



**STORM WATER
WORK BOOK**



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Article I: Purpose, Objectives, & Administration

The **purpose** of the Ordinance is to establish one unified set of regulations for storm water control within the County’s various units of government.

- *This prevents a “checkerboard effect” for developers – that is, they come into Charlevoix County and no matter what township or city they work in, they are covered by a similar ordinance. They don’t have to do different things for different jurisdictions.*

The **objectives** include:

- Manage storm water runoff from earth changes during and after construction
- Reduce potential flooding and protect water quality
- Use the natural drainage system to minimize the need for enclosed, below grade storm drain systems
- Preserve natural infiltration and recharge of groundwater sources
- Ensure that storm water control is incorporated into site planning early in the process
- Minimize the need for costly maintenance and repairs that result from inadequate storm water control
- Reduce long-term expenses and the need for remediation from uncontrolled runoff
- Encourage designs that serve multiple uses, including resource protection, education, and recreation
- Preserve the biological and structural integrity of watercourses
- Allow for off-site management, if proposals meet requirements of the ordinance
- Assure that all storm water facilities will be properly designed, constructed, and maintained
- Provide for enforcement

Administration will be the responsibility of the Charlevoix County Soil Erosion Control Officer. By adopting this Ordinance, each city will agree that the Ordinance will be the regulations governing storm water control.

DO YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS ABOUT ARTICLE I?



Article II: Provides Definitions for the Ordinance.

Article III: Regulated Activities & Permit Requirements

Article III outlines the **activities regulated** and the **requirements** to obtain a permit. This section covers the **permit requirements, application submittal, review, revisions, fees, and penalties.**

Activities requiring a permit include:

- Industrial and commercial development, with some exceptions for redeveloping an existing site if it has a maximum of only 10% increase in impervious surface
- Subdivision developments (section 102 of Act 288, P.A. 1967)
- Condominium developments
- A mobile home park, manufactured housing development, or campground
- Public and private roads with access to 5 or more parcels, or more than 500 ft long, or with a grade of 10% or higher
- A private driveway that is at 10% grade or higher that slopes down toward the intersecting road

Applications for permits need to be submitted to the Soil Erosion Control Officer for the County (the Agent) and should include a storm water control plan, plus fees.

- The application will be reviewed and a **decision will be made within 15-30 calendar days**, depending on the type of development.
- The Agent may request additional plans or supporting documentation, during the review process.
- Work may not begin until a permit is secured.

DO YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS ABOUT ARTICLE III?



Article IV: Storm Water Management Plan Requirements

This section outlines **Storm Water Management Plan Requirements**, requirements specific to **Site Condominium & Subdivision Requirements**, and **General Standards** for storm water management plan approval.

A **Storm Water Management Plan** must be prepared for any regulated earth change that is subject to storm water management permit requirements. This includes:

- Designs to manage runoff so that it is not more than the rate and volume of runoff, prior to development.
- Providing the Agent with details, if pretreatment is required.
- What the plan must include, to be considered administratively complete: maps and written descriptions of soil types, physical limits of each proposed earth change, location of all water features within 50', on-site storm water management facilities, timing, temporary and permanent storage, storm water calculations, and a program for continued maintenance of permanent facilities and measures.

Applicants for **Site Condominium & Subdivision Requirements** may be required to submit additional relevant information.

The **General Standards for Approval of Storm Water Management Plans** states the provisions upon which a plan will be approved:

- Adheres to design standards in Appendix A
- Retention/detention of storm water to protect water quality
- Natural features proximity, extent of impervious surfaces, potential for flooding
- Natural drainage patterns
- Plan recorded with the County
- How to obtain a waiver from on-site management to use off-site facilities

DO YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS ABOUT ARTICLE IV?



Article V: Maintenance, Inspection & Access

This section outlines the requirements and procedures regarding **maintenance** on storm water facilities, **inspections** during the permit period, and information regarding **easements**.

Temporary storm water management facilities need to be maintained and inspected throughout the life of the facility. Permanent facilities must be routinely inspected and maintained by the property owner or designated party to ensure proper operation for protection of downstream properties. The person/organization responsible for **maintenance** is outlined in the storm water management plan or permit application and could be the owner of the property or a property owners association, among other options. If maintenance is expected to be more than \$500/year, then a maintenance agreement may be required.

