

90.000

STORMWATER MANAGEMENT ORDINANCE

Ord. No. 1992-9

Adopted: November 11, 1992

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF UNION, COUNTY OF ISABELLA, STATE OF MICHIGAN, ORDAINS:

ARTICLE 1

90.100

SHORT TITLE AND GENERAL PROVISIONS

[Sec. 1.00.] This Ordinance shall be known and may be cited as the "Union Township Stormwater Management Ordinance," and shall be referred to as Ordinance No. 1992-9.

90.101

Statement of findings.

Sec. 1.01. As a result of the preparation and conclusions of the stormwater management plan, adopted by the Township Planning Commission on September 16, 1992, the Charter Township of Union finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed: (1) increases flood flows and velocities, (2) contributes to erosion and sedimentation, (3) overtaxes the carrying capacity of streams and storm sewers, (4) greatly increases the cost of public facilities, (5) hinders control efforts in downstream communities, (6) reduces groundwater recharge, and (7) threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people, resources, and environment of the Township.
- C. The Township Board of the Charter Township of Union further finds that uncontrolled drainage and development of land has a significant adverse impact upon the community. More specifically:
 - 1. Stormwater runoff can carry pollutants into receiving water bodies, degrading water quality.
 - 2. The increase in nutrients, such as phosphorus and nitrogen, accelerates eutrophication of receiving waters, adversely affecting flora and fauna.
 - 3. Improperly channeling water increases the velocity of runoff, thereby increasing erosion and sedimentation.

4. Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna.
5. Impervious surfaces increase the volume and rate of stormwater runoff inhibiting percolation into the soil, thereby decreasing groundwater recharge.
6. Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods that occur, endangering property and human life.
7. Improperly managed stormwater runoff can interfere with the maintenance of optimum salinity in estuarine areas, thereby disrupting biological productivity.
8. Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

90.102 Purpose.

Sec. 1.02.

- [A.] The purpose of this Ordinance is to reduce or eliminate the hazards to public health and safety caused by excessive stormwater runoff; to reduce the economic losses to individuals and the community at large; to enhance broader social and economic objectives; and to protect, conserve, and promote the orderly development of land and water resources. The provisions of this Ordinance further supplement ordinances regulating:
- [1.] The use and development of floodplain and flood-prone lands.
 - [2.] The subdivision, layout, and improvement of lands located within the Charter Township of Union.
 - [3.] The development of areas of unique physical characteristics.
 - [4.] The excavating, filling, and grading of lots and other parcels or areas.
 - [5.] The development of business districts.
 - [6.] The construction of buildings and the drainage of the sites on which those structures are located, including parking and other paved areas.
 - [7.] Soil erosion and sedimentation.
 - [8.] The design, construction, and maintenance of stormwater drainage facilities and systems.
 - [9.] The alteration, filling, and development of wetland areas.

[B.] The further purpose of this Ordinance shall be:

- [1.] To protect the public health, safety, and welfare by requiring stormwater management whenever new, expanded, or modified developments are proposed.
- [2.] To promote the most efficient and beneficial uses of land and water resources.
- [3.] To assure that stormwater runoff from development is controlled so that water quality is protected, siltation is minimized, and flooding problems are avoided.
- [4.] To provide for cost-effective and functionally effective stormwater management and to reduce the need for future remedial projects.
- [5.] To use the natural drainage system for conveying and receiving stormwater runoff and to minimize the need to construct storm drain pipes.
- [6.] To encourage multiple-purpose stormwater management that enhances the environmental character of the Charter Township of Union.
- [7.] To allow wetlands to be used for stormwater detention in selected locations, while ensuring that the natural functions and the quality of wetlands throughout the Township are protected to the maximum feasible extent.
- [8.] To recognize the private responsibility of incorporating stormwater management systems into the early stages of site planning and design.
- [9.] To allow for off-site stormwater management under specified conditions.
- [10.] To ensure that all stormwater conveyance and detention facilities will be properly maintained.
- [11.] To provide penalties for violation of the provisions of this Ordinance.

90.103 Authority.

Sec. 1.03. This Ordinance is adopted in accordance with the Charter Township Ordinance Act of 1947 and the Subdivision Control Act of 1967.

90.104 Conflicting ordinances.

Sec. 1.04. The provisions of the Ordinance shall be deemed as additional requirements to standards required by other ordinances of the Township. In case of conflicting requirements, the most restrictive shall apply.

