

**TOWNSHIP OF MARION
LIVINGSTON COUNTY, MICHIGAN**

**STORMWATER MANAGEMENT
Ordinance No. 09-01**

Section 1

The following Ordinance is added to the Code of Ordinances for Marion Township, Ordinance No. 09-01 and shall read as follows:

Section 2: Title

This ordinance shall be known as the "Marion Township Stormwater Management Ordinance" and may be so cited.

Section 3: Purpose and Intent

The purpose and intent of this Ordinance is to:

- A. Protect and enhance the water quality of local watercourses, water bodies, and groundwater pursuant to and consistent with the Clean Water Act.
- B. Control non-stormwater discharges to stormwater conveyances and reduce pollutants in stormwater discharges.
- C. Encourage the recharge of ground water by infiltrating stormwater, where appropriate, while preventing the degradation of ground water quality.

Section 4: Applicability

The Livingston County Design Criteria for Stormwater Management Systems, the current edition of the Rules of the Livingston County Drain Commissioner, Part A: Procedures and Design Criteria for Stormwater Management Systems, Section 2 - Design Criteria for Stormwater Management Systems or any other standard or standards adopted by the Livingston County Drain Commissioner and which are adopted by resolution of the Marion Township Board are hereby adopted by Marion Township in this ordinance for the control and treatment of stormwater runoff. All permanent and temporary stormwater management controls and facilities, constructed as part of the requirements of this section, are subject to this ordinance.

This ordinance also applies to any activities requiring site plan approval which may affect the quantity or quality of a stormwater conveyance system or any waterway within the Township.

Section 5: Non-Stormwater Use of Stormwater Conveyance Systems

Discharges from the following activities will be allowed: water line flushing and other discharges from potable water sources; landscape irrigation and lawn watering; irrigation water; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration to stormwater conveyance systems; uncontaminated pumped ground water; foundation and footing drains; roof drains; water from crawl space pumps; residential air conditioning condensation; springs; individual residential and non-profit group car washes; flows from riparian habitats and wetlands; de-chlorinated swimming pool discharges; or, flows from fire fighting activities and training. Some of the activities listed above may require permits from other agencies. The discharger shall be required to obtain any required permits prior to discharge. Issuance of permits, if any, by the Township is not a guarantee of the safety of any connection to the stormwater management system. Property owners considering connecting to a stormwater system are strongly encouraged to investigate the characteristics of the receiving stormwater system so as to minimize opportunities for basement backups.

Section 6: Discharge Pursuant to NPDES Permit

The prohibition of discharges shall not apply to any discharge regulated under a NPDES point source permit issued and administered by the State, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations. Compliance with an applicable NPDES permit governing discharges into a stormwater conveyance system shall be considered compliance with this ordinance. NPDES permitted storm water discharges are still subject to the county design criteria.

Section 7: Maintenance and Guarantee Bond for Private Systems

The Owner shall provide a Maintenance and Guarantee Bond to the Township for private systems maintenance for a period of at least two years following final acceptance. The bond amount shall be determined as 10 % of the total cost of construction of each stormwater management practice and drainage facility listed. The Township reserves the right to periodically modify the bonding amounts and requirements by Resolution of the Township Board.

Section 8: Maintenance of Stormwater Facilities

- A. A long-term maintenance plan shall be submitted to the Township Engineer for review and approval. For systems that are proposed to have a privately maintained drainage system, a maintenance agreement shall be approved by Marion Township, signed by the Owner and the Operator and shall be included as an obligation that binds all successors and future owners of the property in the Master Deed, Easement document, or in another recordable form & recorded with Livingston County. For systems that are proposed to have a drainage district (i.e. publicly maintained drainage system), evidence of a recorded agreement with the Drain Commissioner shall be submitted to the Township.
- B. Stormwater facilities shall be maintained by the owner or other responsible party and

shall be repaired and/or replaced by the same when such facilities no longer function properly. Disposal of waste from maintenance of facilities shall be conducted in accordance with applicable federal, state and local laws and regulations.

- C. Records of installation and maintenance and repair shall be retained by the owner or other responsible party for a period of five years and shall be made available to the Township upon request.
- D. Any failure to maintain private facilities or correct problems with facilities after receiving due notice from the Township may result in criminal or civil penalties and the Township may perform corrective or maintenance work which shall be at the expense of the person or persons responsible for maintaining the facilities. If the Township has to undertake repairs or maintenance at a private facility it shall assess the person or persons responsible for maintaining the facilities for all costs incurred by the Township for the maintenance or repairs plus an administrative fee.

Section 9: Violations

The knowing violation of any provision of this Ordinance, or knowing failure to comply with any of the mandatory requirements of this Ordinance shall constitute a violation and cause the Township to pursue judicial action to enforce the Order and recover all costs incurred including, but not limited to, actual attorney fees, expert witnesses, consultants, etc..

Section 10: Continuing Violation

Unless otherwise provided, a person, firm, corporation or organization shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this Ordinance is committed, continued, or permitted by the person, firm, corporation or organization and shall be punishable accordingly, as herein provided.

Section 11: Disclaimer of Liability

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this Ordinance does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the State of Michigan and/or the United States. This Ordinance shall not create liability on the part of the Township, any agent or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

Section 12: Severability

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 13: Publication and Effective Date

This Ordinance is hereby declared to have been adopted by the Marion Township Board at a meeting thereof duly called and held on the 9th day of April, 2009, and shall be effective 30 days after publication.

Section 14: Adoption

This Ordinance was duly adopted by the Marion Township Board at its regular meeting called and held on the 9th day of April, 2009, and was ordered given publication in the manner required by law.

Tammy L. Beal
Township Clerk

Adoption Date: April 9, 2009

Publication Date: _____

Effective Date: _____

CERTIFICATION