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 Commission meeting, city planning director Scott McPherson explained the history of the ordinance goes back many years. McPherson said prior to 2006, Charlevoix County administered and regulated 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 However, the county repealed the ordinance in 2006 following a Michigan Attorney General's opinion that indicated the state had not specifically granted counties the authority to regulate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 indicated that in 2012, a majority of townships in the county passed an ordinance developed in cooperation with the Tip of the Mitt Watershed Council and the Michigan Townships Association. The same townships entered...
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into intergovernmental agreements with Charlevoix County to administer and enforce the ordinance for them, 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 and expense, has installed and improved storm water control and treatment systems throughout the city. And while not required, developers have voluntarily abided by the storm water 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 city commission unanimously passed a motion to accept the first reading of the ordinance and set a second reading on it for its Nov. 12 meeting.

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

The entire 24-page ordinance may be viewed at www.petoskeynews.com.