who shall have such duties and authority in the administration of the within Ordinance as may be from time to time established by the Charlevoix Township Board and who shall at all times be responsible to the Charlevoix Township Board.

37)“Vegetate or Revegetate” means to permit volunteer grass, shrubs and trees to grow, or to plant grass, shrubs and trees, to limit erosion, and “Vegetation” or “Revegetation” means grass, shrubs and trees.

38)“Water Pollution” means the discharge of any substance into any lake, creek or stream in amounts exceeding levels established by Charlevoix Township and/or the Department of Environmental Quality rules governing discharge of waste or wastewater to groundwater under Part 31, Water Resource Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, as well as those standards established by the Federal Clean Water Act, Code of Federal Regulations Title 40: Protection of Environment, Chapter 1, Subchapter D – Water Programs.

39)“Water Table” means the stable, year-round underground water level.

40)“Planning Commission” means the Charlevoix Township Planning Commission.

ARTICLE V

District Regulations: No new mining operation shall commence, nor shall any existing mining operation be increased in magnitude, after adoption of this Ordinance until the Operator has complied with Sections 1, 2 and 3 of this Article. If any of the following information is available in the form of any Environmental Impact Assessment or other appropriate document which is required to be submitted to State and/or Federal agencies, a copy of such assessment or document may be submitted in place of the following appropriate items.

Partial compliance will be met when the applicant has placed on file the following planning documents, including a cover letter with the signature of the applicant or the applicant's authorized agent, with the Township Zoning Administrator, Clerk, and Mining Inspector.

1) Site Plan containing:

- a) The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- b) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding five (5) feet.
- c) The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.
- d) Natural features such as woodlots, streams, and lakes, or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.
- e) Proposed streets, driveways, parking spaces, loading spaces, and sidewalks. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
- f) The size and location of all existing and proposed public and private utilities and required landscaping.
- g) A vicinity sketch showing the location of the site in relation to the surrounding street system.
- h) A legal description of the land included in the site plan; and the name, address, and telephone number of the Operator.
- i) Proposed location, area extent, estimated depth of excavation, and a timetable for the preceding.
- j) Proposed location of waste dumps, tailing pounds, sediment bases, stockpiles, and other permanent or temporary facilities used in mining.
- k) A description of the general groundwater conditions, its chemical characteristics, and the anticipated impact of mining operations upon adjacent water table levels and quality, if any. The Operator must identify plans to alleviate possible problems in the water table supply to adjacent land owners.

2) **Operation Plan containing:**

- a) **A narrative description outlining the estimated life span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater flow; proposed travel routes to be used to transport the mined material to processing plants or markets, and the proposed steps to be taken to relieve adverse effects.**
- b) **A narrative description of the social and economic impact on Charlevoix Township and Charlevoix County, including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.**
- c) **Proof of required state and federal permits or affidavit of application for state and federal permits relating to pollution control.**
- d) **A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.**
- e) **Identification of plans for utilities, access roads, drains, streams and watershed, traffic plans, and other on-site improvements showing appropriate measures that have been, or are to be provided.**
- f) **Measures to limit noise, vibration, and dust levels at the property lines to prevent harm or nuisance to adjacent property.**

3) **Reclamation Plan containing:**

- a) **Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses.**
- b) **Description of topsoil stripping, if any, and where contemplated, and conservation measures during storage and replacement.**
- c) **Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.**
- d) **Plans for disposition of surface structures, roads, and related facilities after cessation of mining.**
- e) **A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.**

ARTICLE VI

Regulations: All lands within this District shall be subject to the following regulations, which regulations shall be interpreted and administered in accordance with the definitions contained in this ordinance:

