

## ARTICLE II. CONSTRUCTION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

### DIVISION 1. GENERALLY

#### Sec. 106-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Stormwater system* includes stormwater drains, stormwater conveyances, storm drain facilities, retention or detention facilities, storm drain pipes, separate storm sewers, storm drains, open drains, catchbasins, pavement, paved surfaces, unpaved surfaces, structures, or any surface from which stormwater drains off-site or directly or indirectly drains to the Rouge River Watershed or waters of the state as defined in the Natural Resources and Environmental Protection Act (MCL 324.101 et seq.).

(Ord. No. 141, § 2, 2-25-1997)

**Cross references:** Definitions generally, § 1-2.

#### Sec. 106-32. Findings of fact; purpose.

(a) It is the finding of the township board that stormwater runoff pollution prevention and the protection of the water quality of the waters of the state is of utmost importance. The following legislation has been passed by the state and federal legislatures in efforts to protect the environment:

- (1) The Natural Resources and Environmental Protection Act (MCL 324.101 et seq.), including:
  - a. Part 303 thereof (MCL 324.30301 et seq.).
  - b. Part 91 thereof (MCL 324.9101 et seq.).
  - c. Part 301 thereof (MCL 324.30101 et seq.).
- (2) The United States Water Pollution Control Act, section 314 (PL 92-55).
- (3) The United States Clean Water Act, section 404 (PL 95-217).

(b) The township is implementing a stormwater management program. The intent of this program is to manage stormwater flooding and stormwater pollution prevention.

(c) As part of the land use in the township, certain stormwater pollution prevention facilities, drainage systems, retention ponds, detention facilities, and stormwater runoff systems have been constructed in the township. The maintenance and operation of these systems has a direct impact on flood control, stormwater runoff pollution prevention, and water quality of the waters of the state.

(d) The purpose of this article is to permit, monitor, inspect, and under certain circumstances maintain and repair these flood and pollution prevention control facilities, structures, and systems.

(Ord. No. 141, § 1, 2-25-1997)

#### Sec. 106-33. Continuation of pre-existing legal obligations.

This article does not reduce, abate, alter, modify, amend or affect any other duties, requirements or obligations to preserve and protect the environment, waters of the state, groundwaters of the state, or surface waters of the state, to control soil erosion and sedimentation, to protect wetlands, or to prevent air or water

pollution, nor does this article alleviate any acts, duties, or responsibilities prescribed or proscribed under the Public Health Code (MCL 333.101 et seq.), the Natural Resources and Environmental Protection Act (MCL 324.101 et seq.), the federal Water Pollution Control Act (PL 92-55) and the federal Clean Water Act (PL 95-217).

(Ord. No. 141, § 13, 2-25-1997)

#### **Sec. 106-34. Fees.**

A fee for plan examination, permits, inspections, and stormwater runoff pollution prevention facility maintenance shall be established by the township board.

(Ord. No. 141, § 14, 2-25-1997)

#### **Sec. 106-35. Right of entry of enforcement officers.**

The code official or township engineer shall have the authority to enter at any reasonable hour any building, structure, or premises in the jurisdiction to enforce the provisions of this article.

(Ord. No. 141, § 15, 2-25-1997)

Secs. 106-36--106-60. Reserved.

### **DIVISION 2. PERMIT FOR CONSTRUCTION THAT ALTERS DRAINAGE, RUNOFF OR RELATED MATTERS**

#### **Sec. 106-61. Required.**

It shall be unlawful to construct, enlarge, alter, remove, add, fill, or change in any way any gradation of land, topography, land or any structures, the impact of which is to alter drainage, stormwater runoff, stormwater detention, or stormwater runoff pollution prevention facilities, without first filing an application with the township engineer in writing and obtaining the required permit therefor.

(Ord. No. 141, § 3, 2-25-1997)

#### **Sec. 106-62. Filing of application.**

The application for a permit under this division shall be submitted in such form as the township engineer prescribes and shall be accompanied by the required fee.

