

CHAPTER 28:

ARTICLE VI. STORMWATER MANAGEMENT

DIVISION 1. GENERAL

Sec. 28-301. Statutory basis.

This article is adopted in accordance with state and federal law including: the Charter Township Act, as amended, being MCL 42.1 et seq.; the Township Ordinance Act, as amended, being MCL 41.181 et seq.; the Township and Village Public Improvement and Public Service Act, as amended, being MCL 41.721 et seq.; the Land Division Act, as amended, being MCL 560.1 et seq.; the Township Zoning Act, as amended, being MCL 125.271 et seq.; the Drain Code of 1956, as amended, being MCL 280.1 et seq.; the Revenue Bond Act, as amended, being MCL 141.101 et seq.; 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 (commonly referred to as the Clean Water Act), as amended, being 33 USC 1342(p); and 40 CFR Parts 9, 122, 123, and 124.

(Ord. No. 697, § 1.1, 11-6-2000)

Sec. 28-302. Findings.

The township board 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 projects and activities alter 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 waterborne pollutants;
- (5) Increases of stormwater runoff, soil erosion, and non-point source pollutants have occurred in the past as a result of land development, and constitute deterioration of the water resources of the township and downstream municipalities;
- (6) Stormwater runoff, soil erosion, and non-point source pollution, due to land development activities within the township, have resulted in a deterioration of the water resources of the township and downstream municipalities;
- (7) 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 township's streams and water resources, and the streams and water resources of downstream municipalities, and they exacerbate existing adverse conditions;
- (8) Stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of stormwater runoff from development projects;
- (9) The isolated construction of one- or two-family residential structures often, but not always, results in significantly less stormwater runoff, and the negative impacts associated with stormwater runoff, than other types of construction activities when those

residential structures are constructed on platted lots or site condominium units for which stormwater review has already occurred or on parcels equal to or larger than one acre.

(10) Adopting the standards, criteria and procedures contained in this article and implementing the same will address many of the deleterious effects of stormwater runoff identified in this section;

(11) The direct connection fee and the fee for the operation and maintenance costs of drains represent the proportional benefit received by the parcels against which the fees are assessed from the stormwater systems that accomplish the purposes of this article; and,

(12) Adopting these standards is necessary for the preservation of the public health, safety and welfare.

(Ord. No. 697, § 1.2, 11-6-2000; Ord. No. 778, 1-3-2006)

Sec. 28-303. Purposes.

It is the purpose of this article to establish minimum stormwater management requirements and controls in the township 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 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; and,

(10) To reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution, wherever practicable, from lands that were developed without stormwater management controls meeting the purposes and standards of this article.

(Ord. No. 697, § 1.3, 11-6-2000)

Sec. 28-304. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best management practices or *BMPs* means practices and design criteria that comply with the state department of environmental quality's BMP manual and, where applicable, the standards of the county drain commissioner.

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

Developed or *development* means the installation or construction of impervious surfaces on a development site that requires, pursuant to state law or local ordinance, the township's approval of a site plan, plat, site condominium, or similar site review (including site reviews required for the construction or extension of a private road) as well as reviews associated with a land division resulting in four or more new parcels. For

the purposes of divisions 2 and 4 only, "developed" or "development" shall also include the construction of or an addition to:

- (1) A single-family detached residential structure;
- (2) A two-family detached residential structure; or
- (3) An accessory building that requires a building permit and is located on a residential development site of a single-family and two-family detached residential structure, when the township superintendent, in consultation with the township engineer, drain commissioner or other competent advisor, determines that, based on the nature or conditions of the development site, compliance with one or more of the requirements of articles 2 and 4 are necessary to protect and preserve, property, health or life.

Developer means any person proposing or implementing the development of land.

Development site means the entire parcel, lot or unit of land that is being or has been developed, whether proposed for development in whole or in part.

Direct connection means the use of any on-site stormwater system that will or is planned to be serviced by publicly-owned stormwater drainage facilities, that directs stormwater away from the site and that, in the case of a 100-year storm event, will result in the entry of some or all of that stormwater into a drain.

