

14.05000

**STORM WATER ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 386 eff. Dec. 12, 2003**

An Ordinance to provide for the regulation and control of storm water runoff; to provide for storm water permits and the procedures and standards for the issuance thereof; to provide for payment or reimbursement of costs and expenses incurred by the Charter Township Grand Haven associated with storm water permits and the consideration thereof; to establish standards and requirements for the protection of floodways and for the control of soil erosion and sedimentation; to adopt other provisions for the establishing, maintaining and protection of drains and drainageways; to provide regulations for the inspection, sampling and monitoring of storm water and other discharges; to establish performance and design standards for storm water management in specified zones of the Charter Township of Grand Haven; to regulate non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law; to establish methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II permit process; and to provide penalties for violations of the Ordinance.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,
ORDAINS:

14.05100 ARTICLE I: GENERAL

14.05101 Sec. 1.01 STATUTORY AUTHORITY AND TITLE

This ordinance is adopted in accordance with the Charter Township Act, as amended, being MCL 42.1, et seq.; the Township and Village Public Improvement Act, as amended, being MCL 41.721, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; and the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

This ordinance shall be known and may be cited as the Charter Township of Grand Haven Storm Water Ordinance.

14.05102 Sec. 1.02 FINDINGS

The Charter Township of Grand Haven finds that:

1. Water bodies, roadways, structures, and other property within, and downstream of the Township are at times subjected to flooding;
2. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the Township and the region;
3. Land development alters the hydrologic response of watersheds, resulting in increased storm water runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
4. Storm water runoff produced by land development contributes to increased quantities of waterborne pollutants;
5. Increases of storm water runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and cause deterioration of the water resources of the Township and downstream municipalities;
6. Storm water runoff, soil erosion, and non-point source pollution, due to land development within the Township, have resulted in a deterioration of the water resources of the Township and downstream municipalities;
7. Increased storm water runoff rates and volumes, and the sediments and pollutants associated with storm water runoff from future development projects within the Township will, absent reasonable regulation and control, adversely affect the Township's water bodies and water resources, and those of downstream municipalities;
8. Storm water runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of storm water runoff from development;
9. Adopting the standards, criteria and procedures contained in this ordinance and implementing the same will address many of the deleterious effects of storm water runoff;
10. Adopting these standards is necessary for the preservation of the public health, safety and welfare;
11. Illicit discharges contain pollutants that will significantly degrade the Township's water bodies and water resources;
12. Illicit discharges enter the municipal separate storm sewer system (MS4) through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets);

13. Establishing the measures for controlling illicit discharges and connections contained in this ordinance and implementing the same will address many of the deleterious effects of illicit discharges.

14.05103 Sec. 1.03 PURPOSE

It is the purpose of this ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

1. To reduce artificially induced flood damage;
2. To minimize increased storm water runoff rates and volumes from identified new land development;
3. To minimize the deterioration of existing watercourses, culverts and bridges, and other structures;
4. To encourage water recharge into the ground where geologically favorable conditions exist;
5. To prevent an increase in non-point source pollution;
6. To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
7. To minimize the impact of development upon stream bank and stream bed stability;
8. To reduce erosion from development or construction projects;
9. To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;
10. To reduce storm water runoff rates and volumes, soil erosion, and non-point source pollution, wherever practicable, from lands that were developed without storm water management controls meeting the purposes and standards of this ordinance;
11. To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient storm water management controls;
12. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user;

13. To prohibit illicit discharges and connection to the municipal separate storm sewer system;
14. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance.

14.05104 Sec. 1.04 APPLICABILITY, EXEMPTIONS AND GENERAL PROVISIONS

1. This ordinance shall apply to any development site which requires approval of a plat, a site development plan, building permit, or any other permit for work which will alter storm water drainage characteristics of the development site, provided, however, that this ordinance shall not apply to the following:
 - A. The installation or removal of individual mobile homes within a mobile home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park.
 - B. Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to livestock production facilities as defined in this ordinance, greenhouses and other similar structures.
 - C. Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this ordinance, where such approvals remain in effect.
2. This ordinance shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted.

14.05105 Sec. 1.05 DEFINITIONS

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section unless the context in which they are used specifically indicates otherwise:

1. Authorized Enforcement Agency: Employees of the Township designated to enforce this ordinance by the superintendent, or in his or her absence, the director of public works.
2. Base Flood: A flood having a one (1) percent chance of being equaled or exceeded in any given year (using Bulletin 71).

