

Chapter 48 STORMWATER MANAGEMENT*

***Editor's note:** Ord. No. 2002-01, §§ 1.01--9.01 amended ch. 48 in its entirety. Former ch. 48 pertained to similar subject matter and derived from Ord. No. 157, adopted Nov. 25, 1996.

State law references: Buildings and building regulations, ch. 10; environment, ch. 26; subdivisions ch. 50; utilities, ch. 58.

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ARTICLE I. IN GENERAL

Sec. 48-1. Statutory authority and title.

This chapter 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 chapter shall be known and may be cited as "Ordinance No. 2002-01, the Stormwater Ordinance of Georgetown Charter Township."

(Ord. No. 2002-01, § 1.01, 2-11-02)

Sec. 48-2. Findings.

The township 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 stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
- (4) Stormwater runoff produced by land development contributes to increased quantities of water-borne pollutants;
- (5) Increases of stormwater runoff, soil erosion, and nonpoint source pollution have occurred as a result of land development, and cause deterioration of the water resources of the township and downstream municipalities;
- (6) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the township will, absent reasonable regulation and control, adversely affect the Townships water bodies and water resources, and those of downstream municipalities;
- (7) Stormwater runoff, soil erosion, and nonpoint source pollution can be controlled and minimized by the regulation of stormwater runoff from development;
- (8) Adopting the standards, criteria and procedures contained in this chapter and implementing the same will address many of the deleterious effects of stormwater runoff;
- (9) Adopting these standards is necessary for the preservation of the public health, safety and welfare.
- (10) Illicit discharges contain pollutants that will significantly degrade the township's water bodies and water resources.
- (11) 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 storm drain system or spills connected by drain inlets).

- (12) Establishing the measures for controlling illicit discharges and connections contained in this ordinance an implementing the same will address many of the deleterious effects of illicit discharges.

(Ord. No. 2002-01, § 1.02, 2-11-02; Ord. No. 2002-08, 8-12-02)

Sec. 48-3. Purpose.

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

- (1) To reduce artificially induced flood damage;
- (2) To minimize increased stormwater 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 nonpoint 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 streambed 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 stormwater runoff rates and volumes, soil erosion, and nonpoint source pollution, wherever practicable, from lands that were developed without stormwater management controls meeting the purposes and standards of this chapter; and
- (11) To reduce the adverse impact of changing land use on water bodies and, to that end, this chapter establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient stormwater management controls.

- (12) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater 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, and monitoring procedures necessary to ensure compliance with this chapter.

(Ord. No. 2002-01, § 1.03, 2-11-02; Ord. No. 2002-08, 8-12-02)

Sec. 48-4. Applicability, exemptions and general provisions.

- (1) This chapter 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 stormwater drainage characteristics of the development site, provided, however, that this chapter 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 facility, as defined in the Michigan Right to Farm Act, P.A. 93, 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 chapter where such approvals remain in effect.
- (2) This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted.

(Ord. No. 2002-01, § 1.04, 2-11-02; Ord. No. 2002-08, 8-12-02)

Sec. 48-5. Definitions.

For the purpose of this chapter 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:

Authorized enforcement agency. Employees or designees of the director of the municipal agency designated to enforce this chapter.

Base flood. A flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation. The high water elevation of the base flood, commonly referred to as the "100-year flood elevation".

Base flood plain. The area inundated by the base flood.

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 chapter (including, but not limited to minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the townships engineer, and, where appropriate, the standards of the Ottawa County Drain Commissioner.

Buffer. A zone of grass, trees, or shrubs adjacent to a lake, stream or creek that filters runoff and removes sediment.

Building opening. Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.

Clean Water Act. The Federal Water Pollution Control Act, 33 USC Section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Construction site stormwater runoff. Stormwater runoff from a development site following an earth change.

Design engineer. Registered and licensed professional engineer responsible for the design of a drainage plan.

Detention. A system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate.

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.

Developer. Any person proposing or implementing the development of land.

Development site. Any land that is being or has been developed, or that a developer proposes for development.

Discharger. Any person or entity who directly or indirectly discharges stormwater 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 chapter.

