

## ARTICLE IV. STORMWATER MANAGEMENT

### DIVISION 1. GENERALLY

#### Sec. 21-2101. Statutory authority and title.

This article is adopted in accordance with the Home Rule Cities Act, as amended, being MCL 117.1, 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 article shall be known and may also be cited as the City of Zeeland Stormwater Ordinance.  
(Ord. No. 826, § 2, 3-6-06)

#### Sec. 21-2102. Findings.

The City of Zeeland finds that:

- (1) Water bodies, roadways, structures, and other property within, and downstream of the city 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 city 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 waterborne pollutants;
- (5) Increases of stormwater runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and cause deterioration of the water resources of the city and downstream municipalities;
- (6) Stormwater runoff, soil erosion, and non-point source pollution, due to land development within the city, may result in a deterioration of the water resources of the city and of downstream municipalities;
- (7) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the city will, absent reasonable regulation and control, adversely affect the city's water bodies and water resources, and those of downstream municipalities;
- (8) Stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of stormwater runoff from development;
- (9) Adopting the standards, criteria and procedures contained in this article and implementing the same will address many of the deleterious effects of stormwater runoff;
- (10) Adopting these standards is necessary for the preservation of the public health, safety and welfare;
- (11) Illicit discharges contain pollutants that will significantly degrade the city's water bodies and water resources;
- (12) Illicit discharges enter the municipal separate storm sewer system (MS4) through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the

storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets);

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

(Ord. No. 826, § 2, 3-6-06)

#### Sec. 21-2103. Purpose.

It is the purpose of this article 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 non-point source pollution;

(6) To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;

(7) To minimize the impact of development upon stream bank and stream bed stability;

(8) To reduce erosion from development or construction projects;

(9) To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;

(10) To reduce 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;

(11) To reduce the adverse impact of changing land use on water bodies and, to that end, this article 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, monitoring and enforcement procedures necessary to ensure compliance with this article.

(Ord. No. 826, § 2, 3-6-06)

#### Sec. 21-2104. Applicability, exemptions and general provisions.

(a) This article 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 article shall not apply to the following:

(1) 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.

(2) Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to livestock production facilities as defined in this article, greenhouses and other similar structures.

(3) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this article, where such approvals remain in effect.

(b) This article shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted.

(Ord. No. 826, § 2, 3-6-06)

#### Sec. 21-2105. Definitions

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

(1) *Authorized enforcement agency*: Employees of the city designated to enforce this article are the city manager, or his designate, including but not limited to the building and zoning official.

(2) *Base flood*: A flood having a one (1) percent chance of being equaled or exceeded in any given year (using Bulletin 71).

(3) *Base flood elevation*: The high water elevation of the base flood, commonly referred to as the "100-year flood elevation."

(4) *Base flood plain*: The area inundated by the base flood.

(5) *Best management practices (BMP)*: A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality's Guidebook of BMP for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this article (including, but not limited to minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the city engineer, and, where appropriate, the standards of the Ottawa County Drain Commissioner.

(6) *Building opening*: Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.

(7) *City*: The City of Zeeland.

(8) *Clean Water Act*: The Federal Water Pollution Control Act, 33 USC Sec 1251 et seq., as amended, and the applicable regulations promulgated hereunder.

(9) *Construction site stormwater runoff*: Stormwater runoff from a development site following an earth change.

(10) *Design engineer*: Registered and licensed professional engineer in the State of Michigan responsible for the design of a drainage plan.

(11) *Detention*: A system that is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate.

(12) *Developed or development*: The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, the City'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 Division 2 of this article 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.

(13) *Developer*: Any person proposing or implementing the development of land.

- (14) *Development site*: Any land that is being or has been developed, or that a developer proposes for development.
- (15) *Discharger*: Any person or entity that 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 article.
- (16) *Drain*: Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et. seq., other than an established county or inter-county drain.
- (17) *Drainage*: The collection, conveyance, or discharge of ground water and/or surface water.
- (18) *Drainageway*: The area within which surface water or ground water is carried from one (1) part of a lot or parcel to another part of the lot or parcel or to adjacent land.
- (19) *Earth change*: A human made change in the natural cover or topography of land, including cut and fill activities. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.
- (20) *EPA*: The United States Environmental Protection Agency.
- (21) *Erosion*: The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.
- (22) *Exempted discharges*: Discharges other than stormwater as specified in section 21-2402.02 of this article.
- (23) *Federal Emergency Management Agency (FEMA)*: The agency of the federal government charged with emergency management.
- (24) *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.
- (25) *Floodplain*: Any land area subject to periodic flooding.
- (26) *Flood-proofing*: Any structural and/or nonstructural additions, changes, or adjustments to structures or property that reduce or eliminate flood damage to land, or improvements, including utilities and other structures.
- (27) *Flood protection elevation (FPE)*: The Base Flood Elevation plus one (1) foot at any given location.
- (28) *Floodway*: The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth ( 1/10) of a foot due to the loss of flood conveyance or storage.
- (28) *Grading*: Any stripping, clearing, stumping, excavating, filling, leveling and/or stockpiling of soil or any combination thereof and the land in its excavated or filled condition.
- (30) *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.
- (31) *Illicit connection*: Any method or means for conveying an illicit discharge into water bodies or the city's stormwater system.