3. Base Flood Elevation: The high water elevation of the Base Flood, commonly referred to as the “100-year flood elevation”.
4. Base Flood Plain: The area inundated by the Base Flood.
5. Best Management Practices (BMPs): A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality's Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this ordinance (including, but not limited to minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the Township Engineer, and, where appropriate, the standards of the Ottawa County Drain Commissioner.
6. Building Opening: Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.
7. Clean Water Act: The Federal Water Pollution Control Act, 33 USC Sec 1251 et seq., as amended, and the applicable regulations promulgated thereunder.
8. Construction Site Storm Water Runoff: Storm water runoff from a development site following an earth change.
9. Design Engineer: Registered and licensed professional engineer in the State of Michigan responsible for the design of a drainage plan.
10. Detention: A system that is designed to capture storm water and release it over a given period of time through an outlet structure at a controlled rate.
11. Developed or Development: The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, the Township's approval of a site plan, plat, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for purposes of Article II only, developed or development shall not include the actual construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling.
12. Developer: Any person proposing or implementing the development of land.
13. Development Site: Any land that is being or has been developed, or that a developer proposes for development.

14. Discharger: Any person or entity that directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission, which is or results in a violation of this ordinance.
15. Drain: Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et. seq., other than an established county or intercounty drain.
16. Drainage: The collection, conveyance, or discharge of ground water and/or surface water.
17. Drainageway: The area within which surface water or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.
18. Earth Change: A human made change in the natural cover or topography of land, including cut and fill activities. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.
19. EPA: The United States Environmental Protection Agency.
20. Erosion: The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.
21. Exempted Discharges: Discharges other than storm water as specified in Section 4.02 of this ordinance.
22. Federal Emergency Management Agency (FEMA): The agency of the federal government charged with emergency management.
23. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.
24. Floodplain: Any land area subject to periodic flooding.
25. Flood-Proofing: Any structural and/or nonstructural additions, changes, or adjustments to structures or property that reduce or eliminate flood damage to land, or improvements, including utilities and other structures.
26. Flood Protection Elevation (FPE): The Base Flood Elevation plus one foot (1') at any given location.

27. Floodway: The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth (1/10th) of a foot due to the loss of flood conveyance or storage.
28. Grading: Any stripping, clearing, stumping, excavating, filling, leveling and/or stockpiling of soil or any combination thereof and the land in its excavated or filled condition.
29. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
30. Illicit Connection: Any method or means for conveying an illicit discharge into water bodies or the Township's storm water system.
31. Illicit Discharge: Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this ordinance.
32. Impervious Surface: A surface, such as a paved or gravel driveway, roof, parking area or road that prevents the infiltration of water into the soil.
33. Livestock Production Facility: An agricultural activity, in which one hundred (100) or more livestock are fed, bred and/or raised within a confined area, other than an open pasture either inside or outside an enclosed building.
34. Lowest Floor: The lowest floor or the lowest enclosed area (including a basement), but not including an unfinished or flood-resistant enclosure, which is usable solely for parking of vehicles or building access.
35. MDEQ: Michigan Department of Environmental Quality.
36. Municipal Separate Storm Sewer System (MS4): A publicly owned conveyance system designed or used for collecting or conveying storm water.
37. NPDES: National Pollution Discharge Elimination System.
38. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of pollutants to waters of the United States. The permit may be applicable on an individual, group, or general area-wide basis.

39. Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.
40. OCDC: Ottawa County Drain Commissioner.
41. Overland Flow-way: Surface area that conveys a concentrated flow of storm water runoff.
42. Person: An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.
43. Plan: Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these, which contain information pursuant to this ordinance.
44. Pollutant: A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.
45. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
46. Property Owner: Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.
47. Retention: A system that is designed to capture storm water and contain it until it infiltrates the soil or evaporates.
48. Soil Erosion: The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.
49. State of Michigan Water Quality Standards: All applicable State rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.
50. Storm Drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, ground water and drainage.

51. Storm Water Permit: A permit issued by either the Ottawa County Drain Commission pursuant to state law or the Township pursuant to this ordinance.
52. Storm Water Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.
53. Storm Water Runoff: The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.
54. Storm Water Management Facility: The method, structure, area, system, or other equipment or measures, which are designed to receive, control, store, or convey storm water.
55. Stream: A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.
56. Township: The Charter Township of Grand Haven
57. Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
58. Water Body: A river, lake, stream, creek or other watercourse or wetlands.
59. Watershed: A region draining into a water body.
60. Wetlands: Land characterized by the presence of hydric soils and water at a frequency and duration sufficient to support wetland vegetation or aquatic life.

14.05200 ARTICLE II: STORM WATER PERMITS

14.05201 Sec. 2.01 PERMIT REQUIRED

1. A developer shall not engage in any development without first receiving a storm water permit from the Township pursuant to Section 2.02 via the Township's site plan approval process.
2. The granting of a storm water permit shall authorize only such development for which the permit is required, subject to the terms of the permit, and it shall not be deemed to approve other development or other land use activities.

