

Act No. 66  
Public Acts of 1990  
Approved by the Governor  
April 26, 1990  
Filed with the Secretary of State  
April 27, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Gnodtke, Hart, Stacey, Hickner, DeBeaussiaert, Owen, DeMars, Kosteva and Randall

# **ENROLLED HOUSE BILL No. 4993**

AN ACT to amend the title of Act No. 641 of the Public Acts of 1978, entitled as amended "An act to protect the public health and the environment; to provide for the regulation and management of solid wastes including ash resulting from the combustion of certain solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to impose certain charges on the disposal of solid waste in certain disposal areas; to prescribe penalties; to make an appropriation; and to repeal certain acts and parts of acts," as amended, being sections 299.401 to 299.437 of the Michigan Compiled Laws; and to add section 24a.

*The People of the State of Michigan enact:*

Section 1. The title of Act No. 641 of the Public Acts of 1978, as amended, being sections 299.401 to 299.437 of the Michigan Compiled Laws, is amended and section 24a is added to read as follows:

## **TITLE**

An act to protect the public health and the environment; to provide for the regulation and management of solid wastes including ash resulting from the combustion of certain solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to impose certain charges on the disposal of solid waste in certain disposal areas; to provide for certain fees; to prescribe penalties; to make an appropriation; and to repeal certain acts and parts of acts.

Sec. 24a. (1) Except as provided in subsection (3), a municipality may impose an impact fee of not more than 10 cents per cubic yard on solid waste that is disposed of in a landfill located within the municipality that is utilized by the public and utilized to dispose of solid waste collected from 2 or more persons. However, if the landfill is located within a village, the impact fee provided for in this subsection shall be imposed by the township in agreement with the village. The impact fee shall be assessed uniformly on all wastes accepted for disposal.

(2) Except as provided in subsection (3), a municipality may impose an impact fee of not more than 10 cents per cubic yard on municipal solid waste incinerator ash that is disposed of in a landfill located within the

municipality that is utilized to dispose of municipal solid waste incinerator ash. However, if the landfill is located within a village, the impact fee provided for in this subsection shall be imposed by the township in agreement with the village.

(3) A municipality may enter into an agreement with the owner or operator of a landfill to establish a higher impact fee than that provided for in subsections (1) and (2).

(4) The impact fees imposed under this section shall be collected by the owner or operator of a landfill and shall be paid to the municipality quarterly by the thirtieth day after the end of each calendar quarter. However, the impact fees allowed to be assessed to each landfill under this section shall be reduced by any amount of revenue paid to or available to the municipality from the landfill under the terms of any preexisting agreements, including, but not limited to, contracts, special use permit conditions, court settlement agreement conditions, and trusts.

(5) Unless a trust fund is established by a municipality pursuant to subsection (6), the revenue collected by a municipality under subsections (1) and (2) shall be deposited in its general fund to be used for any purpose that promotes the public health, safety, or welfare of the citizens of the municipality. However, revenue collected pursuant to this section 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 pursuant to subsection (4) unless the owner or operator of the landfill has instituted a lawsuit or other legal action against the municipality.

(6) The municipality may establish a trust fund to receive revenue collected pursuant to this section. The trust fund shall be administered by a board of trustees. The board of trustees shall consist of the following members:

(a) The chief elected official of the municipality creating the trust fund.

(b) An individual from the municipality appointed by the governing board of the municipality.

(c) An individual approved by the owners or operators of the landfills within the municipality and appointed by the governing board of the municipality.

(7) Individuals appointed to serve on the board of trustees under subsection (6)(b) and (c) shall serve for terms of 2 years.

(8) Money in the trust fund may be expended, pursuant to a majority vote of the board of trustees, for any purpose that promotes the public health, safety, or welfare of the citizens of the municipality. However, revenue collected pursuant to this section shall not be used to bring or support a lawsuit or other legal action against the owner or operator of a landfill who is collecting an impact fee pursuant to subsection (4) unless the owner or operator of the landfill has instituted a lawsuit or other legal action against the municipality.

Section 2. This amendatory act shall take effect July 1, 1990.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

