

**STORMWATER AND SEDIMENT AND EROSION CONTROL
ORDINANCE:
OPERATION AND MAINTENANCE**

Grand Traverse County, MI

Department of Public Works

(231) 922 - 4726

IX Maintenance

- A. All soil erosion and stormwater runoff control facilities and measures shall be maintained in accordance with permit conditions.
- B. The person(s) or organization(s) responsible for maintenance shall be designated in the Soil Erosion and Stormwater Runoff Control Plan or the permit application submitted to the Drain Commissioner. Options include:
 - 1. The owner of the property.
 - 2. Property owners association or other nonprofit organization, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.
 - 3. Drain Commissioner, in accordance with provisions of the Michigan Drain Code (Public Act 40 of 1956, as amended).
- C. Maintenance agreements shall specify responsibilities for financing maintenance and emergency repairs, including but not limited to the procedures specified in Section XIII and XIV of this ordinance.
- D. The Drain Commissioner will make the final decision of what maintenance option is appropriate in a given situation. Natural features, proximity of site to lakes, streams and protected wetlands, extent of impervious surfaces, size of the site and potential need for ongoing maintenance activities will be considered when making this decision.

X Stormwater Management Easements

- A. Stormwater management easements shall be provided by the property owner if necessary for: (1) access for facility inspections and maintenance, or (2) preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event. The purpose of the easement shall be specified in the maintenance agreement signed by the property owner.

- B. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Drain Commissioner.
- C. Easements shall be recorded with the Grand Traverse County Register of Deeds prior to issuance

of a permit by the Drain Commissioner.

XI. Compliance Assurances

A. Performance Guarantees

1. Applicants proposing subdivision plats, road construction projects, or other developments identified by the Drain Commissioner with a high potential for soil erosion shall be required to post a cash escrow, letter of credit, or other acceptable form of performance security in an amount determined by the Drain Commissioner.
2. Letters of credit, if used as a performance guarantee, shall extend for a minimum of one year with the option of renewal. Letters of credit will be returned to the applicant when the site is certified by the licensed professional who designed the site plan and the site is completely stabilized to meet requirements set forth by the Drain Commissioner.

B. Construction Certification by Registered Professional

For any sites that required a professional site plan, a certification letter shall be submitted after soil erosion and stormwater runoff control facilities have been installed to affirm that construction has been completed in accordance with the approved soil erosion and stormwater runoff control plan. This certification letter can be prepared by one of the following registered professionals: civil engineer, land surveyor, architect, and/or landscape architect unless it was specified by the Drain Commissioner that a civil engineer prepare a plan, it would need to be a civil engineer that approves the plan.

If there are changes during the course of construction, the Drain Commissioner may require final "as built" drawings for final approval of the site work.

C. Certificate of Compliance

Upon receipt and approval of the certification letter, the Drain Commissioner shall issue a certificate of compliance to the property owner.

XII. Inspections

- A. Authorized representatives of the Drain Commissioner may enter at reasonable times upon any property to conduct on-site inspections. Such inspections may take place before, during and after any earth change activity for which a permit has been issued.
- B. If upon inspection, existing site conditions are found not to be as stated in the permit or approved Soil Erosion and Stormwater Runoff Control Plan, the permit will be invalid. No earth disrupting work shall be undertaken, or continued, until revised plans have been submitted and a valid permit issued.
- C. Requests for revisions must be submitted to and approved by the Drain Commissioner in writing before being effective unless approved by the field inspector on the site. If approved, a revised site plan shall be submitted for review and approval.

XIII. Stop-Work Orders and Emergency Actions

- A. If necessary to assure compliance with the permit requirements, standards, and other provisions of this Ordinance, or to protect public health safety and welfare, the Drain Commissioner may issue a stop-work order for the purpose of preventing or minimizing accelerated soil erosion, stormwater runoff, or other conditions posing imminent and substantial danger to public health, safety, welfare, or natural resources.
- B. If necessary to protect public safety or water resources, including lakes, streams, protected wetlands, and other receiving bodies of water, the Drain Commissioner may initiate emergency action to abate imminent and substantial danger and risk, subject to Section XIV B of this ordinance.
- C. Except as otherwise provided through maintenance agreements, the property owner may be held responsible for reimbursing Grand Traverse County for all costs incurred as a result of emergency action, including administrative costs, provided that a finding is made that the property owner violated provisions of this Ordinance, a permit, or an approved maintenance agreement, subject to Section XIV B of this Ordinance.
- D. The stop-work order, when issued, shall require all specified earth change activities to be stopped. A copy of the stop-work order shall immediately be submitted to other state and local agencies with regulatory jurisdiction.

- E. If the Drain Commissioner determines that soil erosion and sedimentation of the waters of this state has or will reasonably occur from a parcel of land in violation of this Ordinance, it may seek to enforce the ordinance by notifying the person who owns the land, by mail, with return receipt requested, of its determination. The notice shall contain a description of specific soil and sedimentation control measures which, if implemented by the property owner, would bring the owner into compliance.
- F. A person who owns land subject to this ordinance shall implement and maintain soil erosion and stormwater runoff control measures in conformance with this ordinance within ten (10) days after the notice of violation has been given as specified in Section E above.

XIV. Enforcement Action

A. General Provisions

1. All earth changes in Grand Traverse County, including earth changes exempt from permit requirements, are subject to the enforcement provisions and penalties of this ordinance.
2. A person who owns land on which an earth change has been made that may result in or contribute to soil erosion or sedimentation of the waters of the state shall implement and maintain soil erosion and sedimentation control measures that will effectively reduce soil erosion or sedimentation from the land on which the earth change has been made.
3. The Drain Commissioner shall notify the Michigan Department of Natural Resources of all violations of the Michigan Soil Erosion and Sedimentation Control Act (Act 347 of 1972, as amended), or rules, as well as violations of this ordinance, including violations attributable to an earth change created by an authorized public agency.
4. Each act of violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense.
5. A person who has not complied with this ordinance and who, after notice, refuses to implement and maintain soil erosion control and stormwater runoff control measures and facilities in conformance with these regulations shall be subject to a fine of not more than \$500.00 or ninety (90) days in jail, or both, plus the cost of prosecution.