Drain means any drain, as that term is defined in the Drain Code of 1956, as amended, being MCL 280.1 et seq., other than an established county or intercounty drain. A drain shall not be interpreted to mean the Rogue or Grand Rivers.

Earth change means 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 or precipitation. An earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

Estimated stormwater runoff means the amount of stormwater runoff estimated to be discharged from a development site or other area. The estimated stormwater runoff for a development site or area shall be the product of:

- (1) The size in acres of the development site or area; and
 - (2) The impervious area for the class of development;
- in accordance with the township's zoning ordinance, based on the following:
- (1) 75 percent for office, commercial, multifamily and institutional uses;
 - (2) 16 percent for low density (i.e., RE or RP) residential uses; or
 - (3) 37 percent for medium density (i.e., R-1) residential uses.

Illicit discharge means any discharge to a drain or other storm sewer that is not composed entirely of stormwater, except discharges pursuant to an NPDES permit and discharges resulting from fire fighting activities. Sources of an illicit discharge include, without limitation, sanitary wastewater, effluent from septic tanks, car wash wastewaters, improper oil disposal, radiator flushing disposal, laundry wastewaters, spills from roadway accidents, and the improper disposal of auto and household toxics.

Impervious area means the surface area within a development site covered by any material which retards or prevents the entry of water into the soil. Impervious area includes, but is not limited to, surface areas covered by buildings, parking lots, walkways, other structures and any body of water.

Indirect connection means allowing, in a 100-year storm event or less, of stormwater runoff to enter a drain other than by a direct connection.

Natural drainage course means the main stream or trunk and all tributaries or branches of any creek or river, or any watercourse, swale, or ditch.

NPDES means the National Pollution Discharge Elimination System, as established by the Federal Clean Water Act, as amended, being 33 USC 1251, et seq.

100-year storm event means a storm or storms having a one percent chance of being equaled or exceeded in any given year according to the county drain commissioner's subdivision drainage rules.

On-site stormwater system means a stormwater system located on private property.

Person means an individual, partnership, association, corporation, industry, or any other legal entity.

Stormwater means the runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural precipitation event.

Stormwater drainage facilities means channels, conduits, reservoirs, culverts, bridges, wet ponds, dry basins, leaching basins, multi-chamber catch basins, porous pavement, pollution-control devices, and other similar facilities or structures used to control stormwater runoff, together with easements and appurtenances to those facilities or structures.

Stormwater master plan means that plan which identifies drainage districts, basins and improvements for the same adopted by resolution of the township board, as amended from time to time.

Stormwater runoff means stormwater from precipitation that flows through and from a development site.

Stormwater system means that combination of natural and artificial stormwater drainage facilities necessary to provide control of stormwater runoff in accordance with the standards and criteria of this article.

Township superintendent means the township's superintendent or designee.

Township's design and performance standards means those design and performance standards for drains and stormwater management systems, which are attached to this article as appendix A and incorporated by reference. Appendix A is on file and available for inspection in the office of the township clerk.

25-year storm event means a storm or storms having a four percent chance of being equaled or exceeded in any given year according to the county drain commissioner's subdivision drainage rules.

(Ord. No. 697, § 1.4, 11-6-2000; Ord. No. 778, 1-3-2006)

Sec. 28-305. Other ordinances.

Nothing in this article shall be interpreted or construed as a waiver of the developer's obligation to comply with all other ordinances, policies, rules and regulations adopted by the township or other lawful governmental authority.

(Ord. No. 697, § 1.6, 11-6-2000)

Secs. 28-306--28-310. Reserved.

DIVISION 2. STORMWATER PERMITS

Sec. 38-311. Permit required.

A developer shall not engage in any development without first receiving a stormwater permit from the township superintendent pursuant to section 38-312. (Ord. No. 697, § 2.1, 11-6-2000)

Sec. 38-312. Stormwater permit review procedures.