14.05202 Sec. 2.02 STORM WATER PERMIT REVIEW PROCEDURES

The Township shall grant a storm water permit as part of the site plan approval process, which may impose terms and conditions in accordance with Section 2.09, and which shall be granted only upon compliance with each of the following requirements.

1. The developer has submitted a drainage plan complying with Section 2.03.
2. The drainage plan contains a description of an adequate, temporary storm water retention system to prevent construction site storm water runoff, satisfying the requirements of Section 2.05, and the developer has obtained a soil erosion permit, if necessary.
3. The developer provides:
 - A. A permanent on-site storm water management system complying with the OCDC Standards & Specifications, and
 - B. Written construction plan approval from the OCDC.
4. The developer has paid or deposited the storm water permit review fee pursuant to Section 2.04.
5. The developer has paid or posted the applicable financial guarantee pursuant to Section 2.06.
6. The developer provides all easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance including, but not limited to, Section 7.02. All easements shall be acceptable to the Township in form and substance and shall be recorded with the Ottawa County Register of Deeds.
7. The drainage plan is designed in conformity with Township or OCDC design and performance standards for drains and storm water management systems, as set forth in Article VIII.
8. All storm water runoff facilities shall be designed in accordance with the then-current BMPs.
9. The developer provides the required maintenance agreement for routine, emergency, and long-term maintenance of all storm water management facilities. This agreement shall be in compliance with the approved drainage plan and this Ordinance including, but not limited to, Section 7.03. The maintenance agreement shall be acceptable to the Township in form and substance and shall be recorded with the Ottawa County Register of Deeds.

14.05203 Sec. 2.03 DRAINAGE PLAN

During the site plan approval process, the developer shall provide a drainage plan to the Township for review and approval by the Township and OCDC. The drainage plan shall identify and contain all of the following:

1. The location of the development site and water bodies that will receive storm water runoff.
2. The existing and proposed topography of the development site, including the alignment and boundary of the natural drainage courses, with contours having a maximum interval of one foot (using USGS datum). The information shall be superimposed on the pertinent Ottawa County soil map.
3. The development tributary area to each point of discharge from the development.
4. Calculations for the final peak discharge rates.
5. Calculations for any facility or structure size and configuration.
6. A drawing showing all proposed storm water runoff facilities with existing and final grades.
7. The sizes and locations of upstream and downstream culverts serving the major drainage routes flowing into and out of the development site. Any significant off-site and on-site drainage outlet restrictions other than culverts should be noted on the drainage map.
8. An implementation plan for construction and inspection of all storm water management facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the storm water runoff facilities shown on the plan and an identification of the proposed inspection procedures to ensure that the storm water management facilities are constructed in accordance with the approved drainage plan.
9. A plan to ensure the effective control of construction site storm water runoff and sediment tracking onto roadways.
10. Drawings, profiles, and specifications for the construction of the storm water runoff facilities reasonably necessary to ensure that storm water runoff will be drained, stored, or otherwise controlled in accordance with this ordinance.
11. A maintenance agreement, in form and substance acceptable to the Township, for ensuring maintenance of any privately-owned storm water

management facilities. The maintenance agreement shall include the property owner's written commitment to provide routine, emergency, and long-term maintenance of the facilities in perpetuity and, in the event that the facilities are not maintained in accordance with the approved drainage plan, the agreement shall authorize the Township to maintain any on-site storm water management facility as reasonably necessary, at the property owner's expense.

12. The name of the engineering firm and the registered professional engineer that designed the drainage plan and that will inspect final construction of the storm water runoff facilities.
13. All design information must be compatible for conversion to the Ottawa County Geographic Information System.
14. Any other information necessary for the Township and/or OCDC to verify that the drainage plan complies with the Township's and OCDC's design and performance standards for drains and storm water management systems.

14.05204 Sec. 2.04 STORM WATER PERMIT REVIEW FEES

1. All expenses and costs incurred by the Township and/or the OCDC directly associated with processing, reviewing and approving or denying a storm water permit application shall be paid (or reimbursed) to the Township or the OCDC from the funds paid directly to the OCDC or from a separate escrow account established by the developer, as provided in subsection (2). The Township may draw funds from a developer's escrow account to reimburse the Township and/or the OCDC for out-of-pocket expenses incurred by the Township and/or the OCDC relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:
 - A. Services of the Township Attorney directly related to the application.
 - B. Services of the Township Engineer directly related to the application.
 - C. Services of other independent contractors working for the Township, which are directly related to the application.
 - D. Any additional public hearings, required mailings and legal notice requirements necessitated by the application.
2. At the time a developer applies for a storm water permit through the site plan approval process, the developer shall either deposit with the Township, as an escrow deposit, an initial amount for the purpose of a

storm water review as determined by resolution of the Township Board for such matters and shall provide additional amounts as requested by the Township in such increments as are specified in said resolution **or** shall pay the required fees established by the OCDC for a storm water review. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed, and the final Township approval and acceptance of the development has occurred will be refunded to the developer with no interest to be paid on those funds. At no time prior to the Township's final decision on an application shall the balance in the escrow account fall below zero dollars. If the funds in the account are reduced to less than zero, the developer shall deposit into the account an additional amount as determined by Township Board resolution, before the application review process will be continued. Additional amounts may be required to be placed in the escrow account by the developer, at the discretion of the Township.