- (32) *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 article.
- (33) *Impervious surface*: A surface, such as a paved or gravel driveway, roof, parking area or road that prevents the infiltration of water into the soil.
- (34) *Livestock production facility*: An agricultural activity, in which one hundred (100) or more livestock are fed, bred and/or raised within a confined area, other than an open pasture either inside or outside an enclosed building.
- (35) *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.
- (36) *MDEQ*: Michigan Department of Environmental Quality.
- (37) *Municipal separate storm sewer system (MS4)*: A publicly owned conveyance system designed or used for collecting or conveying stormwater.
- (38) *NPDES*: National Pollution Discharge Elimination System.
- (39) *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. The permit may be applicable on an individual, group, or general area-wide basis.
- (40) *Non-stormwater discharge*: Any discharge to the storm drain system that is not composed entirely of stormwater.
- (41) *Overland flow-way*: Surface area that conveys a concentrated flow of stormwater runoff.
- (42) *Person*: An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.
- (43) *Plan*: Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these, which contain information pursuant to this article.
- (44) *Pollutant*: A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heated water, laundry water, sink discharge water, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.
- (45) *Premises*: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (46) *Property owner*: Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.
- (47) *Retention*: A system that is designed to capture stormwater and contain it until it infiltrates the soil or evaporates.
- (48) *Soil erosion*: The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.
- (49) *State of Michigan Water Quality Standards*: All applicable State rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.
- (50) *Storm drain*: A system of open or enclosed conduits and appurtenant structures intended to convey or manage stormwater runoff, ground water and drainage.

- (51) *Stormwater permit*: A permit issued by either the Ottawa County Drain Commission pursuant to state law or the city pursuant to this article.
- (52) *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.
- (53) *Stormwater runoff*: The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.
- (54) *Stormwater management facility*: The method, structure, area, system, or other equipment or measures, which are designed to receive, control, store, or convey stormwater.
- (55) *Stream*: A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.
- (56) *Wastewater*: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
- (57) *Water body*: A river, lake, stream, creek or other watercourse or wetlands.
- (58) *Watershed*: A region draining into a water body.
- (59) *Wetlands*: Land characterized by the presence of hydric soils and water at a frequency and duration sufficient to support wetland vegetation or aquatic life.
- (Ord. No. 826, § 2, 3-6-06)  
Secs. 21-2106--21-2200. Reserved.

## DIVISION 2. STORMWATER PERMITS

Sec. 21-2201. Permit required.

- (a) A developer and/or property owner shall not engage in any development without first receiving a stormwater permit from the city services and infrastructure office pursuant to section 21-2202 contingent upon the city's site plan approval process.
- (b) 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. 826, § 2, 3-6-06)

Sec. 21-2202. Stormwater permit review procedures.

The City of Zeeland City Services and Infrastructure Office shall grant a stormwater permit contingent upon the site plan approval process, which may impose terms and conditions in accordance with section 21-2209, 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 21-2203.
- (2) The drainage plan contains a description of an adequate, temporary stormwater system to control construction site stormwater runoff, satisfying the requirements of section 21-2205, and the developer has obtained a soil erosion permit, if necessary.
- (3) The developer provides:
  - a. A permanent on-site stormwater system sufficient to provide on-site detention of stormwater runoff in a twenty-five-year storm event; and

- b. A direct connection for all stormwater runoff that will be discharged from and through the development site in a one hundred (100) year storm event; or
  - c. 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 one hundred-year storm event.
- (4) The developer has paid or deposited the stormwater permit review fee pursuant to section 21-2204.
  - (5) The developer has paid or posted the applicable financial guarantee pursuant to section 21-2206.
  - (6) The developer provides all easements necessary to implement the approved drainage plan and to otherwise comply with this Article including, but not limited to, section 21-2702. All easements shall be acceptable to the city in form and substance and shall be recorded with the Ottawa County Register of Deeds.
  - (7) The drainage plan is designed in conformity with city design and performance standards for drains and stormwater management systems, as set forth in Division 7 of this article.
  - (8) All stormwater runoff facilities shall be designed in accordance with the then-current Bumps.
- (Ord. No. 826, § 2, 3-6-06)

Sec. 21-2203. Drainage plan.