Drain. Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq.

Drainage. The collection, conveyance, or discharge of ground water and/or surface water.

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.

Earth change. Any human activity that removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

EPA. The United States Environmental Protection Agency.

Erosion. The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

Exempted discharges. Discharges other than stormwater as specified in section 48-62 of this chapter.

Federal Emergency Management Agency (FEMA). The agency of the federal government charged with emergency management.

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.

Floodplain. Any land area subject to periodic flooding.

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, utilities and structures.

Flood protection elevation (FPE). The base flood elevation plus one foot at any given location.

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 of a foot due to the loss of flood conveyance or storage.

Grading. Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

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.

Illicit connection. Any method or means for conveying an illicit discharge into water bodies or the township's stormwater system.

Illicit discharge. Any discharge to water bodies that does not consist entirely of stormwater, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this section.

Impervious surface. Surface that does not allow stormwater runoff to slowly percolate into the ground.

OCDC. Ottawa County Drain Commissioner.

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.

MDEQ. Michigan Department of Environmental Quality.

National pollutant discharge elimination system (NPDES) stormwater 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, whether the permit is applicable on an individual, group, or general area-wide basis.

NPDES. National Pollution Discharge Elimination System.

Nonstormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Overland flow-way. Surface area that conveys a concentrated flow of stormwater runoff.

Person. An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

Plan. Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these, which contain information pursuant to this chapter.

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.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Property owner. Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

Retention. A system which is designed to capture stormwater and contain it until it infiltrates the soil or evaporates.

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.

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.

Storm drain. A system of open or enclosed conduits and appurtenant structures intended to convey or manage stormwater runoff, ground water and drainage.

Stormwater permit. Written approval by the OCDC.

Stormwater 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 stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Stormwater runoff. The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.

Stormwater runoff facility. The method, structure, area, system, or other equipment or measures which are designed to receive, control, store, or convey stormwater.

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.

Township. Georgetown Charter Township.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water body. A river, lake, stream, creek or other watercourse or wetlands.

Watershed. A region draining into a water body.

Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life.

(Ord. No. 2002-01, § 1.05, 2-11-02; Ord. No. 2002-08, 8-12-02)

Secs. 48-6--48-20. Reserved.

ARTICLE II. STORMWATER PERMITS

Sec. 48-21. Permit required.

- (1) A developer shall not engage in any development without first receiving a stormwater permit from the OCDC pursuant to section 48-22.
- (2) The granting of a stormwater 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.

(Ord. No. 2002-01, § 2.01, 2-11-02)

Sec. 48-22. Stormwater permit review procedures.

In regards to all permits and applications other than for a single-family or two-family dwelling, the township shall grant a zoning compliance certificate, after submittal and approval of a soil erosion and sedimentation control permit, if required as listed in section 48-45(2)(b), and stormwater permit by the OCDC which may impose terms and conditions in accordance with section 48-29, 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 48-23.
- (2) The drainage plan contains a description of an adequate, temporary stormwater retention system to prevent construction site stormwater runoff, satisfying the requirements of section 48-25, and the developer has obtained a soil erosion permit, if necessary.
- (3) The developer provides a stormwater system that meets the OCDC requirements sufficient to provide on-site detention of stormwater runoff in a 25-year storm event, and

- (4) The developer has paid or deposited the stormwater permit review fee pursuant to section 48-24.
- (5) The developer has paid or posted the applicable financial guarantee pursuant to section 48-26.
- (6) The developer provides all easements necessary to implement the approved drainage plan and to otherwise comply with this chapter including, but not limited to, section 48-122. All easements shall be acceptable to the OCDC in form and substance and shall be recorded with the Ottawa County Register of Deeds.
- (7) The drainage plan is designed in conformity with the OCDC design and performance standards for drains and stormwater management systems.
- (8) All stormwater 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 stormwater runoff facilities and in compliance with the approved drainage plan and this chapter including, but not limited to, section 48-123. The maintenance agreement shall be acceptable to the OCDC in form and substance and shall be recorded with the Ottawa County Register of Deeds.