The township superintendent, upon receipt of a recommendation from the township engineer, shall grant a stormwater permit only upon satisfaction of each of the following requirements:

- (1) The developer has submitted a drainage plan complying with section 28-313.
 - (2) The drainage plan contains an adequate, temporary stormwater retention system to prevent construction site stormwater runoff, that satisfies the requirements of section 28-315, and the developer has obtained a soil erosion permit, if necessary.
 - (3) One of the following conditions is satisfied:
 - a. 1. The developer provides a permanent on-site stormwater system sufficient to provide on-site retention of stormwater runoff in a 25-year storm event and
 2. The developer provides a direct connection for all stormwater runoff that will be discharged from and through the development site in a 100-year storm event; or
 - b. The developer provides a permanent on-site stormwater system with a restricted outlet designed to result in no net increase in stormwater runoff volume or rate onto any adjacent property in a 100-year storm event; or
 - c. The developer installs the stormwater drainage facility improvements downstream of the development site provided for in the stormwater master plan and provides a permanent on-site stormwater system sufficient to provide on-site retention of stormwater runoff in a 25-year storm event. In such event, the developer and township may enter into a payback or similar agreement to reimburse the developer for those costs it incurs not otherwise the developer's responsibility in accordance with section 28-331.
 - (4) The developer has paid or deposited the stormwater permit review fee pursuant to section 28-314.
 - (5) The developer has paid or posted the applicable financial guarantee pursuant to section 28-316.
 - (6) The developer has paid any fees or charges required by section 28-331(a) and have otherwise made arrangements to ensure payment of future fees or charges that may become due in accordance with section 28-331(b).
 - (7) The developer provides evidence that any license or easement necessary to the approved drainage plan has been provided or recorded, as appropriate.
 - (8) The drainage plan is designed in conformity with the stormwater master plan.
 - (9) The drainage plan is designed in conformity with the township's design and performance standards.
 - (10) All stormwater drainage facilities shall be designed in accordance with the then-current BMPs.
- (Ord. No. 697, § 2.2, 11-6-2000)

Sec. 28-313. Drainage plan.

The developer shall provide to the township, for review and approval by the township, a drainage plan. The drainage plan shall identify and contain all of the following:

- (1) The location of the development site, including the legal description of the development site.
- (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 two feet (using USGS datum). This information shall be superimposed on the pertinent county soil map.
- (3) The development tributary area to each point of discharge from the development.
- (4) A drawing showing all proposed stormwater drainage facilities with existing and final grades.
- (5) The sizes and locations of upstream and downstream culverts serving the major drainage routes from the upstream portion of the drainage basin to the drainage basin outlet as defined or shown in the stormwater master plan.
- (6) An implementation plan for construction and inspection of all stormwater drainage facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the stormwater drainage facilities shown on the plan and an identification of the proposed inspection procedures to ensure that the stormwater drainage facilities are constructed in accordance with the approved drainage plan.
- (7) A plan to ensure the effective control of construction site stormwater runoff, or, alternatively, receipt of a soil erosion permit relative to the development.
- (8) Drawings, profiles, and specifications for the construction of the stormwater drainage facilities reasonably necessary to ensure that stormwater runoff will be drained, stored, or otherwise controlled in accordance with this article.
- (9) A plan for ensuring permanent and continuous maintenance of any privately owned stormwater drainage facilities. The plan shall include the developer's written commitment to operate and maintain the drainage facilities and, in the event that the facilities are not maintained in accordance with the approved plan, authorizing the township to maintain any on-site stormwater system as reasonably necessary. The plan shall also include a notation providing that shrubs, trees or permanent structures shall not be located within drainage easements utilized by a developer without the express written approval of the township superintendent. The plan shall be in recordable form and the township shall have the plan recorded at such time as the township superintendent issues a stormwater permit.
- (10) The name of the engineering firm and the registered professional engineer that designed the drainage plan and that will inspect final construction of the stormwater drainage facilities.
- (11) All design information must be compatible for conversion to the Grand Rapids area's regional geographic information system (known as "REGIS").
- (12) Any other calculations, drawings, or other information necessary for the township to verify that the drainage plan complies with the township's design and performance standards.

(Ord. No. 697, § 2.3, 11-6-2000)

Sec. 28-314. Stormwater permit review fee.

(a) All expenses and costs incurred by the township directly associated with processing, reviewing and approving or denying a stormwater permit application shall be paid (or reimbursed to the township) from the funds in an escrow account established by the developer, as provided in subsection (b). The township may draw funds from a

developer's escrow account to reimburse the township for out-of-pocket expenses incurred by the township relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:

- (1) Services of the township engineer directly related to the application.
- (2) Services of other independent contractors working for the township which are directly related to the application.

