

TOWNSHIP OF SOUTH BRANCH, CRAWFORD COUNTY

Resolution No. 2 of 2026

RESOLUTION ESTABLISHING TRANSFER STATION RATES FOR RESIDENTIAL PROPERTIES. AUTHORIZING THE TOWNSHIP ASSESSOR TO DETERMINE WHICH RESIDENTIAL PROPERTIES SHALL BE SUBJECT TO THE RATES, ESTABLISHING RATES FOR PROPERTIES WITHOUT A DWELLING, PROPERTIES WITH A STRUCTURE AND NO DWELLING, PROPERTIES WITHOUT A DWELLING USED FOR OVERNIGHT CAMPING UNDER THE TERMS AND CONDITIONS OF THE TOWNSHIP'S ZONING ORDINANCE, AND AUTHORIZING THE TOWNSHIP ZONING ADMINISTRATOR TO CERTIFY TO THE TOWNSHIP ASSESSOR WHICH PROPERTIES WITHOUT A DWELLING SHALL BE SUBJECT TO THE RATES.

At a regular meeting of the Township Board for the Township of South Branch, Crawford County, Michigan, held at the South Branch Township Hall located at 5245 N. M-18, Roscommon, Michigan on the 8 day of September 2026.

The following resolution was offered by M. Janisse and supported by C. Lewis.

RESOLUTION

Recitals

- A. The South Branch Township Board at its regular meetings on September 8, 1998, and October 13, 1998, consulted with the township attorney concerning establishing a rate to be paid by the owners of residential properties that were authorized to use the township's transfer station to process or dispose of refuse and garbage generated at those residential properties.
- B. Pursuant to the advice of the township attorney, the legal basis cited to establish the rate for use of the township's transfer station was MCL 123.243.
- C. Although MCL 123.243 had been repealed by the Natural Resources and Environmental Protection Act of 1994, Act 451 of the Public Acts of 1994, the substance of that statutory provision had been reenacted as Part 43 of the Natural Resources and Environmental Protection Act of 1994, MCL 324.4301, *et seq*, which remains currently in effect.
- D. MCL 324.4306 authorizes the township board to enter into a contract with a person, including a company, to receive and process garbage and refuse of the township and to assess the owners of the property served a reasonable charge to be collected as provided in part 43 and paid into a fund to be used to defray the contract charges.
- E. MCL 423.4303 authorizes the township board to establish just and equitable rates or charges to be paid to the township for the use of the transfer station, authorizes that those rates or charges be certified to the tax assessor and assessed against the premises served, and that those rates and charges be collected, assessed, collected, and returned.

- F. Pursuant to the above statutory, the township board at its regular meeting on November 10, 1998, accepted a bid from Waste Management to dispose and process garbage and refuse at the township's transfer station and established the refuse fee at \$65.00 for that Winter's tax bill. The fee was increased and in tax year 2025 are \$100.00.
- G. The township has continued its garbage and refuse contract with Waste Management and has adjusted the refuse fee as necessary over these years to defray the contract charges.
- H. While the township has historically utilized a formula to describe which residential properties were subject to the refuse fee, that formula has never been adopted by resolution of the township board.
- I. Because the township board anticipates that garbage and refuse contracts will continue in the future, with either Waste management or other waste collection companies, and because it will be necessary to establish just and equitable rates or charges to defray those contract charges in the future, the township board desires to formally describe which residential properties are served by the contract and whose owners shall be subject to the refuse fee, and to authorize the township assessor to determine annually what residential properties fall within the description and thus would subject the owners of those properties to the refuse fee each year.
- J. The township board desires to establish the rates to be paid to the township for the use of the transfer station and to include in this rates owners of property with a dwelling, with a structure and no dwelling, and properties without a dwelling and used for overnight camping under the terms and conditions of the township's zoning ordinance. These properties have been identified by the Township Board as being served by the transfer station contract.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the South Branch Township Board:

1. The owners of the following described real property within South Branch Township served by the refuse contract and transfer station shall be subject to a refuse fee to defray the costs of contracts entered into by the township for garbage and refuse collection and processing, as established from time to time by a separate resolution or motion of the South Branch Township Board:
 - Regardless of the number of parcels combined on a single tax bill, each parcel on which is located a habitable, residential dwelling, except for a guesthouse located on the same parcel as the primary dwelling. For the purpose of being exempt from the refuse fee, a guesthouse shall mean a second dwelling on a parcel that is actually inhabited less than six (6) months in any calendar year.
 - A parcel with a separate tax bill, without a dwelling and with a structure over 200 square feet shall be subject to a refuse fee to defray the costs of contracts entered into by the township for garbage and refuse collection and processing.

- A property without a dwelling that is used for overnight camping under the terms and conditions of the townships' zoning ordinance shall be subject to a refuse fee to defray the costs of contracts entered into by the township for garbage and refuse collection and processing, as established from time to time by a separate resolution or motion of the South Branch Township Board.
2. The township assessor is hereby given the authority to determine which residential dwellings fall within the above description as of November 1 each year. This authority includes the power to add dwellings and to remove dwellings from the refuse fee as needed from time to time.
 3. The authority to add property and to remove property from the refuse fee assessment is within the responsibility of the township assessor and/or the township supervisor.
 4. As authorized by MCL 324.4303, the refuse fee established by the township board shall be certified by the township assessor annually, assessed against the real property as described in this resolution, and collected or returned in the same manner as municipal taxes are certified, assessed, collected, and returned.
 5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and that same are hereby rescinded.

Lewis Aye

Janisse Aye

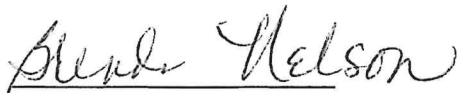
Barritt Aye

Nelson Aye

Sylvester Aye

Resolution was passed on **September 8, 2026** Township of South Branch.


Anna Sylvester, Supervisor


Brenda Nelson, Clerk