(Ord. No. 141, § 4, 2-25-1997)

#### **Sec. 106-63. Persons required to secure permit.**

Application for a permit shall be made by any person conducting the activities described in section 106-61 on the subject premises. Successive persons conducting successive activities regulated by this article (i.e., the developer and builder) shall each be required to submit an application and secure a permit prior to performing the successive activities and construction.

(Ord. No. 141, § 5, 2-25-1997)

**Sec. 106-64. Description of proposed work.**

The application for a permit under this division shall contain a general description of the proposed work, its location, including all portions of the property not covered by any buildings or structures, and such additional information as is required by the township engineer.

(Ord. No. 141, § 6, 2-25-1997)

**Sec. 106-65. Plans and specifications.**

The application for a permit under this division shall be accompanied by not less than two copies of specifications and of plans drawn to scale, and sealed by a professional engineer licensed in the state, with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. Plans and specifications shall conform to the criteria set forth in the current township stormwater management program. When quality of materials is essential for conformity to any township code, specific information shall be given to establish such quality. The township engineer is permitted to waive the requirement for filing plans when the work involved is of a minor nature.

(Ord. No. 141, § 7, 2-25-1997)

**Sec. 106-66. Site plan.**

The application for the permit under this division shall be accompanied by a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines, the existing street grades, and the proposed finish grades, and it shall be drawn in accordance with an accurate boundary lines survey.

(Ord. No. 141, § 8, 2-25-1997)

**Sec. 106-67. Amendments to application.**

Subject to the limitations of section 106-68, amendments to a plan, application or other records accompanying a plan or application under this division shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendment shall be deemed part of the original application and shall be filed therewith.

(Ord. No. 141, § 9, 2-25-1997)

**Sec. 106-68. Expiration of application.**

An application for a permit for any proposed work under this division shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted or a permit shall have been issued, except that the township engineer shall grant one or more extensions of time for additional periods not to exceed 90 days each, if there is reasonable cause.

(Ord. No. 141, § 10, 2-25-1997)

**Sec. 106-69. Permit fee.**

A permit to begin work for construction or construction-related activity required by this division shall not be issued until the fee described in this article shall have been paid at the engineering services division or other authorized agency of the township.

(Ord. No. 141, § 11, 2-25-1997)

**Sec. 106-70. Annual stormwater runoff pollution prevention facility maintenance fee.**

(a) The applicant for a permit under this division shall post a deposit for a stormwater runoff pollution prevention facility maintenance fee to be used by the township to ensure the operability of any detention/retention facility and the operability of the entire stormwater system, for inspections, grading, seeding, street sweeping, cleanouts of catch basins and the stormwater system(s), and any activity reasonably related to flood prevention and stormwater runoff pollution prevention, as is the ongoing obligation of the applicant prior to such maintenance being turned over to and undertaken by the homeowners/condo owners' association as provided in the applicable declarations, covenants and restrictions. The fee will principally be used by the township to provide street sweeping once a week for 30 weeks of the year and maintenance of the siltation fabric on the catch basins. The fee may also be used, but is not required to be used, to offset the expense incurred by the township for minor grading, seeding, cleanouts of catch basins and the stormwater system or activity reasonably related to flood prevention and stormwater runoff pollution prevention; such activity by the township not affecting the applicants obligations under section 106-33 above.

(b) The annual stormwater runoff pollution prevention facility maintenance fee shall be calculated based on the estimated cost to the township to provide street sweeping once a week for 30 weeks of the year and maintenance of the siltation fabric on the catch basins in the development project. The initial annual fee shall be established on a per paved mile of street or roadway in the development. The applicant or project developer shall deposit the annual stormwater runoff pollution prevention maintenance fee prior to the pre-construction meeting, prorated for the remainder of days left in the calendar year during which the pre-construction meeting is held, and shall continue to deposit the annual fee for each calendar year thereafter until 95 percent of all units in the development are constructed and paving is complete. Additional fees, not included in the original estimate, may be required if site conditions warrant extensive or more frequent services. At the completion and approval of the project, any unused fees will be refunded to the applicant.

(c) The annual stormwater runoff pollution prevention facility maintenance fee shall be set by resolution by the township board and reviewed periodically.