14.05205 Sec. 2.05 CONSTRUCTION SITE RUNOFF CONTROLS

Prior to making any earth change on a development site regulated by this ordinance, the developer shall first obtain a soil erosion permit from the OCDC issued in accordance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, if one is required. The developer shall install storm water management facilities and shall phase the development activities so as to prevent construction site storm water runoff and off-site sedimentation. During all construction activities on the development site, the Township Engineer may inspect the development site to ensure compliance with the approved construction site runoff controls.

14.05206 Sec. 2.06 FINANCIAL GUARANTEE

1. The Township Engineer shall not approve a storm water permit until the developer submits to the Township, in a form and amount satisfactory to the Township, a letter of credit or other financial guarantee for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan. Upon certification by a registered professional engineer that the storm water management facilities have been completed in accordance with the approved drainage plan including, but not limited to, the provisions contained in Section 2.03.8, the Township may release the letter of credit, or other financial guarantee subject to final Township acceptance and approval.
2. Except as provided in subsection (3), the amount of the financial guarantee shall be equal to the construction cost estimate provided by the developer of all storm water runoff facilities and site grading, unless the Township determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the developer in writing. In

determining whether an amount greater is appropriate, the Township shall consider the size and type of the development, the size and type of the on-site storm water system, and the nature of the off-site storm water management facilities the development will utilize.

3. The Township superintendent may waive the financial guarantee for a development if the OCDC or the Ottawa County Road Commission, as part of their review process, requires a letter of credit or other financial guarantee for the satisfactory construction of all storm water management facilities.
4. The Township superintendent may reduce or waive the amount of the financial guarantee for a development that will not increase the percentage of impervious surface of the development site by more than ten percent (10%).
5. This ordinance shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private storm water runoff facilities as well as those costs arising from the need to make other drainage improvements in order to reduce a development's impact on a drain consistent with adopted design standards.

14.05207 Sec. 2.07 CERTIFICATE OF OCCUPANCY

No certificate of occupancy shall be issued until storm water management facilities have been completed in accordance with the approved drainage plan; provided, however, the Township may issue a temporary certificate of occupancy if an acceptable letter of credit or other financial guarantee has been submitted to the Township, OCDC, or the Ottawa County Road Commission for the timely and satisfactory construction of all storm water management facilities and site grading in accordance with the approved drainage plan.

14.05208 Sec. 2.08 NO CHANGE IN APPROVED FACILITIES

Storm water management facilities, after construction and approval, shall be maintained in good condition, in accordance with the approved drainage plan, and shall not be subsequently altered, revised or replaced except in accordance with the approved drainage plan, or in accordance with approved amendments or revisions in the plan.

14.05209 Sec. 2.09 TERMS AND CONDITIONS OF PERMITS

In granting a storm water permit, the Township and/or the OCDC may impose such terms and conditions as are reasonably necessary to effectuate the purposes of this ordinance. A developer shall comply with such terms and conditions.

A permit is considered to be granted by the Township when site plan approval is granted to a development, unless authorization is required to be granted by the OCDC under state law and this approval has not been offered.

14.05300 ARTICLE III: STORM WATER SYSTEM, FLOODPLAIN AND OTHER STANDARDS, SOIL EROSION CONTROL

14.05301 Sec. 3.01 MANAGEMENT OF AND RESPONSIBILITY FOR STORM WATER SYSTEM

The Township is not responsible for providing drainage facilities on private property for the management of storm water on said property. It shall be the responsibility of the property owner(s) to provide for, and maintain, private storm water runoff facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body.

14.05302 Sec. 3.02 STORM WATER SYSTEM

All storm water management facilities shall be constructed and maintained in accordance with all applicable federal, state and local ordinances, and rules and regulations.

14.05303 Sec. 3.03 STORM WATER DISCHARGE RATES AND VOLUMES

The Township shall utilize the OCDC minimum design standards for storm water discharge release rates. However, if the Township Board makes a specific finding that the OCDC standards are insufficient, the Township is authorized to establish minimum design standards for storm water discharge release rates and to require dischargers to implement on-site retention, detention or other methods necessary to control the rate and volume of surface water runoff discharged into the storm water drainage system, in the following circumstances:

1. A parcel of land is being developed in a manner that increases the impervious surface area of the parcel; or
2. The discharge exceeds the Township approved pre-development discharge characteristics for the subject property, and the Township determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this ordinance.