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

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

(12) All design information must be compatible for conversion to the Ottawa County Geographic Information System.

(13) Any other information necessary for the city to verify that the drainage plan complies with the city's design and performance standards for drains and stormwater management systems.  
(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2204. Stormwater drainage system installation, permit issuance, and inspection charges.

(a) Whenever a storm sewer line or drainage ditch is constructed, the property owners whom the line is designated to serve may be required to pay their share of the cost or a portion of the cost of installation. Such cost and method of payments shall be established by the city council. In addition, a plumbing inspection fee in the amount of fifty dollars (\$50.00) shall be charged to an applicant or to a stormwater customer for each required inspection of all required stormwater connections or improvements. A property owner shall also be required to reimburse the city for all consulting costs which the city may incur in reviewing stormwater drainage plans and in issuing a stormwater permit. The city may require that an applicant pay a deposit towards such consulting and issuance costs, and the applicant shall then pay, prior to connection, any additional costs above the deposit amount which may be incurred by the city.

(2) Such fees are payable at the city offices during regular business hours. No stormwater connection permit will be approved until said fees are paid. Failure to pay such charges constitutes a violation of this article.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2205. Construction site runoff controls.

Prior to making any earth change on a development site regulated by this article, the developer shall first obtain a soil erosion permit from the Ottawa County Drain Commission 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 management facilities and shall phase the development activities so as to control construction site stormwater runoff and to prevent off-site sedimentation. During all construction activities on the development site, the city engineer may inspect the development site to ensure compliance with the approved construction site runoff controls.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2206. Certificate of occupancy.

No certificate of occupancy shall be issued until stormwater management facilities have been completed in accordance with the approved drainage plan; provided, however, the city may issue a temporary certificate of occupancy if the public drains and/or the public will not be harmed. In addition, no final certificate of occupancy shall be issued unless all fees and charges to the city have been paid in full.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2207. No change in approved facilities.

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

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2208. Terms and conditions of permits.

In granting a stormwater permit, the city may impose such terms and conditions as are reasonably necessary to effectuate the purposes of this article. The city may require a stormwater operations AND maintenance agreement (SOMA) contract to be signed by the property owner. A property owner and/or developer shall comply with such terms and conditions.

(Ord. No. 826, § 2, 3-6-06)

Secs. 21-2209--21-2300. Reserved.

### DIVISION 3. STORMWATER SYSTEM, FLOODPLAIN AND OTHER STANDARDS, SOIL EROSION CONTROL

Sec. 21-2301. Management of and responsibility for stormwater system.

The city 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(s) 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. 826, § 2, 3-6-06)

Sec. 21-2302. Stormwater system.

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

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2303. Stormwater discharge rates and volumes.

The city 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 city approved pre-development discharge characteristics for the subject property, and the city determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this article.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2304. Floodplain standards.

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

(b) A drainage plan providing for the filling or alteration of a floodplain/floodway shall include provisions to minimize erosion, stabilize the stream bank and to protect water quality. A natural vegetation strip shall be maintained on each parcel or lot between the top of the stream bank and a line, each point of which is twenty-five (25) feet horizontal from the top of the stream bank toward the stream.

(c) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan and soil erosion and sedimentation control permit. Such a plan may also include provisions for the acceptable replacement of flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2305. Soil erosion and sedimentation control.

(a) 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, Part 91 of Act No. 451 of the Public Acts of 1994, as amended and all applicable federal, state and local ordinances, rules and regulations.

(b) A soil erosion and sedimentation control (SESC) permit, obtained from the Ottawa County Drain Commissioner's office, is required for any earth change that is greater than one (1) acre or less than five hundred (500) feet from any lake or stream.

(c) During any earth change which exposes soil to an increased risk of erosion or sediment tracking, the property owner and any other persons causing or participating in the earth change shall do the following:

(1) Comply with the stormwater management standards of this article.

(2) Obtain and comply with the terms of a soil erosion and sedimentation control permit from the Ottawa County Drain Commissioner's office.

(3) 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.

(4) Prevent damage to or impairment of any water body on or near the location of the earth change or affected thereby.

(5) Prevent damage to adjacent or nearby land.