- 1) This Operator shall not cause or permit air pollution, noise pollution, blasting pollution or water pollution in connection with any permitted use within this district.
- 2) The Operator shall berm or screen between an open pit quarry area and any part of a boundary located within two hundred (200) feet.
- 3) The Operator shall post the portion of any boundary within five hundred (500) feet of an open pit quarrying area.
- 4) The Operator shall berm or screen that portion of any boundary contiguous to lands zoned "residential" and/or occupied for residential purposes within two hundred (200) feet of disturbed lands, and shall berm or screen that portion of any boundary between a structure occupied for residential purposes if such structure is within two hundred (200) feet of disturbed lands. The operator will use a form of a dust suppression daily in the construction of the berm and the operator will not construct more than one weeks worth of berm without appropriate dust control and shall apply vegetation seed to establish a natural dust and erosion control during the next appropriate growing season.
- 5) No land shall be disturbed nor any structure, except for Berms and/or Screens, shall be erected within twenty five (25) feet of any boundaries.
- 6) Maximum height of all buildings shall be Three Hundred Fifty (350) Feet.
- 7) The Operator shall not divert or impound groundwater in any manner prohibited by the County of Charlevoix, State of Michigan or the United States of America.
- 8) The Operator shall comply with Article IV, paragraph 8 within three (3) months of the effective date of this ordinance, as amended.
- 9) The Township Clerk shall certify to the Township Board, Operator, the Township Mining Inspector and the issuer of any surety bond or other acceptable financial instrument the filing of such bond and the reclamation of any abandoned lands (or previously disturbed lands) and the number of acres so reclaimed within thirty (30) days following receipt of the annual plan and certification of such reclamation by Operator.
- 10) New Operators legally operating in the Township at the effective date of this ordinance, shall submit a site plan, reclamation plan, and operational plan within twelve (12) months of the effective date of this ordinance, in accordance with the provisions of Article V hereof.
- 11) Minimum district size shall be one hundred (100) acres.
- 12) In the event that Operator shall apply to the State of Michigan or the United States of America for a permit affecting land lying within three hundred (300) feet of any lake, creek, or stream,

(whether occurring naturally or by man made means) the Operator shall cause a notice of the filing of such application to be published in a newspaper of general circulation in Charlevoix County, Michigan, within fifteen (15) days of the date upon which such application is filed, and in the event that a public hearing is to be held on any such application the Operator shall request that such public hearing be held in Charlevoix County, Michigan.

ARTICLE VII

For purposes of establishing a new mining operation, the applicant shall submit the site plan, reclamation plan, and the operational plan to the Township Mining Inspector, provided that no reclamation plan shall be required for extraction of less than five hundred (500) cubic yards of minerals from a site of less than one (1) acre. The Operator shall also submit copies of such plans to the Township Clerk. Within twenty (20) days of receipt of such plans, the Township Mining Inspector shall provide the Operator and the Township Clerk a written report identifying any information or document required by this ordinance but not provided by the Operator, together with a written analysis of any alleged violation of any provision of this ordinance or inadequacy of any plan and any changes which the Township Mining Inspector recommends. Within thirty (30) days of the Township Clerk's receipt of the written report and analysis from the Township Mining Inspector, the Township Board shall conduct a public hearing for purposes of receiving comment on the Plan, and within twenty (20) days of the date of such public hearing the Township Board shall accept or reject the Plans and shall provide written notification to the Operator of such acceptance or rejection, and in the event of rejection the Township Board shall simultaneously provide a written statement of the specific findings of fact and specific basis for rejection of such Plans. The Operator may request a rehearing before the Township Board or may appeal the rejection of a Plan by the Township Board to the Circuit Court for the County of Charlevoix. If the Operator requests a rehearing, the Township Board shall conduct same at its next regular meeting and at such meeting shall provide the Operator with a written decision on such rehearing.