90.105 Separability.

Sec. 1.05. The provisions and sections of the Ordinance shall be deemed separable and the validity of any portion of this Ordinance shall not affect the validity of the remainder.

90.106 Compatibility with other permit and ordinance requirements.

Sec. 1.06. Permits and approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. If more stringent requirements concerning regulation of stormwater or erosion and sedimentation control are contained in the other code, rule, act, or ordinance, the more stringent regulation shall apply.

90.107 Regulated activities.

Sec. 1.07. The following activities are included within the scope of this Ordinance:

- A. Subdivisions of land.
- B. Land development use regulations requiring site plan review as stated in the Zoning Ordinance of the Charter Township of Union.
- C. Earth-moving involving a parcel of one or more acres.
- D. Construction of new impervious surfaces (driveways, parking lots, etc.).
- E. Construction of new buildings or additions to existing buildings.
- F. Diversion or piping of any natural or manmade stream channel.
- G. Installation of stormwater systems or appurtenances thereto.

ARTICLE 2**90.200****DEFINITIONS**

Detention basin: A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event, or it can be designed to contain a permanent pool of water.

Developer: A person (or persons), partnership, association, corporation, other entity, or any responsible person therein or agent thereof that undertakes the activities covered by this Ordinance.

Development: The improvement of one or more contiguous lots, tracts, or parcels of land for any purpose, including buildings that include but are not

limited to streets, common areas, leaseholds, condominiums, building groups, or other features, such as planned unit developments, site condominiums, and multifamily residences.

Erosion: The removal of soil particles by the action of water, wind, ice, or other geological agents.

Impervious surface: A surface that prevents the penetration of water into the ground, such as asphalt, concrete, rooftops, soil cement, and other compacted mixtures of clay, stone, and gravel.

Infiltration facilities: A structure designed to direct runoff into the ground (e.g., French drains, seepage pits, and seepage trenches).

Land disturbance: Any activity involving grading, tilling, digging, or filling of ground; stripping of vegetation; or any other activity that causes land to be exposed to the danger of erosion.

Municipality: The Charter Township of Union, Isabella County, Michigan, except where otherwise stated.

Retention basin: An area of excavated earth for the collection and storage of runoff without subsequent discharge to surface waters and into which surface water is directed into the ground.

Runoff: That part of precipitation that flows over the land.

SCS: Soil Conservation Service, U.S. Department of Agriculture.

Sediment: Soil material, both mineral and organic, that is in suspension, that is being transported, or that has been moved from its site of origin by water.

Site: Any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership or that are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

Storm event: A precipitation event of specific frequency and duration having a 100 percent chance of occurring in any one year of the specified frequency (i.e., a 25-year, 24-hour storm event).

Stormwater: Water that results from precipitation that is not absorbed by the soil or vegetation or evaporated and that flows over the ground surface or is collected in channels or conduits.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development.

Swale: A low-lying stretch of land that gathers or carries surface water runoff.

Township: The Charter Township of Union, Isabella County, Michigan, except where otherwise stated.

ARTICLE 3

90.300 STORMWATER MANAGEMENT PLAN REQUIREMENTS

90.301 Applicability.

Sec. 3.01. The stormwater management plan must be submitted and approved before:

- A. A plat is recorded; or
- B. An existing drainage system is altered, rerouted, deepened, widened, enlarged, or obstructed; or
- C. A residential development having a gross aggregate area including roads, utility rights-of-way, and any other dedicated lands of one or more acres [is constructed];
- D. Any new commercial, industrial, institutional, or utility development is commenced; and
- E. Any activity pursuant to Section 1.07 [90.107] of this Ordinance is commenced. No final subdivision plat shall be approved, and no building permits shall be issued until and unless the stormwater management plan has been reviewed and approved by the Township.

90.302 Exemptions.

Sec. 3.02. The following development activities shall be exempted from some or all of the provisions of this Ordinance at the discretion of the Township.

- A. The development of single-family or two-family residential dwelling units and their accessory structures (such as fences, storage shed, and septic tanks) in an existing subdivision or on a lot of less than one acre in size.
- B. Any maintenance, alteration, use, or improvement to an existing structure not changing or affecting quality, rate, volume, or location of surface water discharge.
- C. Land disturbance associated with existing one- and two-family dwellings.
- D. Use of land for gardening for home consumption.
- E. Agriculture when operated in accordance with the SCS Best Management Practices for that district.
- F. The division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access.