(6) Apply for all required approvals or permits prior to the commencement of work.

(7) Proceed with the proposed work only in accordance with the approved plans and in compliance with this article.

(8) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this article.

(9) Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil, sediment, debris or other materials within twenty-four (24) hours shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety.

(10) 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. 826, § 2, 3-6-06)

Sec. 21-2306. Building openings.

(a) No building opening shall be constructed below the following elevations:

(1) One (1) foot above the 100-year floodplain.

(2) The building opening established at the time of plat or development approval and on file in the city.

(3) A waiver from elevations stated in subsection 21-2306(a) may be granted by the city engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.

(c) If the city has specified a minimum building opening at the time of plat or development approval or if construction occurs within the one hundred-year floodplain, upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this article. This certificate shall attest that the building opening elevation complies with the standards of this article. The permittee for the building permit shall submit the certificate to the city building inspection official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening elevation is below the elevation specified in section 21-2306(a)(1) or (2), that opening must be raised using a method that meets with the approval of the city. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum building opening elevation complies with the standards of this article prior to the commencement of framing and or structural steel placement.

(d) The city building inspection official may waive the required land survey under subsection 21-2306(c) if the minimum building opening appears to be at or above the elevation of adjacent buildings that have already been certified, or if a grade map shows that the low opening elevation of the building is at least three (3) feet higher than the minimum building opening established pursuant to subsection 21-2306(a).

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2307. Sump pump discharge.

(a) 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.

(b) In cases where item (1) applies, a stormwater lateral shall be provided for each parcel at the time of storm sewer construction.

(c) Laundry facilities or other similar features shall not be connected to a footing drain or pump system discharging to footing laterals and the storm sewer system. Laundry facilities and interior sump pumps must be drained to the sanitary sewage disposal system.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2308. 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. 826, § 2, 3-6-06)

## DIVISION 4. PROHIBITIONS AND EXEMPTIONS

### Sec. 21-2401. Prohibited discharges.

(a) 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.

(b) The city is authorized to require dischargers to implement pollution prevention measures, utilizing best management practices (BMP), necessary to prevent or reduce the discharge of pollutants into the city's stormwater drainage system.

(Ord. No. 826, § 2, 3-6-06)

### Sec. 21-2402. Exempted discharges.

The following non-stormwater 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 wash water;

Discharges or flows from emergency fire fighting activities; and

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

(Ord. No. 826, § 2, 3-6-06)

### Sec. 21-2403. Interference with natural or artificial drains

(a) 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 city and receiving approval of that plan. Any deviation from the approved plan is a violation of this article. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, or the public health, safety, or welfare. When any of the above activities involve an established county drain, a drain use permit is required from the OCDC.

(b) No filling shall take place within a floodplain without a permit from the MDEQ. No blocking of flow within a floodway shall be allowed.

(c) For an overland flow-way:

(1) Silt fence shall not be permitted below the top of the bank of a water body.

(2) Chain link fences shall be permitted if the city determines that the fence will not obstruct or divert the flow of water.

(3) If a fence is removed by the city for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense, as long as the owner complies with subsection (b) above.

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

(d) 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. 826, § 2, 3-6-06)

Sec. 21-2404. 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. 826, § 2, 3-6-06)

Sec. 21-2405. 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 non-stormwater discharge permitted under an NPDES permit, waiver, or water discharge order issued to the discharger and administered under the authority of the federal environmental requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(2) *Prohibition of illicit connections.*

(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 article if the person connects a line conveying wastewater to the MS4, or allows such a connection to continue.

(Ord. No. 826, § 2, 3-6-06)

Secs. 21-2406--21-2500. Reserved.

## DIVISION 5. INSPECTION, MONITORING, REPORTING, AND RECORDKEEPING

Sec. 21-2501. Inspection and sampling.

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

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2502. 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 city. The city 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. 826, § 2, 3-6-06)

Sec. 21-2503. Accidental discharges.

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

- (1) The composition of the discharge and the cause thereof.
- (2) The exact date, time, and estimated volume of the discharge.
- (3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
- (4) 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.

(b) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this article 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 21-2503(a).

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2504. Record keeping requirement.

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

(Ord. No. 826, § 2, 3-6-06)

Secs. 21-2505--21-2600. Reserved.

## DIVISION 6. STORMWATER EASEMENTS

### Sec. 21-2601. Applicability of requirements.

The requirements of this article concerning stormwater easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the city for review and approval. (Ord. No. 826, § 2, 3-6-06)

### Sec. 21-2602. Stormwater management easements.

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

(Ord. No. 826, § 2, 3-6-06)

Secs. 21-2603--21-2700. Reserved.

