

June 16, 2015

STATE OF MICHIGAN COUNTY OF MARQUETTE

MARQUETTE TOWNSHIP

STORMWATER MANAGEMENT ORDINANCE

An ordinance to prevent water quality degradation, flooding, and drainage problems resulting from stormwater runoff; reduce erosion and sedimentation during and after site development; identify requirements for stormwater management; provide for long-term maintenance of stormwater systems; identify requirements and prohibitions relative to discharge to and use of stormwater systems; achieve compliance with state and federal regulations; and protect the health, safety and general welfare of Marquette Township, its residents and the surrounding areas.

THE TOWNSHIP BOARD OF MARQUETTE TOWNSHIP, COUNTY OF MARQUETTE, STATE OF MICHIGAN ORDAINS:

ARTICLE 1. AUTHORITY, PURPOSES AND INTERPRETATION

Section 1.1: Statutory Authority and Title

This ordinance is adopted in accordance with the authority of the Township to adopt ordinances to protect the health, safety and welfare of the Township, its residents, and surrounding areas.

This ordinance shall be known and may be cited as the Marquette Township (“Township”) Stormwater Ordinance.

Section 1.2: Purposes

The purposes of this Ordinance shall be:

- A. To protect public health, safety and welfare by requiring stormwater management whenever new, expanded or modified developments are proposed.
- B. To minimize siltation, pollution and stream bank erosion.
- C. To reduce the need for future remedial projects.

- D. To ensure that, if wetlands, not regulated by the MDEQ under Part 303 of the Natural Resources and Environmental Protection Act of 1994, MCL 324.30301, et seq., as amended, are to be used for stormwater detention, the natural functions and quality of the affected wetlands throughout the Township are maintained.
- E. To ensure that all stormwater conveyance and detention facilities will be properly maintained.
- F. To avoid water resource degradation by reducing and/or preventing the adverse hydrologic effects of stormwater runoff.
- G. To protect environmental quality by requiring soil erosion and sedimentation control (SESC) measures for ground disturbing activities, including those ground disturbing activities that do not meet permitting requirements of Part 91 of the Natural Resources and Environmental Protection Act of 1994, MCL 324.9101, et seq., as amended.

Section 1.3: Incorporate by Reference

For the purposes of implementing the standards and requirements of this Ordinance, the following document is incorporated by reference: Marquette County Drainage Regulations (“County Rules,” latest published edition), which shall serve as the official guide for stormwater principles, methods, and practices under this Ordinance. This Ordinance and applicable Township Land Development Standards shall control in the event of a conflict with the County Rules.

ARTICLE 2. DEFINITIONS

Section 2.1: Definition of Terms

The following terms, phrases, words and derivatives shall have the meaning defined below:

Administrator. The person appointed under Article 3, Section 3.2 of this Ordinance.

Board. The elected governing body of the Charter Township of Marquette.

Detention basin. A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a pond with a fixed minimum water elevation between runoff events.

First flush. The delivery of a highly concentrated pollutant loading during the early stages of a storm, due to the washing effect of runoff on pollutants that have accumulated on the land. For the purposes of this ordinance, the first flush shall be defined as the first one-half (1/2) inch of rain.

Infiltration facility. A designed structure or designated area which allows runoff to seep gradually into the ground, e.g., bioretention basin, rain garden, French drains, seepage pits, infiltration trenches (dry swale), dry well or perforated pipe.

Non-point source. Diffuse source of pollution, distinguished from a point source where the discharge comes from one identifiable location; e.g., a treatment plant outfall. Examples of non-point source pollutants include: (i) excess fertilizers, herbicides, and insecticides from agricultural lands and residential areas, (ii) oil, grease, and toxic chemicals from urban runoff, (iii) sediment from crop and forest lands, and eroding stream banks, and (iv) bacteria and nutrients from livestock, pet wastes and faulty septic systems.

Offsite stormwater management facility. All or part of a drainage system that is located partially or completely off of the development site which it serves.

Part 91. State of Michigan legislation regarding soil erosion and sedimentation control; Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 91, MCL 324.9101, et seq.

Part 303. State of Michigan legislation regarding wetland protection; Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 303, MCL 324.30301, et seq.

Public storm sewer. A drainage system serving a platted subdivision or other development which has been designed, constructed and accepted to be operated and maintained by the Marquette County Drain Commissioner or other authorized governmental agency.