- G. Logging operations that are operating under an approved Isabella County erosion and sedimentation control plan.

Exempted activities may be required to provide a simplified stormwater management plan that would identify stormwater facilities and how stormwater would be managed on site and the expected off-site impact. Simplified plans may utilize creative and innovative stormwater management techniques, such as:

- Swales in back-lot areas.
- Parking lot depressions.
- Leaching basins and underground storage.
- Gravel berms.
- Fill ditches.
- Gravel underlayments.

90.303 Plan content.

Sec. 3.03. The required stormwater management plan shall identify means for controlling the stormwater runoff release rate from the development and providing storage potential for the excess stormwater runoff (where required). All computations, plans, and specifications related to the implementation of this Ordinance must be prepared and sealed by a professional engineer registered in Michigan.

The stormwater management plan shall contain but not be limited to the following information unless specifically excluded by the Township:

- A. A topographic map of the project site and adjacent areas of suitable scale and contour interval that shall define the location of streams; the extent of floodplains; the calculated high water elevations; the shoreline of lakes, ponds, swamps, and detention basins, including their inflow and outflow structures, if any.
- B. Map(s) of the project area showing:
1. The location of the project relative to highways, municipalities or other identifiable landmarks.
 2. Existing contours at intervals of two feet. In areas of steep slopes (greater than 15-percent), five-foot contour intervals may be used.
 3. Streams, lakes, ponds, or other bodies of water within the project area or that will be affected by runoff from the project.
 4. Other physical features, including existing drainage swales and areas of natural vegetation to be preserved.
 5. Locations of proposed underground utilities, sewers, and water lines.

6. An overlay showing soil types and boundaries.
 7. Proposed changes to land surface and vegetative cover.
 8. Areas to be cut or filled.
 9. Proposed structures, roads, paved areas, and buildings.
 10. Final contours at intervals of two feet. In area of steep slopes (greater than 15 percent), five-foot contour intervals may be used.
- C. The location and flow line elevation of all existing sanitary, storm, or combined sewers.
 - D. Detailed determination of runoff anticipated for the entire project site following development indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and restatement of the criteria that have been used by the project engineer throughout his/her calculations.
 - E. A layout of the proposed stormwater management system, including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements will have upon the receiving channel and its high water elevation.
 - F. The slope, type, and size of all existing and proposed storm sewers and other waterways.
 - G. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
 - H. A profile and one or more cross-sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels.
 - I. The staging of all earth-moving activities must be described, including cuts and fills, streets, underground utilities, sewer and water lines, buildings, driveways, parking areas, open-space areas, and other structures.
 - J. Maintenance program: A maintenance program for all stormwater management control facilities must be included. This program must include the proposed ownership of the control facilities and detail the financial responsibility for any required maintenance. Township-owned facilities shall be maintained by the Township. Privately owned facilities shall be maintained by the owner.

90.304 Design and performance standards.

Sec. 3.04.

A. *General performance standards for stormwater management:*

1. Stormwater management conveyance, storage, infiltration measures, and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
2. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners. Stormwater from upstream and off-site locations shall be conveyed around or through the site or may be stored on site.
3. A primary storage system that manages runoff from storms up to a 25-year frequency and 24-hour duration shall be provided.
4. Detention basins and conveyance systems shall be designed to safely control and accommodate a secondary drainage system to direct runoff from storms greater than a 25-year and 24-hour frequency and duration up to a 100-year event.
5. For the 25-year frequency and 24-hour duration storm event, the discharge runoff rate shall not exceed the peak rate of 0.1 cfs per acre for the entire site. Where these standards cannot realistically be achieved, the applicant shall demonstrate that existing higher runoff rates meet the intent and spirit of this Ordinance.
6. Unless otherwise approved, stormwater discharge shall be conveyed through swales and vegetated buffer strips so as to decrease runoff velocity, to allow for natural infiltration, to allow suspended sediment particles to settle, and to remove pollutants.
7. Watercourses shall not be dredged or cleared of vegetation or deepened, widened, straightened, stabilized, or otherwise altered without applicable permits or approvals from the Township Board and the Michigan Department of Natural Resources. If the watercourse is a designated county drain, approval from the Isabella County Drain Commissioner shall be obtained. Any other applicable permit requirements shall also be obtained prior to approval.
8. Design criteria, based upon professionally accepted principles, to trap or contain discharge of runoff from any site that may contain oil, grease, toxic chemicals, or other polluting materials shall be incorporated to meet the requirements of the Michigan Department of Natural Resources and the Charter Township of Union.
9. Drainage systems shall be designed to protect public health and safety and to be visually attractive.