(b) At the time a developer applies for a stormwater permit, the developer shall deposit with the township, as an escrow deposit, an initial amount of \$1,000.00 and shall provide additional amounts as requested by the township in increments of \$500.00. Any 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 notime prior to the township's final decision on an application shall the balance in the escrow account fall below \$500.00. If the funds in the escrow account drop below \$500.00, an additional deposit of \$500.00 by the applicant into the escrow account shall occur before the application review process will be continued. Additional amounts above \$1,000.00 may be required to be placed in the escrow account by the applicant at the discretion of the township superintendent.

(c) In the event a developer is required to provide an escrow account for review fees pursuant to another township ordinance or resolution, that escrow account shall be relied upon by the township for the review fees associated with this article in lieu of establishing a second escrow account.

(Ord. No. 697, § 2.4, 11-6-2000)

Sec. 28-315. Construction site runoff controls.

(a) Except as provided in subsection (b), prior to making any earth change on a development site, the developer shall install stormwater drainage facilities and shall phase the development activities so as to prevent construction site stormwater runoff. During all construction activities on the development site, the township may inspect the development site to ensure compliance with the approved construction site runoff controls.

(b) For any development for which the developer is required to obtain a soil erosion permit pursuant to Act No. 347 of the Public Acts of 1972, as amended, prior to making any earth change on a development site the developer shall obtain such a permit, and shall comply with the requirements of that act and the conditions, if any, of the permit.

(Ord. No. 697, § 2.5, 11-6-2000)

Sec. 28-316. Financial guarantee.

(a) The township superintendent shall not approve a stormwater permit until the developer submits to the township, in a form and amount satisfactory to the township, a financial guarantee for the timely and satisfactory construction of all stormwater drainage facilities and site grading in accordance with the approved drainage plan. Upon certification by a registered professional engineer that the stormwater drainage facilities have been completed in accordance with the approved drainage plan including, but not limited to, the provisions contained in section 28-313(8), the township may release the bond or other financial guarantee subject to final township acceptance and approval.

(b) Except as provided in subsection (c), the amount of the financial guarantee shall be \$20,000.00, unless the township superintendent 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 than \$20,000.00 is

appropriate, the township superintendent shall consider the size and type of the development, the size and type of the on-site stormwater system, and the nature of the off-site stormwater drainage facilities the development will utilize.

(c) 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.

(d) This article shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private stormwater drainage 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.

(Ord. No. 697, § 2.6, 11-6-2000)

Sec. 28-317--28-320. Reserved.

DIVISION 3. REGULATIONS

Sec 28-321. Illicit discharges prohibited.

(a) Except as provided in subsection (b), no person or property owner may make or permit an illicit discharge.

(b) The making or allowing of the following types of illicit discharges shall not constitute a violation of subsection (a) unless and until the township determines that the type of discharge is a significant contributor of pollutants to the township's stormwater systems, and provides a person with written notice of that determination: Water line flushing; landscaping irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; de-chlorinated swimming pool discharges; and street wash water.

(Ord. No. 697, § 3.1, 11-6-2000)

Sec. 28-322. Interference with natural or artificial drains.

No person shall fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural drainage course or other drain or stormwater drainage facility without the prior written approval of the Township Superintendent, which approval shall be given only if such action will not adversely affect other property or publicly-owned stormwater drainage facilities.

(Ord. No. 697, § 3.2, 11-6-2000)

Sec. 28-323. Material storage.

Except as specifically permitted by state or federal law, it shall be unlawful for any person to store or stockpile, within an overland drain or a floodplain, any chemicals, explosives, buoyant materials, yard wastes, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials unless adequate protection and containment has been provided to absolutely prevent such material from entering the stormwater or flood waters.

(Ord. No. 697, § 3.3, 11-6-2000)

Sec. 28-324. Maintenance of stormwater drainage facilities.