The Agent is allowed on the property to **inspect** for compliance with the permit and to check for revisions to the permit.

Finally, if an **easement** is needed because facilities will be located on property other than the property on which the storm water will originate, the easement will include the legal right of the property owner where the storm water originates to access the easement property.

DO YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS ABOUT ARTICLE V?



Article VI: Compliance Assurance

This article describes possible **Performance Guarantees, Construction Certification** procedures, and **Letters of Compliance**.

If the proposed development has a high potential for storm water management problems, the applicant might be required to post a cash escrow, letter of credit, or some other form of **performance security** in an amount that's sufficient to assure the installation and completion of the storm water management plan.

If the site requires a professional site plan, a **certification letter** has to be submitted after any storm water facilities are installed to make sure that the storm water management plan requirements are being met. This letter can be prepared by any of the following: licensed State of Michigan Licensed Civil Engineer, Land Surveyor, Architect or Landscape Architect.

Certification specifically by a **State of Michigan Licensed Civil Engineer is required** by various state and federal laws, listed in the ordinance.

A **letter of compliance** will be issued once the certification letter is received.

DO YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS ABOUT ARTICLE VI?



Article VII: Stop Work Orders & Enforcement Action

This article outlines occurrences that might prompt a **stop work order** from the Agent. Additionally, it describes **emergency** and **enforcement** actions and procedures.

The Agent might issue a **stop work order** to prevent uncontrolled storm water or other conditions that pose substantial danger to public health, safety, welfare, or natural resources.

Violation of any provision of this Ordinance will result in a municipal civil infraction and is subject to fine of up to \$500. Each day that the Ordinance is violated counts as a separate violation. Additionally, violators may be subject to an enforcement order to bring the property into compliance.

When necessary, the Agent might initiate **emergency action** to lessen any imminent and substantial danger or risk. Except as provided by maintenance agreements, the property owner will reimburse the County for all costs incurred as a result of emergency action.

DO YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS ABOUT ARTICLE VII?



Article VIII: Appeals

PLEASE NOTE: This item is one that we know the cities took issue with, when the township process took place. The townships like the creation of the Appeals Board, as described in the Intergovernmental Agreement, which allows for membership representatives from the Townships with rotating terms.

However, the cities indicated they might prefer to create their own Appeals Board, in some other fashion. One suggestion is for each city to create its own. Another is to create a common board, similar to the Township Appeals Board, but limited to representation from city residents. What do you think?

This article details citizen's **Right of Appeal** to Charlevoix County, the members of the **appeals board**, as well as the **appeals process**.

Anyone that feels that the action or inaction of the Agent in regards to this Ordinance was unjust or unfair can **appeal** to the Charlevoix County Storm Water Board of Appeals. The appeal should be made within 30 days of the decision that's being appealed. The Appeals Board will set a hearing date within 15 days of receiving a completed application. The hearing will be within 60 days of receiving a completed application. A fee will be required from the party filing, to cover the cost of handling the appeal, to compensate Appeals Board members, and for other administrative costs.

The Appeals Board can affirm or reverse, entirely or in part, the decision of the SEC Officer.

DO YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS ABOUT ARTICLE VIII?



Article IX: Severability

This section states that if any section of the Ordinance is judged as unconstitutional or invalid, the rest of the Ordinance will not be affected.

Article X: Effective Date

This Ordinance shall become effective thirty (30) days after its enactment.

Article XI: Revisions

This article details the process for **revisions** of the Ordinance. The Agent will be responsible for reviewing the Ordinance at least biannually, and then for making recommendations for amendments if needed. The recommendations will be transmitted to the legislative body of each local unit of government within the County as well as the Charlevoix County Board of Commissioners.

Appendix A:

Charlevoix County Storm Water Ordinance Design Standards

An additional section at the end of the document explains the design standards for storm water management in Charlevoix County. This includes temporary and permanent storm water management standards, retention and detention basin design standards, and guidelines for underground storm water management facilities.

***DO YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS
ABOUT ARTICLES IX-XI OR THE APPENDIX?***



Final Thoughts



***Workbook provided by: Tip of the Mitt Watershed Council
and the Charlevoix County Soil Erosion Officer***