10. Phased development shall provide storage of stormwater for the entire site as part of the initial phase of construction.
- B. *Soil erosion standards:*
1. Sediment resulting from accelerated soil erosion shall be removed from runoff water before it leaves the site of the development or earth change.
 2. Surface water must be discharged or conveyed around, through, or from the development or earth change area at a controlled release rate sufficient to prevent erosion.
 3. If lakes, ponds, rivers, creeks, streams, or other watercourses and wetlands are located on or near the site, erosion control measures that trap sediment shall be encouraged. Other measures may be required if reasonably determined to be necessary to protect a watercourse or wetland.
 4. The creation or retention of vegetated buffer strips shall be encouraged along the edges of all lakes, ponds, creeks, streams, other watercourses, and wetlands when reasonably determined to be necessary to protect the watercourse.
- C. *Stormwater storage and infiltration structure standards:*
1. Stormwater storage and/or infiltration structures that protect water quality and minimize flooding shall be required for all developments. Storage facilities may include but are not limited to detention basins, retention basins, infiltration trenches, swales with check dams, and other facilities.
 2. All detention basins shall be designed to maximize the ability of the basin to hold and trap sediment. The following types of basins, listed in order of preference with "(a)" being the most desirable, meet the requirements of the Charter Township of Union:
 - (a) Infiltration facilities, provided that soils and groundwater conditions are suitable.
 - (b) Detention basins with a fixed minimum water elevation between runoff events (wet basins). Wet basins that serve to trap soil particles on site are preferable to dry basins.
 - (c) Detention basins that hold stormwater from the one-year storm event for more than 24 hours before completely draining to become a dry basin (extended detention).
 3. Detention and retention basins shall be safely and adequately designed to control runoff. Retention and detention basins shall have an overflow system designed to safely control a 100-year frequency storm event. Basins shall be permanently stabilized to minimize erosion.

4. Unless a variation is approved, detention and retention basins with banks steeper than one on three (vertical to horizontal) shall not be permitted.
 5. Detention basins and associated berms and landscaping shall be designed to protect public safety and to be visually attractive (refer to the United States Department of Agriculture, Soil Conservation Service Agricultural Handbook No. 590; Ponds—Planning, Design, Construction).
- D. *Discharge of stormwater runoff to wetland standards:*
1. Stormwater runoff discharged to wetlands must be diffused to nonerosive velocities before it reaches the wetland.
 2. Wetlands may be used for stormwater detention if the following conditions are met:
 - (a) If the provisions of Act 203, the Goemaere-Anderson Wetland Protection Act of Michigan, are met.
 - (b) If the wetland storage or detention area is set back at least 100 feet from the edge of any lake or stream.
 - (c) If the wetland does not have significant wildlife habitat or ecological values that would likely be impaired or destroyed.
 - (d) If the wetland has sufficient holding capacity for stormwater, based upon calculations prepared by the proprietor and reviewed and approved by the township.
 - (e) If adequate on-site sediment control is provided to protect the natural functioning of the wetland.
 - (f) If proper Department of Natural Resources (DNR) permits are obtained.

(Ord. No. 1993-13, 12-8-93)

90.305 Plan submission.

Sec. 3.05.

- A. The plan shall be accompanied by the required fee.
- B. Five copies of the completed plan must be submitted.

90.306 Exceptions.

Sec. 3.06. The Charter Township of Union may grant written exceptions from any requirements for this Ordinance using the following criteria:

- A. There are special circumstances applicable to the subject property of its intended use.

- B. The granting of an exception will not:
1. (Significantly) increase or decrease the rate or volume of surface water runoff.
 2. Have a (significant) adverse impact on a wetland, watercourse, or water body.
 3. (Significantly) contribute to the degradation of water quality.
 4. Otherwise (significantly) impair attainment of the objectives of this Ordinance.
- C. The following types of development shall not be eligible to receive an exception:
1. Shopping centers.
 2. Industrial or commercial facilities.
 3. Platted subdivisions in accordance with P.A. 288 of 1967 or site condominiums in accordance with P.A. 59 of 1978.
 4. Impervious surfaces greater than 10,000 square feet.

90.307 Waiver option in lieu of on-site stormwater detention.

Sec. 3.07. The use of off-site stormwater conveyance, infiltration, and/or detention areas may be proposed. In such cases, the proprietor shall request a waiver of the requirements for on-site stormwater detention.