(Ord. No. 2002-01, § 2.02, 2-11-02)

Sec. 48-23. Drainage plan.

The developer shall provide a drainage plan, which meets the requirements of the OCDC to the OCDC for review and approval. In addition, the drainage plan shall identify and contain all of the following:

- (1) A plan to ensure the effective control of construction site stormwater runoff and sediment track-out onto roadways.
- (2) A maintenance agreement, in form and substance acceptable to the OCDC, for ensuring maintenance of any privately owned stormwater runoff facilities. The maintenance agreement shall include the developer's written commitment to provide routine, emergency, and long-term maintenance of the facilities and, in the event that the facilities are not maintained in accordance with the approved drainage plan, the agreement shall authorize the OCDC to maintain any on-site stormwater runoff facility as reasonably necessary, at the developer's expense. (See section 48-106.)
- (3) All design information must be compatible for conversion to Ottawa County Regional Geographic Information System.

(Ord. No. 2002-01, § 2.03, 2-11-02)

Sec. 48-24. Stormwater permit review fees.

All expenses and costs incurred that are associated with processing, reviewing and approving or denying a stormwater permit application shall be paid by the developer.

(Ord. No. 2002-01, § 2.04, 2-11-02)

Sec. 48-25. Construction site runoff controls.

Prior to making any earth change on a development site regulated by this chapter, 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 stormwater runoff facilities and shall phase the development activities so as to prevent construction site stormwater runoff and off-site sedimentation. During all construction activities on the development site, the OCDC may inspect the development site to ensure compliance with the approved construction site runoff controls.

(Ord. No. 2002-01, § 2.05, 2-11-02)

Sec. 48-26. Zoning compliance certificate.

No zoning compliance certificate shall be issued until stormwater runoff facilities have been completed in accordance with the approved drainage plan; provided, however, the township may issue a zoning compliance certificate if an acceptable letter of credit or other financial guarantee has been submitted to the township, for the timely and satisfactory construction of all stormwater runoff facilities and site grading in accordance with the approved drainage plan.

(Ord. No. 2002-01, § 2.06, 2-11-02)

Sec. 48-27. No change in approved facilities.

Stormwater runoff 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.

(Ord. No. 2002-01, § 2.07, 2-11-02)

Sec. 48-28. Terms and conditions of permits.

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

(Ord. No. 2002-01, § 2.08, 2-11-02)

Secs. 48-29--48-40. Reserved.

**ARTICLE III. STORMWATER SYSTEM, FLOODPLAIN AND OTHER STANDARDS,
SOIL EROSION CONTROL**

Sec. 48-41. Management of and responsibility for stormwater system.

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

(Ord. No. 2002-01, § 3.01, 2-11-02)

Sec. 48-42. Stormwater system.

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

(Ord. No. 2002-01, § 3.02, 2-11-02)

Sec. 48-43. Stormwater discharge rates and volumes.

The township and/or OCDC is authorized to establish minimum design standards for stormwater 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 stormwater 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 OCDC and/or township's calculated predevelopment discharge characteristics for the subject property, and the OCDC and/or township determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this chapter.

(Ord. No. 2002-01, § 3.03, 2-11-02)

Sec. 48-44. 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. The township, in accordance with an approved drainage plan shall permit floodway alteration only upon review and approval.

- (2) A drainage plan providing for the filling or alteration of a floodway may include provisions for maintaining stability of the banks of streams or other water bodies, by means of the establishing of buffer zones and other means of providing protection of the slopes and banks of water bodies.
- (3) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan. Such a plan may also include provisions for the replacement of flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

(Ord. No. 2002-01, § 3.04, 2-11-02)

Sec. 48-45. 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 stormwater drainage system, a public street or right of way, wetland, creek, stream, water body, or floodplain. All development shall be in accordance with all applicable federal, state and local ordinances, rules and regulations.
- (2) During any earth change which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other persons causing or participating in the earth change shall do the following:
 - (a) Comply with the stormwater management standards of this chapter.
 - (b) Obtain and comply with the terms of a soil erosion and sedimentation control permit if required by law, which is that SESC permits are required for any earth change that is greater than one acre and/or less than 500 feet from any lake and stream. These permits are obtained from the SESC administrator in 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 chapter.
- (h) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this chapter.
- (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, in accordance with the Ottawa County Soil Erosion and Sedimentation Control Ordinance.
- (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.

