Cities to mull new stormwater ordinance

Officials in Charlevoix County’s three cities have teamed up to develop a new stormwater management ordinance that addresses the specific needs of cities. The city commissions in Boyne City and East Jordan and the Charlevoix City Council will soon be considering the ordinance, which has been many years in the making.

The ordinance was introduced at regular meetings in Boyne City and Charlevoix last week and is on the agenda to be introduced today, Tuesday, in East Jordan.

Most cities require that any ordinance, or ordinance amendment, be officially introduced at one meeting, followed by a public hearing and “second reading” at a subsequent meeting — after which the body may consider the ordinance for adoption.

At last week’s Boyne City City Commission meeting, city planning director Scott McPherson explained the

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The history of the ordinance goes back many years. McPherson noted that McPherson, the county administrator and city manager, administers and regulates stormwater through a county stormwater management ordinance. However, the county repealed the ordinance in 2006 following a Michigan Attorney General's opinion that indicated the state had not specifically granted counties the authority to regulate stormwater management, which is instead the purview of townships and cities.

McPherson noted that in 2012, a majority of townships in the county passed an ordinance developed in cooperation with the Michigan Township Association and the Michigan Townships Association. The same townships entered into intergovernmental agreements with Charlevoix County to administer and enforce the ordinance, McPherson noted.

In August 2012, he said the same ordinance came before the Boyne City Commission, but the commission at that time chose not to adopt it because of concerns that the ordinance did not sufficiently take into consideration the differences between the city's stormwater control needs compared to those in the more rural township setting. For similar reasons, officials in the other two cities also chose not to adopt the ordinance, McPherson noted.

However, stormwater control and treatment remained a priority among officials in the cities. In fact, McPherson noted in a memo to the city commission, "The city, on its own initiative, has spent a substantial amount of money to improve stormwater treatment systems throughout the city. And while not required, developers have voluntarily abided by the stormwater control standards of the ordinance. However, given the increasing development pressure, the value and importance of having an enforceable ordinance in place is recognized."

McPherson noted that work on a city-oriented ordinance was part of the city's 2013 grant application for a stormwater, asset management and wastewater grant application. He said the city has been working on the ordinance in connection with the Tip of the Mitt Watershed Council and the cities of East Jordan and Charlevoix. In the time since the grant was awarded in 2016, during last week's meeting, McPherson told the city commission that the tentative plan is for the city to also administer the cities' ordinances, as it does for the townships. He said any fees or fines collected through the ordinance would be directed to the county to offset its costs in administering the ordinance.

McPherson said currently the city's zoning ordinance does require any building project to properly manage stormwater on the site, but it does not set out any specific guidelines. He said not all projects will require a stormwater permit. Generally, only projects that will be adding to the amount of imperious ground cover on a site (such as concrete or asphalt) involve this obligation.

The city commission unanimously passed a motion to accept the first reading of the ordinance and set a second reading for its Nov. 12 meeting.

Similarly, the ordinance was also introduced at the Charlevoix City Council's meeting on Oct. 7. The council approved the first reading and scheduled a public hearing on the ordinance for its Nov. 18 meeting.

The entire-page ordinance may be viewed at www.petoskeynews.com.