Off-site stormwater management areas may be shared with other landowners, provided that maintenance agreements have been approved by the Township Board and recorded.

- A. *Review by the Township Board:* The Township Board may delegate its review and accept the recommendation of a designated agent of the Township. The final decision on a waiver request shall be made by the Township Board.
- B. *Stormwater management plan submittal:* The waiver request shall be submitted with a stormwater management plan as provided in Article 3 [90.300 et seq.], including proposed stormwater management measures, on-site and off-site.
- C. *Applicable standards:* In addition to the stormwater management standards specified in Article 3 [90.300 et seq.] of this Ordinance, the proprietor must demonstrate and provide assurances for the following:
1. Stormwater flows and management controls shall not result in excessive stream channel erosion, on site and off site.
 2. High value or unique wetlands and natural areas shall not be significantly altered by on-site or off-site stormwater flows.

3. Soil erosion shall be managed on site as well as off site.
 4. Off-site stormwater facilities shall be protected through appropriate easements.
 5. Adequate provision and agreements for maintenance of stormwater management facilities shall be made.
- D. *Performance guarantees, inspections, maintenance, and enforcement:* All provisions of Articles 4 [90.400 et seq.] and 5 [90.500 et seq.] shall apply to off-site stormwater conveyance and detention.

ARTICLE 4

90.400 BONDS, MAINTENANCE ASSURANCE, AND FEES

90.401 Performance bonds and other assurance for completion and operation.

Sec. 4.01. Upon approval of the stormwater management plan but before the issuance of a building permit or site plan approval, the Township shall require the applicant to post a performance bond, cash escrow, certified check, or other acceptable form of performance security in an amount sufficient to ensure the execution of the plan. After determination by the Township that all facilities are constructed in compliance with the approved plan, the performance bond or other securities shall be released.

90.402 Maintenance agreement.

Sec. 4.02.

- A. Drainage facilities shall be dedicated to the Charter Township of Union, where they are determined to be appropriately a part of the Charter Township of Union's maintained regional system or are unlikely to be adequately maintained by the developer or owner of the property.
- B. The systems maintained by the owner shall have adequate easements to permit the Charter Township of Union to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. Before taking corrective action, the Charter Township of Union shall give the owner written notice of the nature of the existing defects. If the owner fails, within 30 days from the date of notice to commence corrective action or to appeal the matter to the special hearing examiner, the Charter Township of Union may take necessary correction [corrective] action, the cost of which shall become a lien on the real property until paid.

90.403 Fee.

Sec. 4.03. A permit fee will be collected at the time the stormwater management plan or application for waiver is submitted and will reflect the cost of administration and management of the permitting process. The Charter Township of Union shall establish, by resolution, a prorated fee schedule based upon the relative complexity of the project. The fee schedule may be amended, by resolution, from time to time, by the Charter Township of Union. Notice of such resolution shall be published no less than 15 days prior to adoption. No permit to begin any work on the project shall be issued until the requisite fees have been paid.

90.404 Modification of plans.

Sec. 4.04. An application for modification to an approved stormwater management plan shall not be reviewed until the additional fees have been paid by the applicant.

ARTICLE 5**90.500****ADMINISTRATION AND ENFORCEMENT****90.501 Plan approval.**

Sec. 5.01.

- A. The Township shall forward a copy of the plan to the Planning Commission, Zoning Administrator, and the County Department of Resource Management.
- B. The Township Planning Commission shall review the plan and comments from the Zoning Administrator and the County Department of Resource Management and shall recommend whether the plan be approved or disapproved.
- C. The Township shall notify the applicant of its decision within 60 days from receipt of a complete plan submission. A complete plan submission shall include all required forms, documents, and information.
- D. A disapproval shall contain the reasons for disapproval and a listing of the plan deficiencies.
- E. Failure of the municipality to render a decision within the 60-day time limit shall be deemed an approval.

90.502 Modification of plans.

Sec. 5.02. A modification to an approved stormwater management plan that involves a change in control methods or techniques, that involves the relocation or redesign of control measures, or that is necessary because soil or other conditions are not as stated on the approved application shall be considered following review by the Township in accordance with the requirements of this Ordinance.