ARTICLE VIII

For existing mining operations the Operator shall submit Annual Plans to the Township Mining Inspector and the Township Clerk for review based upon approved Site, Operational and Reclamation, and Environmental Plans. The Annual Plans shall contain the following:

- (1) An accurate plan on a topographic base, with an appropriate scale, shall be submitted in duplicate to the Township Mining Inspector and the Township Planning Commission on or before March 31.
- (2) The map shall show the following as of as of December 31 of the previous year, using symbols and with legend, so as to distinguish:
 - (a) Location and boundary of the mining area.
 - (b) Mine plant or plants.
 - (c) Open pit or pits
 - (d) Surface overburden stockpiles.
 - (e) Waste rock stockpiles.
 - (f) Lean ore stockpiles.
 - (g) Streams, creeks, lakes, and reservoirs.
 - (h) Roads.
 - (i) Changes in the mining area during the preceding year, indicated by symbols or crosshatching that provide suitable distinction.

- (j) Anticipated changes in the mining area during the current year, indicated by symbols or crosshatching that provide suitable distinction.
 - (k) Elevations of stockpiles, plant(s) and structures associated with the operation of the mine and processing facilities.
 - (l) Drainage on and away from the mining area, showing directional flow of water in drainage ways, natural watercourses, and streams, intermittent and flowing, including discharge from the mining operation.
 - (m) Name of geologist, engineer, or surveyor responsible for the preparation of the map.
 - (n) Date of preparation.
- (3) The map shall be accompanied by a report providing a narrative description of that which has been depicted graphically.

The Township Mining Inspector and the Township Planning Commission shall review the Annual Plan within thirty (30) days of its submission by the Operator, to insure compliance with approved Site, Operational and Reclamation Plans, and the Township Planning Commission shall provide the Operator and the Township Board with written specification of any alleged non-compliance therewith. At the request of the Operator, the Township Board shall review the findings of the Township Planning Commission and notify the Planning Commission and the Operator of its concurrence or non-concurrence. If the Township Board concurs with the findings of the Township Planning Commission, the Township Mining Inspector shall issue a violation notice permitting the Operator thirty (30) days in which to correct the alleged violation. The Operator may seek review of any adverse determination of the Planning Commission by the Circuit Court of Charlevoix County.

Environmental Plan

- (1) Upon request of the Planning Commission, yet not to exceed five (5) years an Operator shall submit his long-range Environmental Plan for the mining area.
- (2) An Operator, on his own initiative, may submit an Environmental Plan covering the mining area or any portion thereof to the Planning Commission at any time prior to abandonment.
- (3) An Environmental Plan shall include the following:
 - (a) A detailed description of the mining area.
 - (b) The reclamation problems involved.
 - (c) The Operator's plan of action to prevent erosion and pollution, to attain revegetation, and to achieve the ultimate reclamation of the mining area in accordance with the purposes and requirements of the act (Public Act No.451) and the rules adopted thereunder.
 - (d) An estimated time schedule for completion of the plan, and the proposed purpose for which the land is to be used upon completion.
 - (e) Estimated cost of reclamation.
 - (f) Other pertinent information that the supervisor may deem necessary.

Evaluation of Environmental Plan

Upon receipt of an Environmental Plan, the Township Planning Commission shall evaluate it in terms of reclamation required by the Act. The Mining Inspector may consult with and obtain assistance of other divisions of the department in the evaluation process. The Mining Inspector shall give the Township Board recommendations within thirty (30) days of his receipt of the plan, which they may then reject the plan or any part thereof, and shall give reasons in writing, together with recommendations for modifications of a plan to meet his objection, if the recommendation specified by a plan does not conform to the requirements of Part 631, 1994 Public Act No. 451, as amended.

ARTICLE IX

Changes in Plans: A new Operator may alter, change or amend a Site Plan, Reclamation Plan or Operational Plan at any time by a submission of same for review, reporting, hearing, decision, approval, rehearing and appeal provisions of Article VII, or in the case of an existing mining operation, the Operator, pursuant to the provisions of Article VIII.

ARTICLE X

Fines: Violations of the mineral resource district shall subject the Operator to a fine of One Thousand (\$1,000) Dollars, for each day such violation shall continue.