14.05304 Sec. 3.04 FLOODPLAIN STANDARDS

1. All new buildings and substantial improvements to existing buildings shall be protected from flood damage up to the Flood Protection Elevation (FPE) and shall be in accordance with all applicable federal, state and local ordinances, and rules and regulations. Floodplain/floodway alteration shall be permitted only upon review and approval by the Township and OCDC, in accordance with an approved drainage plan. If authorized under state law, MDEQ review and approval is also required.

2. A drainage plan providing for the filling or alteration of a floodplain/floodway shall include provisions to minimize erosion, stabilize the stream bank and to protect water quality. A natural vegetation strip shall be maintained on each parcel or lot between the top of the stream bank and a line, each point of which is twenty-five feet (25') horizontal from the top of the stream bank toward the stream.
3. Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan and Soil Erosion & Sedimentation Control Permit. Such a plan may also include provisions for the acceptable replacement of flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

14.05305 Sec. 3.05 SOIL EROSION AND SEDIMENTATION CONTROL

1. All persons who cause, in whole or in part, any earth change to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited onto adjacent properties or into a storm water drainage system, a public street or right of way, wetland, creek, stream, water body, or floodplain. All development shall be in accordance with, Part 91 of Act No. 451 of the Public Acts of 1994, as amended, and all applicable federal, state and local ordinances, rules and regulations.
2. A Soil Erosion and Sedimentation Control (SESC) Permit is required for any earth change that is greater than one acre or less than five hundred feet (500') from any lake or stream. Permits are obtained from the SESC Agent in the OCDC Office.
3. During any earth change which exposes soil to an increased risk of erosion or sediment tracking, the property owner and any other persons causing or participating in the earth change shall do the following:
 - A. Comply with the storm water management standards of this ordinance.
 - B. Obtain and comply with the terms of a soil erosion and sedimentation control permit from the OCDC office.
 - C. Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment.
 - D. Prevent damage to or impairment of any water body on or near the location of the earth change or affected thereby.
 - E. Prevent damage to adjacent or nearby land.

- F. Apply for all required approvals or permits prior to the commencement of work.
- G. Proceed with the proposed work only in accordance with the approved plans and in compliance with this ordinance.
- H. Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this ordinance.
- I. Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil, sediment, debris or other materials within twenty-four (24) hours shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety.
- J. Refrain from grading lands at locations near or adjoining lands, public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage.

14.05306 Sec. 3.06 BUILDING OPENINGS

- 1. No building opening shall be constructed below the following elevations:
 - A. One foot above the 100-year floodplain.
 - B. The building opening established at the time of plat or development approval and on file in the Township and/or OCDC.
- 2. A waiver from elevations stated in Section 3.06.1 may be granted by the Township Engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.
- 3. If the OCDC has specified a minimum building opening at the time of plat or development approval or if construction occurs within the 100-year floodplain, upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this ordinance. This certificate shall attest that the building opening elevation complies with the standards of this ordinance. The permittee for the building permit shall submit the certificate to the Township Building Inspections official prior to the commencement of framing and/or structural steel placement. If the

surveyor should find that the minimum building opening elevation is below the elevation specified in Section 3.06.1.A or B, that opening must be raised using a method that meets with the approval of the Township. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum building opening elevation complies with the standards of this ordinance prior to the commencement of framing and or structural steel placement.

4. The Township Building Inspection Official may waive the required land survey under Section 3.06.3 if the minimum building opening appears to be at or above the elevation of adjacent buildings that have already been certified, or if a grade map shows that the low opening elevation of the building is at least three feet higher than the minimum building opening established pursuant to Section 3.06.1.

14.05307 Sec. 3.07 SUMP PUMP DISCHARGE

1. Whenever building footing drains are required or utilized, a direct connection between the footing drains through a sump pump-check valve system to a storm sewer is required. A gravity system is not permitted.
2. In cases where item (1) applies, a storm water lateral shall be provided for each parcel at the time of storm sewer construction.
3. Laundry facilities or other similar features shall not be connected to a footing drain or pump system discharging to footing laterals and the storm sewer system. Laundry facilities and interior sump pumps must be drained to the sanitary sewage disposal system.

14.05308 Sec. 3.08 PUBLIC HEALTH, SAFETY AND WELFARE

Protection of the public health, safety and welfare shall be a primary consideration in the design of all storm water runoff facilities.

14.05400 ARTICLE IV: PROHIBITIONS AND EXEMPTIONS

14.05401 Sec. 4.01 PROHIBITED DISCHARGES

1. No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with best management practices.
2. The Township is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Township's storm water drainage system.