Retention basin. A holding area for stormwater, either natural or human-made, which does not have an outlet to adjoining watercourses or wetlands. Water is removed from retention basins through infiltration and/or evaporation processes, and retention basins may or may not have a permanent pool of water.

Runoff coefficient. The ratio of the amount of water not absorbed by the surface to the total amount of water that falls during a rainstorm.

Storm drain. A conduit, pipe, swale, natural channel or manmade structure which serves to transport stormwater runoff. Storm drains may be either enclosed or open.

Stormwater management facility. Any facility, structure, channel, area, process or measure which serves to control stormwater runoff in accordance with the purposes and standards of this Ordinance.

Stormwater management plan. Drawings and written information prepared by a registered engineer, registered landscape architect or registered surveyor which describe the way in which soil erosion and/or stormwater flows are proposed to be controlled, both during and after construction, having as its purpose to ensure that the objectives of this Ordinance are met.

Stormwater management system. Entire stormwater conveyance and storage facilities and all appurtenances thereto.

ARTICLE 3 ADMINISTRATION

Section 3.1: Powers of the Board

The Board shall determine or supervise all aspects of administration in accordance with the provisions of this Ordinance. The Board may employ or contract with such persons as it deems necessary to fulfill the needs or duties arising from the provisions of this Ordinance.

Section 3.2: Administrator

The Township Board shall appoint an Administrator to implement and enforce this Ordinance. Duties shall include the receipt of plans and permit requests, the determination of plan approval or disapproval, permit grant or denial, and any other such additional duties that may from time to time be delegated by the Board.

ARTICLE 4. GENERAL PROVISIONS

Section 4.1: Applicability; Requirements

- A. Any development proposal for which (a) a site plan, or (b) a preliminary plat must be submitted to the Marquette Township Planning Commission shall require a stormwater management plan as described in Section 5.1 below. The stormwater management plan must be submitted to the Administrator with a copy to the Marquette Township Planning Commission at the same time an application for (a) preliminary site plan approval or (b) preliminary plat approval for the development is submitted.
- B. Control and management of stormwater runoff associated with or affected by any earth change for which a permit is required under Part 91 shall be governed by the rules as stated in Part 91, and by the SESC enforcement agency.

Section 4.2: Stormwater Construction Permit Required

- A. A proposed stormwater management plan must be submitted with a written application on a form furnished by the Administrator providing:
 - 1. The name, address, and telephone number of each contractor who will be involved in construction of the improvement.

2. The correct names and addresses of all owners of land, and a legal description of the respective parcels wherein the improvement is to be made.
 3. Evidence that all permits as required by law have been or will be issued.
 4. The plans and specifications for the improvement.
 5. The estimated cost of the work set forth in the plans as estimated by the engineer preparing the plan.
 6. A preliminary description of all easements required under Section 6.3.
 7. A proposed Maintenance Agreement as set forth under Section 6.4.
 8. The appropriate fees and Escrow Deposit as adopted by the Township Board, and as set forth in Schedule A and the construction permit application.
 9. Other information deemed necessary by the Administrator.
- B. The Administrator shall approve or deny the stormwater management plan in writing or issue a written statement that the proposed plan does not require his or her approval. If denied, the Administrator shall specify the reasons for denial, including any deficiencies in the submissions, in writing. The Administrator shall notify the applicant of his or her decision and shall provide a copy of that decision to the Planning Commission.
- C. No person shall construct or commence work upon a development or project requiring a stormwater management plan prior to issuance of a permit by the Administrator. The Administrator may issue a permit conditioned upon issuance of permits or approvals required by other local, state or federal agencies or entities.
- D. The applicant shall be responsible for coordinating applications, permits or approvals with other local, state, or federal agencies or entities in a timely manner prior to construction or commencing work.

ARTICLE 5 STORMWATER MANAGEMENT PLAN REQUIREMENTS

Section 5.1: Contents of Stormwater Management Plan

- A. Plan Presentation
1. Through plans, illustrations, reports, and calculations, the stormwater management plan shall display the same information required in the County Rules.
 2. An area-wide stormwater drainage map showing existing and proposed drainage courses and stormwater basins that are on-site or affect the site. This map shall provide contours at two (2) foot minimum intervals.