(Ord. No. 2002-01, § 3.05, 2-11-02)

Sec. 48-46. Building openings.

- (1) A survey is required to show that no building opening shall be constructed below the following elevations:
 - (a) One foot above the 100-year floodplain or one foot above any high water mark of any adjacent body of water which is a higher elevation.
 - (b) The building opening established at the time of plat or development approval as stated in the restrictive covenants, and on record with the OCDC and on file in the township.
 - (c) Three feet above the top of any downstream culvert.
 - (d) Four feet above the bottom of any permanent and defined drain.
- (2) A waiver from elevations stated in subsection (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) 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 chapter. This certificate shall attest that the building opening elevation complies with the standards of this chapter. 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 subsections (1)(b) or (c), 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 recertify that the minimum building opening elevation complies with the standards of this chapter prior to the commencement of framing and or structural steel placement.

(Ord. No. 2002-01, § 3.06, 2-11-02)

Sec. 48-47. 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) A stormwater lateral shall be provided for each parcel at the time of storm sewer construction.
- (3) The restrictive covenants shall state: "Laundry facilities or other similar features, installed in residential basements, that drain shall not be connected to a footing drain or sump pump system discharging to sump laterals and the storm sewer system. (They must be drained to the sewage disposal system.)"

(Ord. No. 2002-01, § 3.07, 2-11-02)

Sec. 48-48. Public health, safety and welfare.

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

(Ord. No. 2002-01, § 3.08, 2-11-02)

Secs. 48-49--48-60. Reserved.

ARTICLE IV. PROHIBITIONS AND EXEMPTIONS

Sec. 48-61. Prohibited discharges.

- (1) No person shall discharge to a water body, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively prevent pollutants from being discharged with the stormwater, except in accordance with best management practices.
- (2) The OCDC and/or 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 stormwater drainage system.

(Ord. No. 2002-01, § 4.01, 2-11-02)

Sec. 48-62. Exempted discharges.

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

Water supply line flushing.

Landscape irrigation.

Diverted stream flows.

Rising ground water.

Uncontaminated ground water infiltration to storm drains.

Uncontaminated pumped ground water.

Discharges from potable water sources.

Foundation drains.

Air conditioning condensate.

Individual residential car washing.

Dechlorinated swimming pool water.

Street washwater.

Discharges or flows from emergency fire fighting activities.

Discharges for which a specific federal or state permit has been issued.

(Ord. No. 2002-01, § 4.02, 2-11-02)

Sec. 48-63. 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 OCDC and/or township and receiving approval of that plan. Any deviation from the approved plan is a violation of this chapter. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.

- (2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodway.
- (3) For an overland flow-way:
 - (a) Silt screen fences shall not be permitted below the top of the bank of a water body.
 - (b) Chain link fences shall be permitted according to the requirements of the Georgetown Township Zoning Ordinance if the township determines that the fence will not obstruct or divert the flow of water.
 - (c) If a fence is removed by the OCDC and/or township for drain access or drain maintenance, the fence may be replaced by the owner of the fence at the owner's expense.
 - (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.

(Ord. No. 2002-01, § 4.03, 2-11-02)

Sec. 48-64. 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.

(Ord. No. 2002-01, § 4.04, 2-11-02)

Sec. 48-65. Discharge prohibitions.

- (a) *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 stormwater. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - (1) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

- (2) The prohibition shall not apply to any on-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all 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.

(b) *Prohibition of illicit connections.*

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited
- (2) 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.
- (3) A person is considered to be in violation of this section if the person connects a line conveying wastewater to the MS4, or allows such a connection to continue.

(Ord. No. 2002-08, 8-12-02)

Secs. 48-66--48-80. Reserved.

ARTICLE V. INSPECTION, MONITORING, REPORTING, AND RECORDKEEPING

Sec. 48-81. Inspection and sampling.