90.503 Inspection.

Sec. 5.03. For the purpose of this Ordinance, the Township Board or duly authorized representative may enter, at all reasonable times, in or upon any private or public property for the purpose of inspecting or investigating the condition and practices that may be a violation of this Ordinance. A written notice shall be sent to the person, firm, or corporation who is deemed to be in violation.

90.504 Enforcement.

Sec. 5.04. The provisions of this Ordinance shall be administered and enforced by the Township Board or by such person(s) as the Township Board may delegate to enforce the provisions of this Ordinance.

90.505 Penalties.

Sec. 5.05. For any and every violation of the provisions of this Ordinance, the owner, agent, contractor, lessees, or tenant of the premises, building, or part thereof, where such violation has been committed, shall be guilty of a misdemeanor. The owner, agent, architect, builder, or any person who commits, takes part in, or assists in such violation of any of the provisions of this Ordinance or any person who maintains any buildings or premises in which any such violation exists shall be guilty of a misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

90.506 Additional remedies.

Sec. 5.06. In addition to the above remedies, the Township Board may institute any appropriate action or proceedings to prevent any erection, construction, alteration, repair, maintenance, or use of any structure or premises

constituting a violation of any of the provisions of this Ordinance; to restrain, correct, or abate such violation; and to prevent any unlawful act, business activity, or other use in or about such premises.

90.507 Appearance tickets.

Sec. 5.07. The Township Board is specifically authorized to issue and serve appearance tickets, based on probable cause, on any person, business, or organization in violation of any other provisions of the Ordinance and for which a fine, imprisonment, or both may be levied as a result of such violation.

Appearance ticket means a complaint or notice upon which the Township Board shall record an occurrence involving one or more violations of the Ordinance by the person cited. Each citation shall consist of the following parts:

- A. The original, which shall be a complaint or notice to appear by the Township Board and filed with the court.
- B. The second copy, which shall be retained by the Township.
- C. The third copy, which shall be delivered to the alleged violator. Such citation may be appropriately modified as to content or number of copies to accommodate ordinance enforcement and local court procedures and practices.

ARTICLE 6

90.600

PERMIT REQUIREMENTS AND PROCEDURES

[Sec. 6.00.] In order to exercise the necessary control over stormwater management activities and to provide a mechanism for collection of fees, a permitting system is needed.

90.601 Permit requirements.

Sec. 6.01. All activities as specified in Sections 1.07 [90.107] and 3.01 [90.301], except those specifically exempt from permit requirements by Section 3.02 [90.302], shall be conducted only after the issuance of a stormwater discharge permit.

90.602 Land disturbance activities.

Sec. 6.02. The applicant shall obtain the required permit after obtaining the required plan approval as specified in Articles 3 [90.300 et seq.] and 5 [90.500 et seq.] of this Ordinance. This permit will be issued by the Township when the plan is approved.

90.603 Modification of plans.

Sec. 6.03. A modification to an approved stormwater management plan, when required under Article 5 [90.500 et seq.] of this Ordinance, shall require a new permit. The permit shall be issued following approval of the revised plan.

90.604 Application for permit.

Sec. 6.04. All applications for permits required by this Ordinance shall be made on forms supplied by the Township. Such application shall provide a brief description of the stormwater management controls and the development activity. This application shall become part of the plan submission required by Article 3 [90.300 et seq.] of this Ordinance.

90.605 Expiration and renewal.

Sec. 6.05.

- A. All permits shall expire 12 months from the date of issuance unless construction is commenced prior to this date.
- B. A renewal of an expired permit may be issued by the Township following a resubmittal of the permit application form and its approval by the Township.
- C. The refusal of the Township to reissue an expired permit shall contain the reasons for such refusal.

90.606 Suspension and revocation.

Sec. 6.06.

- A. Any permit issued under this Ordinance may be suspended or revoked by the Township for:
 1. Noncompliance with or failure to implement any provision of the permit.
 2. A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the project.
 3. The creation of any condition or the commission of any act during construction or development that constitutes or creates a hazard or nuisance or that endangers the life or property of others.
- B. A suspended permit shall be reinstated by the Township when:
 1. The Township has inspected and approved the corrections to the stormwater management control measure(s) or the elimination of the hazard or nuisance; and/or

2. The Township is satisfied that the violation of the Ordinance, law, or rule and regulation has been corrected.
- C. A permit that has been revoked by the Township cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

ARTICLE 7

90.700

IMPLEMENTATION

90.701 Effective date.

Sec. 7.01. The amendatory provisions of this Ordinance shall take effect on February 1, 1993.