14.05402 Sec. 4.02 EXEMPTED DISCHARGES

The following non-storm water discharges shall be permissible, provided that they do not result in a violation of State of Michigan water quality standards:

1. Water supply line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground water;
5. Uncontaminated ground water infiltration to storm drains;
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensate;
10. Individual residential car washing;
11. Dechlorinated swimming pool water;
12. Street wash water;
13. Discharges or flows from emergency fire fighting activities; and
14. Discharges for which a specific federal or state permit has been issued.

14.05403 Sec. 4.03 INTERFERENCE WITH NATURAL OR ARTIFICIAL DRAINS

1. It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, or drainageway without first submitting a drainage plan to the Township and receiving approval of that plan. Any deviation from the approved plan is a violation of this ordinance. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, or the public health, safety, or welfare. When any of the above activity involves an established County Drain, a Drain Use Permit is required from the OCDC.
2. No filling shall take place within a floodplain without a permit from the MDEQ. No blocking of flow within a floodway shall be allowed.
3. For an overland flow-way:
 - A. Silt fence shall not be permitted below the top of the bank of a water body.
 - B. Chain link fences shall be permitted if the Township and the OCDC determine that the fence will not obstruct or divert the flow of water.
 - C. If a fence is removed by the Township or OCDC for drain access or drain maintenance, the fence shall be replaced by the owner of

the fence at the owner's expense, as long as the owner complies with Item (2) above.

D. No shrubs or trees shall be planted below the top of the bank of a water body.

4. Shrubs, trees or other aboveground vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

14.05404 Sec. 4.04 STORAGE OF HAZARDOUS OR TOXIC MATERIALS IN DRAINAGEWAY

Except as permitted by law, it shall be unlawful for any person to store or stockpile within a drainageway any hazardous or toxic materials unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a drainageway.

14.05405 Sec. 4.05 DISCHARGE PROHIBITIONS

1. Prohibition of Illicit Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

A. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

B. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or water discharge order issued to the discharger and administered under the authority of the Federal Environmental requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

2. Prohibition of Illicit Connections

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection

was permissible under law or practices applicable or prevailing at the time of connection.

- C. A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the MS4, or allows such a connection to continue.

14.05500 ARTICLE V: INSPECTION-MONITORING, REPORTING, AND RECORDKEEPING

14.05501 Sec. 5.01 INSPECTION AND SAMPLING

To assure compliance with the standards in this pervasively regulated area, the Township may inspect and/or obtain storm water samples from storm water management facilities of any discharger to determine compliance with the requirements of this ordinance. Upon request, the discharger shall allow the Township's or OCDC's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Township shall provide the discharger reasonable advance notice of such inspection and/or sampling. The Township or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

14.05502 Sec. 5.02 STORM WATER MONITORING FACILITIES

A discharger of storm water runoff shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the Township. The Township may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling and flow measurement of discharges in order to determine whether adverse effects from or as a result of such discharges may occur. All such equipment and devices for the inspection, sampling and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances and regulations.

14.05503 Sec. 5.03 ACCIDENTAL DISCHARGES

- 1. Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the Township and/or OCDC concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the Township and OCDC within five (5) days. The written report shall specify:

- A. The composition of the discharge and the cause thereof.

- B. The exact date, time, and estimated volume of the discharge.
 - C. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
 - D. The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
2. A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of Section 5.03.1.

14.05504 Sec. 5.04 RECORD KEEPING REQUIREMENT

Any person subject to this ordinance shall retain and preserve for no less than three (3) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or storm water runoff from any property.

14.05600 ARTICLE VI: ENFORCEMENT

14.05601 Sec. 6.01 SANCTIONS FOR VIOLATION

1. Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction and subject to a fine of not less than fifty dollars (\$50.00) for a first offense, and not less than two hundred fifty dollars (\$250.00) for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in Section 6.01.2 shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this ordinance.

For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The Township superintendent, director of public works, zoning administrator, building inspector, or ordinance enforcement officer is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this ordinance.

2. Any person who neglects or fails to comply with a stop work order issued under Section 6.02 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or imprisonment in the county jail for not more than ninety-three (93) days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed at the discretion of the court.
3. Any person who aids or abets a person in a violation of this ordinance shall be subject to the sanctions provided in this section.

14.05602 Sec. 6.02 STOP WORK ORDER

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this ordinance, the Township is authorized to issue a stop work order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The Township may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

14.05603 Sec. 6.03 FAILURE TO COMPLY; COMPLETION

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the Township may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the Township for all costs of such work.

14.05604 Sec. 6.04 EMERGENCY MEASURES

When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the Township is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this ordinance, and shall promptly reimburse the Township for all of such costs.

14.05605 Sec. 6.05 COST RECOVERY FOR DAMAGE TO STORM DRAIN SYSTEM

A discharger shall be liable for all costs incurred by the Township as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this ordinance. Costs include, but are not limited to, those penalties levied by the EPA or MDEQ for violation of an NPDES permit, attorney fees, and other costs and expenses.