To assure compliance with the standards in this pervasively regulated area, the OCDC and/or township may inspect and/or obtain stormwater samples from stormwater runoff facilities of any discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the OCDC and/or township'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 OCDC and/or township shall provide the discharger reasonable advance notice of such inspection and/or sampling. The OCDC and/or township or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

(Ord. No. 2002-01, § 5.01, 2-11-02)

Sec. 48-82. Stormwater monitoring facilities.

A discharger of stormwater runoff shall provide and operate equipment or devices for the monitoring of stormwater runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a stormwater 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.

(Ord. No. 2002-01, § 5.02, 2-11-02)

Sec. 48-83. Accidental discharges.

- (1) Any discharger who accidentally discharges into a water body any substance other than stormwater or an exempted discharge shall immediately inform the township concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the township within five 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 chapter 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 subsection (1).

(Ord. No. 2002-01, § 5.03, 2-11-02)

Sec. 48-84. Record keeping requirement.

Any person subject to this chapter shall retain and preserve for no less than three 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 stormwater runoff from any property.

(Ord. No. 2002-01, § 5.04, 2-11-02)

Secs. 48-85--48-100. Reserved.

ARTICLE VI. ENFORCEMENT

Sec. 48-101. Sanctions for violation.

- (1) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and shall be punished by a fine as set forth in the schedule of civil fines and court costs, 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. 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 chapter.

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

The OCDC, township zoning administrator, building inspector, code enforcement officer, supervisor, superintendent and Ottawa County Police Officers are authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this chapter.

- (2) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

(Ord. No. 2002-01, § 6.01, 2-11-02; Ord. No. 2009-03, 4-13-09)

Sec. 48-102. 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 chapter, the township and/or OCDC 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 chapter 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.

(Ord. No. 2002-01, § 6.02, 2-11-02)

Sec. 48-103. Failure to comply; completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, 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.

(Ord. No. 2002-01, § 6.03, 2-11-02)

Sec. 48-104. 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 chapter, and shall promptly reimburse the township for all of such costs.

(Ord. No. 2002-01, § 6.04, 2-11-02)

Sec. 48-105. Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the OCDC and/or 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 chapter. 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.

(Ord. No. 2002-01, § 6.05, 2-11-02)

Sec. 48-106. Collection of costs; lien.

Costs incurred by the OCDC and/or township pursuant to sections 48-102 through 48-105 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 cost incurred by the OCDC will be paid to the OCDC by the township and will be collected and reimbursed back to the township in the method prescribed. Any such charges which are delinquent for six 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 OCDC and/or township shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended. Further, the township may require a bond, which may be used to reimburse costs incurred by the township and/or the OCDC. (See subsection 48-22(5).)

(Ord. No. 2002-01, § 6.06, 2-11-02)

Sec. 48-107. Appeals.

Any person as to whom any provision of this chapter has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Georgetown Charter 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 Georgetown Charter 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 Georgetown Charter 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 Georgetown Charter Township Board may grant a variance from the terms of this chapter 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 article; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this chapter nor result in less effective management of stormwater runoff.

(Ord. No. 2002-01, § 6.07, 2-11-02)

Sec. 48-108. 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 persons.
- (2) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The township will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminate pursuant to this section, without the prior approval of the township.

(Ord. No. 2002-08, 8-12-02)

Secs. 48-109--48-120. Reserved.

ARTICLE VII. STORMWATER EASEMENTS AND MAINTENANCE AGREEMENTS

Sec. 48-121. Applicability of requirements.

The requirements of this chapter concerning stormwater easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the OCDC for review and approval.

(Ord. No. 2002-01, § 7.01, 2-11-02)

Sec. 48-122. Stormwater management easements.

The developer shall provide all stormwater management easements necessary to implement the approved drainage plan and to otherwise comply with this chapter 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 stormwater runoff facilities and shall provide adequate emergency overland flow-ways.

(Ord. No. 2002-01, § 7.01, 2-11-02)

Sec. 48-123. Maintenance agreements.