3. The stormwater management plan must be sufficiently detailed to specify the type, location, and size of stormwater management facilities. The stormwater management plan shall list the receiving water body or watercourse and identify the location of the point of stormwater discharge to the water body. The stormwater management plan shall include a stormwater narrative describing how the stormwater plans comply with the County Rules and this Ordinance. Detailed construction drawings are not required at the stormwater management plan review stage.
4. In instances where a Part 91 permit has not already been obtained, the stormwater management plan must identify the proposed types and locations of temporary and permanent soil erosion and sedimentation control measures that will be utilized on-site. The final configuration of SESC measures for the site must be reviewed and approved by the SESC enforcement agency and be contained in a valid Part 91 permit as required by Part 91.
5. If a development is proposed to be developed in two or more phases, the stormwater management plan shall be prepared and submitted for the total project unless a variance from this requirement is obtained from the Board based on the criteria set forth in Article 7 below.

B. Plan Preparation

The stormwater management plan shall be prepared by the professionals described in the definition of Stormwater management plan Section 2.1 above and shall meet the requirements specified in the County Rules and this Ordinance.

C. Scale for Mapping

The stormwater management plan shall be drawn to a scale equal to or larger than 1"=40'.

D. Required Information

1. Existing Conditions

The information describing existing site conditions for all stormwater management plans as specified in the County Rules.

2. Proposed Conditions

A description of the site after the proposed development as specified in the County Rules.

3. Proposed easements for access, inspections and off site drainage, proposed maintenance plan, and proposed inspection plan and agreements in accordance with Article 6 below.

4. Natural Features

An analysis of the existing natural features and site hydrology, as well as a plan to protect sensitive areas.

5. Soils Information

A soils survey or a written description of the soil types on the site. Information regarding the groundwater elevation and infiltration capacity of the soils shall also be supplied to validate the design and placement of infiltration facilities as described below in Section 5.3(B).

Section 5.2: Amendment or Revision of Plan

A request for an amendment to or revisions of the stormwater management plan must be submitted to the Administrator. The Administrator shall determine if the proposed amendment or revision is a major or minor change. If the change to the stormwater management plan and any other changes to the development results in a major change to the site plan or plat for the development, then the change to the stormwater management plan shall also be considered a major change, unless otherwise determined by the Administrator based on specific facts and circumstances surrounding the development or stormwater management plan. Any other change shall be considered a minor change, unless otherwise determined by the Administrator based on specific facts and circumstances surrounding the development or stormwater management plan. In the event of a major change, a new stormwater management plan shall be submitted for review and approval in accordance with the procedures of this Ordinance. In the case of a minor change, only revisions to the stormwater management plan needed to show the change are required, and the revisions shall be submitted to the Administrator for purposes of the record. All requirements and standards for stormwater management plans set forth in Division 5 shall apply to the amendment or revision.

Section 5.3: Standards for Stormwater Management Plan Approval

All developments requiring a stormwater management plan shall be designed, constructed, and maintained to prevent flooding, mimic natural hydrology and protect water quality. The particular facilities and measures required on-site shall take into consideration the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site adverse stormwater impacts, water pollution, and erosion; and the size of the site.

A. General Standards for On-site and Off-site Stormwater Management

1. Stormwater management conveyance, storage and infiltration measures and

facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff, to prevent accelerated soil erosion from the proposed development, and shall conform to the requirements specified in the County Rules. Additionally, infiltration facility testing and design shall conform to the requirements in Section 5.3(B).

2. Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development. Watercourses shall not be obstructed unless the activity is permitted by the appropriate local, state, or federal authorities.
3. Unless otherwise approved, stormwater runoff shall be conveyed through swales and vegetated buffer strips to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
4. Runoff rates from detention basins shall conform to the requirements specified in the County Rules.
5. Watercourses shall not be deepened, widened, dredged, cleared of native vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the appropriate local, state, or federal authorities.
6. Drainage systems shall be designated to protect public health and safety and to facilitate efficient and effective maintenance.
7. All sources contributing runoff to stormwater facilities must have traps, sumps, or filters of some type that will limit solids, leaves, trash, etc. from reaching and accumulating in the facility.

B. Infiltration Facilities

1. The Township requires the use of infiltration facilities as integral components of stormwater management plans. Site runoff for the first flush rainfall event, defined as the first 0.5 inches of rainfall, must be infiltrated on-site, except for facilities listed below, as long as all the other conditions of this section are met.
2. Infiltration facilities will not be required in the following areas: a) on steep, unstable slopes; b) within the 100-year floodplain or c) where the infiltration rate is less than 0.5 inches per hour.
3. Infiltration facilities shall not be allowed in the following areas: a) containing pollutants at sediment or groundwater concentrations above Michigan Department of Environmental Quality criteria; b) entirely covered by Marquette County soil group D, or c) directly upslope or within close proximity (< 25 feet) to basements, sensitive structural foundations, water supply wells or septic tanks and drain

fields, or where the bottom of the planned infiltration facility is less than three feet from the seasonably high water table.