14.05606 Sec. 6.06 COLLECTION OF COSTS; LIEN

Costs incurred by the Township and the OCDC pursuant to Sections 6.02, 6.03, 6.04 and 6.05 shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the Township Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Township or the Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

14.05607 Sec. 6.07 APPEALS

Any person as to whom any provision of this ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Township Board the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Township Board shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Township Board may consider the recommendations of the Township Engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the Township Board may grant a variance from the terms of this ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- 1. The application of the ordinance provisions being appealed will present or cause practical difficulties for a development or development site;

provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance; and

2. The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this ordinance, nor result in less effective management of storm water runoff.

14.05608 Sec. 6.08 SUSPENSION OF MS4 ACCESS

1. Suspension due to Illicit Discharges in Emergency Situations

The Township may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the Township may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to health or welfare of persons.

2. Suspension Due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have the person's MS4 access terminated if such termination would abate or reduce an illicit discharge. The Township will notify a violator of the proposed termination of the violator's MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section without the prior approval of the Township.

14.05700 ARTICLE VII: STORM WATER EASEMENTS AND MAINTENANCE AGREEMENTS

14.05701 Sec. 7.01 APPLICABILITY OF REQUIREMENTS

The requirements of this Article concerning storm water easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the Township for review and approval.

14.05702 Sec. 7.02 STORM WATER MANAGEMENT EASEMENTS

The developer shall provide all storm water management easements necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance required by the Township and shall record such easements as directed by the Township. The easements shall assure access for proper inspection and maintenance of storm water runoff facilities and shall provide adequate emergency overland flow-ways, where necessary.

14.05703 Sec. 7.03 MAINTENANCE AGREEMENTS

The developer shall provide all storm water maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance as required by the Township, and shall record such agreements with the Ottawa County Register of Deeds as directed by the Township. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance of the storm water runoff facilities and, where necessary, emergency overland flow-ways.

14.05704 Sec. 7.04 ESTABLISHMENT OF COUNTY DRAINS

Prior to final approval, all storm water management facilities for platted subdivisions and site condominium developments shall be established as county drains, as authorized in Section 433, Chapter 18 of the Michigan Drain Code (P.A. 40 of 1956, as amended) for long-term maintenance.

14.05800 ARTICLE VIII: PERFORMANCE AND DESIGN STANDARDS

14.05801 Sec. 8.01 PERFORMANCE STANDARDS

In order to achieve the goals and purposes of this ordinance, the following three storm water management zones (Zones A, B and C) are hereby established. The Zones are shown on the map attached as Appendix A and made a part of this ordinance.

1. Zone “A” represents areas where sandy soils are present or where high quality waters may be impacted. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. In this zone, when site conditions permit, infiltration of runoff via storm water retention shall be required, or extended detention implemented, rather than standard detention or the directed flow of storm water runoff into water bodies. This storm water management practice provides greater protection for surface water quality, and also assists in augmenting stream base flow, reduction of flash storm flows and prevention of stream bank erosion.

2. Zone “B” represents areas where sandy soils are not present and where high quality waters are not impacted. The goal of Zone B is the control of storm water runoff in order to prevent destabilizing of streams and other water bodies. In this zone, the use of detention ponds, the maintenance and enhancement of buffer strips and other measures to reduce directly-connected impervious areas are specified. The management practices for this zone are intended to maintain existing water quality and to alleviate adverse downstream impact on water bodies.

3. Zone “C” consists of non-mandated detention zones: areas located at the lower portions of all watersheds impacted by a given project, as determined by the OCDC. Among the measures required in Zone C, are the use of sediment basins, the maintenance and enhancement of buffer strips along water bodies and excavation of additional floodplain storage. An important element of storm water management practice in Zone C is the control and prevention of sedimentation, in order to reduce pollution of water bodies.

14.05802 Sec. 8.02 DESIGN STANDARDS

The design standards for storm water runoff facilities for Zones A, B and C, as described in Section 8.01, are the following:

	Zone A (This classification covers most of the Township.)	Zone B (This classification either does not exist or is rare in the Township.)	Zone C (This classification exists in the township at the lower end of watersheds.)
Criteria	Areas where sandy soils are present or where high quality waters may be impacted.	Areas where sandy soils are not present and where high quality waters are not impacted.	Areas located at the lower end of all watersheds impacted (non-mandated detention zones).
Storm Water Management & Water Quality Standards	Use retention basins, infiltration trenches, extended detention basins, and/or constructed wetlands. Maintain and enhance buffer strips or provide equivalent treatment.	Use detention ponds, maintain and enhance buffer strips, and reduce directly connected impervious area or provide equivalent treatment.	Use sedimentation control measures. Maintain and enhance buffer strips.
Bank Erosion Control	Storm water runoff shall not exceed the capacity of the downstream conveyance system.	Storm water runoff shall not exceed the capacity of the downstream conveyance system.	Storm water runoff shall not exceed the capacity of the downstream conveyance system.
Flood Control	Detention with infiltration when conditions permit. Release rate of 0.13 cfs/acre per OCDC rules.	Release rate of 0.13 cfs/acre per OCDC rules.	Direct conveyance of storm water runoff within the capacity of downstream system and excavate additional floodplain in lieu of detention.

