Three cities adopt identical stormwater ordinances

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All three Charlevoix County cities now have enacted identical new stormwater management ordinances, with language that addresses the specific needs of cities.

On Nov. 6, the East Jordan City Commission approved the ordinance, followed by the Boyne City City Commission on Nov. 12 and on Tuesday by the Charlevoix City Council. In all three cases the vote was unanimous in favor of the ordinance.

The approval by the three city governing bodies marks the end of a yearslong collaborative effort among the officials in the three cities and the Tip of the Mitt Watershed Council.

When the ordinance was introduced at the Boyne City City Commission meeting in October, city planner Scott McPherson provided some background.

McPherson said prior to 2006, Charlevoix County administered and regulated stormwater through a county stormwater management...
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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 However, the county repealed the ordinance in 2006 following a Michigan Attorney General’s opinion that indicated the state had not specifically granted counties the authority to regulate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 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 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.

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. Work on the city-focused ordinance has been ongoing since 2016, he said.

McPherson noted that county officials have agreed to also administer the cities’ ordinances, as they do 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.

Following the October meeting, McPherson said not all projects will require a stormwater permit. Generally, only projects that will be adding to the amount of impervious ground cover on a site (such as concrete or asphalt) involve this obligation.

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