4. For all infiltration facilities, a minimum infiltration rate of 0.5 inches per hour (average rate for a loam soil texture class) is required. If the infiltration capacity of existing soils or engineered soils exceeds this criterion, the size of infiltration facilities may be increased and a proportionate decrease in the size of retention and detention facilities allowed. Field infiltration testing and design calculations shall be included as part of the stormwater management plan to demonstrate the infiltration capacities of such facilities.
5. For sites with limited infiltration capabilities, detention/retention facilities shall be utilized to handle the excess stormwater of larger rain events, and shall be designed to meet the requirements of the County Rules and Section 5.3(C) below.

C. Detention and Retention Facilities

1. The capacity of detention and retention facilities shall be sufficient to capture the 100-year, 24-hour storm.
2. The rate of discharge and drawdown shall comply with the specifications of the County Rules.
3. Detention basins shall be equipped with a sedimentation forebay to reduce the total suspended solids loading of the incoming stormwater. The sedimentation forebay shall be located at the furthest practical point from the outlet of the basin, and shall have a volume equal to five (5) percent of the required detention volume. The volume of the forebay shall be in addition to the required detention volume. A maintenance access shall be provided to facilitate the removal of accumulated sediment.
4. In areas where a detention basin discharges to a cold water stream, the use of a staged, bottom draw discharge shall be utilized.
5. For developments with the detention or retention basin located adjacent to a parking area, signs must be provided at the perimeter indicating that snow removal storage is prohibited within the basin.

D. Discharge to Watercourses

1. Where stormwater is discharged directly to a watercourse, or to a conveyance system that discharges to a watercourse, stream bank erosion and effects on water quality in streams shall be minimized through the selection, design, installation, and maintenance of temporary and permanent controls. Stormwater shall not be discharged directly to a watercourse, or to a conveyance system that discharges to a watercourse without applicable permits or approvals from the appropriate local, state, or federal authorities.

2. Direct discharge of untreated stormwater to a natural watercourse is prohibited. All runoff from the development will be pre-treated to remove sediment and other pollutants prior to discharge to a watercourse. Such treatment facilities shall be the first constructed elements of an approved plan.
3. Vegetated buffers, a minimum of 25 feet in width, shall be created or retained along the setback edges of watercourses.

E. SESC Measures

1. Except as otherwise provided in this Ordinance, SESC Measures shall be installed and maintained as required by the rules of Part 91 and the enforcing agency.
2. The Township requires that SESC Best Management Practices (“BMPs”) be followed on all developments that require a stormwater management plan.

Section 5.4: Off-Site Stormwater Management

A. Requirements

1. In lieu of on-site stormwater detention, the use of off-site stormwater conveyance, infiltration, and/or detention areas may be proposed to maintain natural hydrologic characteristics. Off-site stormwater management areas shall be designed to comply with the requirements specified in the County Rules.
2. Off-site stormwater management areas may be shared with other landowners, provided that proper easements (as described in Section 6.3 below) are provided.
3. Adequate provision and agreements providing for maintenance and inspection of stormwater management areas and facilities shall be made by recorded instrument, including an access easement, approved by the Administrator pursuant to Section 6.3 and the Marquette County Drain Commissioner for easements under the Marquette County Drain Commissioner jurisdiction.

B. Performance Guarantees, Inspections, Maintenance, and Enforcement

All provisions of this Ordinance including Article 6 shall apply to off-site stormwater management areas and facilities.

ARTICLE 6. PERFORMANCE GUARANTEES, EASEMENTS, AND MAINTENANCE

Section 6.1: Performance Guarantees

For developments whose stormwater management facilities will be installed, inspected and maintained under the jurisdiction of the Marquette County Drain Commissioner, the applicant and owner shall provide for performance guarantees required by the Marquette County Drain Commissioner, copies of which shall be provided to the Administrator. Performance guarantees for other stormwater management facilities are set forth in the requirements of the stormwater construction permit.