A property owner shall be solely responsible for the on-going maintenance of any on-site stormwater system consistent with BMPs. As used herein, "maintain" or "maintenance" means inspecting, cleaning out, mowing, repairing, and removing leaves, weeds and debris from all ponds, leach basins, pollution-control devices, or similar appurtenances of the stormwater system, if the failure to maintain is likely to result in impeding the functioning of the stormwater system. Stormwater permits issued in accordance with this article shall be subject to the developer's establishing to the township's reasonable satisfaction that mechanisms are in place to ensure the on-going maintenance of any on-site stormwater system. By way of example, a developer may satisfy the requirements of this section, and the comparable requirements contained in section 28-313, by executing and recording with the county register of deeds a voluntary agreement providing that if the owner of an on-site stormwater system fails to maintain that system, the township may perform the reasonably necessary maintenance and any costs, fees, or expenses that the township incurs in maintaining the on-site stormwater

system may be assessed as a lien on the property, which lien shall be collected in the same manner as ad valorem property taxes to the extent permitted by law. Off-site drains shall be maintained in accordance with the provisions of state law or approved plat, easement or individual site agreements.

(Ord. No. 697, § 3.4, 11-6-2000)

Sec. 28-325. Construction of stormwater drainage facilities.

The township shall include in its stormwater capital improvements plan (the "SWCIP") the nature and estimated costs of drainage infrastructure improvements set forth in the stormwater master plan. The SWCIP shall act as a guideline for implementing drainage improvements but shall not constitute an obligation or commitment on the part of the township to undertake particular improvements or to do so within a particular time period, which determinations shall remain contingent on priorities established by the township board at its sole discretion.

(Ord. No. 697, § 3.5, 11-6-2000)

Sec. 28-326. Use of footing drains.

Where reasonably practical, if a building needs footing drains because of a high water table which is within two (2) feet of the footing drains or impervious soils, a direct connection between the footing drains through a sump pump check valve system shall be required. Gravity systems are not permitted.

(Ord. No. 697, § 3.6, 11-6-2000)

Sec. 28-327. Unencumbered rear yards.

On all lots and parcels, a minimum rear yard setback of 25 feet from any drainage easement shall be provided to facilitate the reasonable use of rear yards for accessory structures and play areas regardless of drainage issues.

(Ord. No. 697, § 3.7, 11-6-2000)

Secs. 28-328--28-330. Reserved.

DIVISION 4. CONNECTION FEES AND CHARGES

Sec. 28-331. Fees for direct connection.

(a) Where a direct connection will be utilized, the developer shall pay a direct connection fee to the township. Subject to subsection (c), the amount of the fee shall be equal to the product of:

(1) The sum of:

a. The township's actual costs (including administrative, planning, and design costs), incurred on or after January 1, 1999, for any publicly-owned infrastructure that comprises a drain that the direct connection will utilize; and

b. The township's estimated costs (including administrative, planning, and design costs) of publicly-owned infrastructure that the stormwater master plan anticipates will be constructed if the land in a drainage basin is developed; and

(2) A fraction, the numerator of which is the estimated stormwater runoff for the development site, and the denominator of which is the combined estimated stormwater runoff of those parcels that utilize a direct connection to the drainage basin and that are or could be developed after the effective date of this ordinance, based upon the types of uses and density permitted in accordance with the township's zoning ordinance.

(b) A developer may agree to a voluntary special assessment roll providing that, at such future time as the township constructs new infrastructure for a drain the direct connection utilizes, which infrastructure was not identified in the stormwater master plan at the time the township issued a stormwater permit for a development, the owner of a parcel directly connected to the drain, which parcel was first developed after the effective date of this article, shall pay a direct connection fee to the township, calculated using the formula described in subsection (a), based on the actual costs (including administrative and design costs) of the new infrastructure. Any such special assessment roll shall be recorded with the county register of deeds.

(c) A developer shall not be required to pay a direct connection fee if the developer has previously paid its proportional share of the costs of the publicly owned infrastructure upon which the direct connection fee is based. The developer shall have the option of having the direct connection fee calculated, in the case of a phased development project, based on each phase proposed for development or for the entire project. Nothing in this subsection shall be interpreted as relieving a developer of its obligation to pay a direct connection fee for any new development occurring on a development site after the effective date of this article.