## DIVISION 7. PERFORMANCE AND DESIGN STANDARDS

### Sec. 21-2701. Performance standards.

In order to achieve the goals and purposes of this article, the following three (3) stormwater management zones (Zones A, B and C) are hereby established. The City of Zeeland shall be designated as Zone B. The City reserves the right to designate any parcel as Zone A or Zone C on a case by case basis.

(1) Zone "A" represents areas where sandy soils are present or where high quality waters may be impacted. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. In this zone, when site conditions permit, infiltration of runoff via stormwater retention shall be required, or extended detention implemented, rather than standard detention or 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.

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

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

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2702. Design standards.

The design standards for stormwater runoff facilities for Zones A, B and C, as described in section 21-2701, are the following:

TABLE INSET:

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

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2703. Resolution to implement performance and design standards.

The city council may adopt a resolution establishing more detailed design and performance standards for stormwater runoff facilities, consistent with the terms of this article, and in order to further implement its goals and purposes set forth in this article.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2704. Responsibility to implement best management practices (BMP's).

The owner or operator of a commercial or industrial establishment shall provide, at the owner's or operator's own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMP. 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 BMP to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMP shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 826, § 2, 3-6-06)

Secs. 21-2705--21-2800. Reserved.

## DIVISION 8. ENFORCEMENT

Sec. 21-2801. Sanctions for violation.

(a) Any person violating any provision of this article shall be responsible for a municipal civil infraction and subject to a fine of not less than one hundred dollars (\$100.00) for a first offense, and not less than two hundred fifty dollars (\$250.00) for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in section 21-2801(b) shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article.

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

The zoning administrator, building inspector, police officer, or ordinance enforcement officer is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this article.

(b) Any person who neglects or fails to comply with a stop work order issued under section 21-2802 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail for not more than ninety-three (93) days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed at the discretion of the court.

(c) Any person who aids or abets a person in a violation of this article shall be subject to the sanctions provided in this section, and may be charged with a civil infraction as provided for in subsection (a) of this section.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2802. 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 article, the city 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 city may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this article 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. 826, § 2, 3-6-06)

Sec. 21-2803. Failure to comply; completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this article, the city 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 city for all costs of such work. In addition, the failure to repair and maintain the required stormwater improvements which were required as a part of stormwater permit shall be a violation of this article.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2804. 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 city 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 article, and shall promptly reimburse the city for all of such costs.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2805. Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the city 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 article. 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. 826, § 2, 3-6-06)

Sec. 21-2806. Collection of costs; lien.

Costs incurred by the city pursuant to sections 21-2802, 21-2803, 21-2804 and 21-2805 shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the city 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 city shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2807. Appeals.

Any person as to whom any provision of this article has been applied may appeal in writing, not later than thirty (30) days after the action or decision being appealed from, to the clean water plant committee which shall sit a hearing board for this article. This hearing board shall hear and decide all appeals by a majority vote. Such appeal shall identify the matter being appealed, and the basis for the appeal. The hearing 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 hearing board may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the hearing board may grant a variance from the terms of this article 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 article 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 this article; and,
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this article, nor result in less effective management of stormwater runoff.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2808. Suspension of MS4 access.

(a) *Suspension due to illicit discharges in emergency situations.* The city 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 city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to health or welfare of persons.

(b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this article may have the person's MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of the violator's MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

(Ord. No. 826, § 2, 3-6-06)

Secs. 21-2809--21-2900. Reserved.

## DIVISION 9. OTHER MATTERS

Sec. 21-2901. Interpretation.

Words and phrases in this article shall be construed according to their common and accepted meanings, except that words and phrases defined in section 21-2105 shall be construed according to the respective definitions given in that section. Technical words and technical phrases which

are not defined in this article but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2902. Captions.

The captions of the divisions and sections of this article are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2903. Severability.

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

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2904. Other applicable laws, rules, and regulations.

Where provisions of any applicable local, state or federal law, rule or regulation, impose greater restrictions or higher standards than those restrictions and standards contained in this article, then the provisions of such law, rule, or regulation shall control.

(Ord. No. 826, § 2, 3-6-06)

Sec. 21-2905. Effective date.

This article shall take effect twenty-one days (21) days after the date of publication of the ordinance from which it derives. This ordinance or summary of this ordinance was published in the Zeeland Record on the 16th day of March, 2006, and this article is therefore effective as of April 6, 2006.

(Ord. No. 826, § 2, 3-6-06)