The developer shall provide all stormwater maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this chapter in form and substance as required by the OCDC and/or township, and shall record such agreements as directed by the OCDC and/or township. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance of stormwater runoff facilities and adequate emergency overland flow-ways.

(Ord. No. 2002-01, § 7.03, 2-11-02)

Sec. 48-124. Establishment of county drains.

Prior to final approval, all stormwater 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 (PA 40 of 1956, as amended) for long-term maintenance.

(Ord. No. 2002-01, § 7.04, 2-11-02)

Secs. 48-125--48-140. Reserved.

ARTICLE VIII. PERFORMANCE AND DESIGN STANDARDS

Sec. 48-141. Performance standards.

In order to achieve the goals and purposes of this chapter, the following three stormwater management zones (Zones A, B and C) are hereby established. The zones are shown on the map attached as Appendix D [, on file in the township clerk's office] and made a part of this chapter.

- (1) Zone A represents areas which require the most protective stormwater management regulations. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. Zone A has, in general, little impervious surface area and few stormwater facilities. In this zone, when site conditions permit, infiltration of stormwater runoff shall be required, rather than the directed flow of stormwater runoff into water bodies. This stormwater 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. Section 48-142 specifies design criteria for Zone A, in order that the volume and rate of stormwater runoff are controlled at predevelopment levels.
- (2) Zone B represents developed areas that have significant impervious surfaces and stormwater runoff facilities in place. The goal of Zone B is the control of stormwater runoff in order to prevent further 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 in section 48-142 for the achieving of the stormwater management standards applicable to Zone B. 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 highly urbanized areas, or areas where there has been significant modification of drainageways. The amount of impervious surface area in Zone C is generally greater than 25 percent. Among the measures required in Zone C, as stated in section 48-142, are the use of sediment basins, the maintenance and enhancement of buffer strips along water bodies and the reduction of impervious surface areas that are directly connected to water bodies. An important element of stormwater management practice in Zone C is the control and prevention of sedimentation, in order to reduce pollution of water bodies.

(Ord. No. 2002-01, § 8.01, 2-11-02)

Sec. 48-142. Design standards.

The design standards for stormwater runoff facilities for Zones A, B and C, as described in section 48-141, are the following:

TABLE INSET:

	Zone A	Zone B	Zone C
Criteria	High quality waters. Meets water quality standards. Less than 10%	Degraded physical, biological, or water quality indicators. 10% to 25%	Heavily degraded physical, biological, or water quality indicators. Greater

	imperviousness.	imperviousness.	than 25% imperviousness.
Stormwater Management Standards	Use infiltration basins, infiltration trenches, Extended detention basins, and/or constructed wetlands. Maintain and enhance buffer strips.	Use detention ponds; maintain and enhance buffer strips, and reduce directly connected impervious area.	Use sediment basins, maintain and enhance buffer strips, and reduce directly connected impervious area.
Water Quality Control	Detain the first 0.5" of runoff from the contributing watershed, with detention per Zone B and infiltration where conditions permit, or provide equivalent treatment.	Detain the first 0.5" of runoff from the contributing watershed for 24 hours or provide equivalent treatment.	Provide sedimentation control within the drainage system.
Bank Erosion Control	Rate of release shall be limited to 0.05 cfs/acre for a 2-year storm event.	None	Stormwater 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 stormwater runoff within the capacity of downstream system.

(Ord. No. 2002-01, § 8.02, 2-11-02)

Sec. 48-143. Resolution to implement performance and design standards.

The Board of Georgetown Charter Township may adopt a resolution establishing more detailed design and performance standards for stormwater runoff facilities, consistent with the terms of this chapter, and in order to further implement its goals and purposes.

Sec. 48-144. Responsibility to implement best management practices (BMPs).

The owner or operator of a commercial or industrial establishment shall provide, at their 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 valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 2002-08, 8-12-02)

Secs. 48-145--48-150. Reserved.

ARTICLE IX. OTHER MATTERS

Sec. 48-151. Interpretation.

Words and phrases in this chapter shall be construed according to their common and accepted meanings, except that words and phrases defined in section 48-5 shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this chapter but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

(Ord. No. 2002-01, § 9.01, 2-11-02)