

The chamber approved HB 4485 (63-46) and HB 4486 (64-45) revising definitions regarding solid waste and municipal incinerators. They also **require counties to have a five-year solid waste management plan that would be submitted to the state on a rotating basis. Counties could work out a plan jointly, but regardless, the plan has to be approved by at least 67 percent of the municipalities in the voting area or else the state will determine a final solid waste plan for the county.**

=====

We could distribute the following for information and ask for comments/discussion, if any:

**Counties Have Complete Site Control**

Counties can decide what to do on their own property regardless of township ordinances, according to a recently released Court of Appeals decision.

In Joe HERMAN v. County of Berrien, case No. 273021, Herman and several other Coloma Charter Township citizens brought the County to court after the County decided to construct a law enforcement training facility.

The homeowners were upset because the facility also included a shooting range adjacent to their property. The homeowners complained that the shooting range violated township noise ordinances, among other township laws.

The citizens argued that state law requires counties to comply with township ordinances when a county building is built within township borders. Both the trial court and the Court of Appeals ruled in favor of the county, citing the following law that allows counties to "erect the necessary buildings for jails, clerks' offices and other county buildings and prescribe the time for erecting them."

The courts interpreted this to mean that the counties have "sole discretion on where to locate its buildings without regard to local use regulation. Therefore, when a county sites a county building or buildings on a particular parcel, the uses of the sites where the building will be erected can be in total contravention to what is required by any township ordinances."

Court of Appeals Justices Christopher MURRAY and Peter O'CONNELL signed the majority opinion.

Judge Alton DAVIS wrote a dissent.

"It is a decision that should be of grave concern to every owner of real property in this state," he wrote. "It confers unfettered license on county commissioners to disregard township zoning regulations and ordinances for any county purpose as those purposes may be determined by a given board of commissioners."

Davis argues that the same law also limits the county's control to the buildings themselves and the "normal, necessary and incidental activities involved in using the building itself," not activities surrounding the buildings.

=====