(Ord. No. 697, § 4.1, 11-6-2000)

Sec. 28-332. Fees for operation and maintenance costs of drains.

If the use of any property results in an indirect connection or a direct connection to a drain, the owner of the parcel shall be responsible to pay a fee for the operation and maintenance costs of the drain. The amount of the fee shall not exceed the product of:

(1) The operation and maintenance costs; and

(2) A fraction, the numerator of which is the actual stormwater runoff for the parcel, and the denominator of which is the combined actual stormwater runoff of those parcels that discharge, directly or indirectly, stormwater runoff into the drain.

(Ord. No. 697, § 4.2, 11-6-2000)

Secs. 28-333--28-340. Reserved.

DIVISION 5. OTHER DEVELOPMENT*

***Editor's note:** Ord. No. 778, adopted January 3, 2006, amended the Code by renumbering former div. 5, §§ 28-341--28-344, as a new div. 6, §§ 28-351--28-354, and adding a new div. 5 to read as herein set out.

Sec. 28-341. Development not automatically subject to divisions 2 and 4.

As to the construction of or an addition to:

- (1) A single-family detached residential structure;
 - (2) A two-family detached residential structure; or
 - (3) An accessory building that requires a building permit and located on a residential development site of a single-family and two-family detached residential structure,
- the township or its designee may require the developer to comply with one or more of the requirements of divisions 2 and 4 if it is determined by the township superintendent that stormwater management measures are necessary. No later than 15 days after the developer submits to the township an application for a building permit, the superintendent shall determine whether to impose any of the requirements of divisions 2 and 4, and shall within the same time period inform the developer that compliance with one or more of the requirements of divisions 2 and 4 may be required. Thereafter, the township shall determine what, if any, requirements shall be imposed. Any of the requirements of divisions 2 and 4 that are imposed may be relaxed if the superintendent determines that full compliance with the requirement is unnecessary or over burdensome. No occupancy permit shall be issued until all of the requirements imposed are satisfied and completed or the developer has submitted a performance bond in an amount determined by the township superintendent necessary to cover the cost of the remaining requirements.

If, after the issuance of a building permit, the builder, developer, property owner or any of their agents create conditions that adversely affect area drainage, whether or not a storm water management permit has been required or issued, the township may issue a "stop work" order on the building permit and/or withhold a certificate of occupancy until the drainage conditions have been satisfied in a manner that is satisfactory to the township.

The township may record on individual parcels of property in the township documentation identifying said parcels to include probable drainage issues that may arise in conjunction with their development. This will have the effect of serving notice on current and future owners of said parcels that drainage issues may exist that would prevent the issuance of building permits or filling or grading that could have a detrimental effect on the property or neighboring property.

(Ord. No. 778, 1-3-2006)

Secs. 28-342--28-350. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 28-351. Sanctions for violation.

Any person violating any provision of this article shall be responsible for a municipal civil infraction and subject to a fine 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 article.

(Ord. No. 697, § 5.1, 11-6-2000)

Sec. 28-352. Emergency authority.

When emergency protective measures are reasonably necessary to protect public health, safety, or welfare, to prevent loss of life or injury or damage to property, or to prevent a violation of this article, the township superintendent is authorized to initiate such measures, including the issuance of a "stop work order" to prevent a violation of this article.

(Ord. No. 697, § 5.2, 11-6-2000)

Sec. 28-353. Public nuisance.

The violation of any provision of this article shall be deemed a public nuisance subject to abatement by the equitable power of any court of competent jurisdiction.

(Ord. No. 697, § 5.3, 11-6-2000)

Sec. 28-354. Appeals.

Any person to whom any provision of this article applies, including, without limitation, a person required to pay a fee pursuant to this article, may appeal the article's application in writing to the township board, identifying the nature of, and basis for, the appeal. The township board, after receiving the recommendations of the township engineer and superintendent, may vary the requirements of this article upon finding that the following standards are met:

- (1) The application of the article will produce practical difficulties for a development; and
- (2) The granting of the relief requested will not interfere with accomplishing the purposes of this article.

"Practical difficulties" shall not include the fact that the application of this article may require the developer to incur reasonable, additional expenses.

(Ord. No. 697, § 5.4, 11-6-2000)