14.05803 Sec. 8.03 RESOLUTION TO IMPLEMENT PERFORMANCE AND DESIGN STANDARDS

The Township Board may adopt a resolution establishing more detailed design and performance standards for storm water runoff facilities, consistent with the terms of this ordinance, and in order to further implement its goals and purposes set forth in this ordinance.

14.05804 Sec. 8.04 RESPONSIBILITY TO IMPLEMENT BEST MANAGEMENT PRACTICES (BMPS)

The owner or operator of a commercial or industrial establishment shall provide, at the owner's or operator's own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

14.05900 ARTICLE IX: OTHER MATTERS

14.05901 Sec. 9.01 INTERPRETATION

Words and phrases in this ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases which are not defined in this ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

14.05902 Sec. 9.02 CATCH-LINE HEADINGS

The catch-line headings of the articles and sections of this ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

14.05903 Sec. 9.03 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable, and if any part or provision of this ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

14.05904 Sec. 9.04 OTHER ORDINANCES

This ordinance shall be in addition to other ordinances of the Township, and shall not be deemed to repeal or replace other ordinances or parts thereof except to the extent that such repeal is specifically provided for in this Article.

14.05905 Sec. 9.05 EFFECTIVE DATE

This Ordinance is ordered to take effect on the first day after publication of a Notice of Adoption in the Grand Haven Tribune, a newspaper having general circulation in the Township. This Ordinance was given a first reading on November 24, 2003, and it was published after that first reading. All of this was accomplished pursuant to the provisions of Act No. 359 of the Public Acts of 1945, as amended.

Contents

Article I: General

1.01 Statutory Authority and Title.....1
1.02 Findings1
1.03 Purpose3
1.04 Applicability, Exemptions and General Provisions.....4
1.05 Definitions.....4

Article II: Storm Water Permits

2.01 Permit Required.9
2.02 Storm Water Permit Review Procedures9
2.03 Drainage Plan.....10
2.04 Storm Water Permit Review Fees.....11
2.05 Construction Site Runoff Controls.....12
2.06 Financial Guarantee12
2.07 Certificate of Occupancy13
2.08 No Change in Approved Facilities.....13
2.09 Terms and Conditions of Permits13

Article III: Storm Water System, Floodplain Standards, Soil Erosion

3.01 Management of and Responsibility for Storm Water System14
3.02 Storm Water System14
3.03 Storm Water Discharge Rates and Volumes.....14
3.04 Floodplain Standards14
3.05 Soil Erosion and Sedimentation Control.....15
3.06 Building Openings16
3.07 Sump Pump Discharge17
3.08 Public Health, Safety and Welfare.....17

Article IV: Prohibitions and Exemptions

4.01 Prohibited Discharges17
4.02 Exempted Discharges.....17
4.03 Interference with Natural or Artificial Drains18
4.04 Storage of Hazardous or Toxic Materials in Drainageway.....19
4.05 Discharge Prohibitions.....19

Article V: Inspection, Monitoring, Reporting, and Recordkeeping

5.01 Inspection and Sampling.....20
5.02 Storm Water Monitoring Facilities20
5.03 Accidental Discharges20
5.04 Record Keeping Requirement.....21

Article VI: Enforcement

6.01 Sanctions for Violation21
6.02 Stop Work Order.....22
6.03 Failure to Comply; Completion22
6.04 Emergency Measures22
6.05 Cost Recovery for Damage to Storm Drain System22
6.06 Collection of Costs; Lien22
6.07 Appeals23
6.08 Suspension of MS4 Access23

Article VII: Storm Water Easements and Maintenance Agreements

7.01 Applicability of Requirements24
7.02 Storm Water Management Easements24
7.03 Maintenance Agreements.....24
7.04 Establishment of County Drains24

Article VIII: Performance and Design Standards

8.01 Performance Standards24
8.02 Design Standards25
8.03 Resolution to Implement Performance and Design Standards26
8.04 Responsibility to Implement Best Management Practices (BMPs).....26

Article IX: Other Matters

9.01 Interpretation.....27
9.02 Catch-Line Headings27
9.03 Severability27
9.04 Other Ordinances27
9.05 Effective Date27
9.06 Repeal [if applicable].....27