Section 6.2: Construction Modifications

During construction of stormwater management facilities the Township may require, or the applicant may request, that the construction of stormwater management facilities and associated project designs be modified if physical conditions are discovered on the site which are inconsistent with the assumptions upon which the approval was based, including, but not limited to, unexpected soil and/or water conditions, weather generated problems, or changes in the design of the improved areas. Modifications shall be submitted to the Administrator for approval prior to implementation. If modifications require a change in the stormwater management plan, the procedures set forth in Section 5.2 above shall apply.

Any such modifications made during the construction of stormwater management facilities shall be recorded on the final approved stormwater management plan, a revised copy of which shall be filed by the Administrator.

Section 6.3: Stormwater Management Easements

A. Necessity of Easements

For developments whose stormwater management facilities will be installed, inspected or maintained under the jurisdiction of the Township, stormwater management easements shall be provided in a form approved by the Township and recorded as directed by the Township for the benefit of the Township and those performing maintenance, monitoring and inspections to assure (1) access for inspections; (2) access to stormwater management facilities for maintenance purposes; and (3) preservation of existing drainageways which are needed to serve stormwater management needs of other properties. For developments whose stormwater management facilities will be installed, maintained and inspected under the jurisdiction of the Marquette County Drain Commissioner, the owner and applicant shall comply with the easement requirements of the Marquette County Drain Commissioner with copies provided to the Township. A listing of proposed necessary easements shall be included in the stormwater management plan for review by the Administrator. Final easements must be approved by the Township Board after review by the Administrator and Township Attorney. All costs of inspection, installation and maintenance shall be borne by the developer and the owners of the development.

B. Easements for Off-site Stormwater Management

The owner/applicant shall obtain easements assuring access to all areas used for off-site stormwater management, including wetlands. Adequate provision and agreements for maintenance and inspection of stormwater management facilities shall be made by recorded instrument, including an access easement, approved by the Marquette County Drain Commissioner and the Township with copies provided to the Administrator.

C. Recording of Easements

After approval by the Township, easements shall be recorded with the Marquette County Register of Deeds according to applicable recording requirements and the cost of recording paid by the applicant or owner.

D. Recording Prior to Construction Permit Issuance

The owner/applicant must provide the Administrator with evidence of the recording of the easement prior to issuance of a construction permit, and prior to any grading, construction, alteration or earth change pertaining to the development.

Section 6.4: Maintenance Agreement and Inspection

A. Purpose of Maintenance Agreement

The purpose of the maintenance agreement is to assure perpetual and continued property maintenance of stormwater management facilities.

B. Maintenance Agreement Required

1. A maintenance agreement sufficient to assure perpetual and continued proper maintenance of stormwater management facilities shall be included as part of the stormwater management plan. For stormwater management facilities under the jurisdiction of the Township, the maintenance agreement shall be submitted for review and recommendation by the Administrator and approval by the Township Board. All costs of maintenance shall be the responsibility of the developer and owners of the development. For stormwater management facilities under the jurisdiction of the Marquette County Drain Commissioner, the maintenance agreement shall be reviewed and approved by the Marquette County Drain Commissioner with copies provided to the Township.
2. The maintenance agreement shall include a plan for routine, emergency and long-term maintenance of all stormwater management facilities with a detailed annual estimated budget for the initial three years, and a mechanism for funding all maintenance costs.

3. The maintenance agreement shall declare the responsible party, such as the owner, or a homeowner's association.
4. Any future purchasers and other successors and assigns to the property shall be informed by written notice of the existence of stormwater management facilities and the elements of the stormwater management plan, limitations of the stormwater management facilities, and the requirements for continued inspection and maintenance of the stormwater management facilities. The disclosure statement shall be signed by both the transferor and transferee and a copy shall be provided to the Township.
5. The maintenance agreement shall be binding on all owners of land served by the stormwater management facilities, and shall be recorded in the office of the Marquette County Register of Deeds after approval of the Township Board and Township attorney for stormwater management facilities under the jurisdiction of the Township or approval by the Marquette County Drain Commissioner for stormwater management facilities under the jurisdiction of the Marquette County Drain Commissioner

ARTICLE 7. VARIANCES

Section 7.1: Variances/Exceptions

The Administrator shall administer and enforce all provisions of this Ordinance and shall not waive any provision or make any exceptions to the requirements contained herein. If it is determined that a proposal fails to meet the requirements of this Ordinance, the person making the proposal may request in writing a variance from this Ordinance. All variance requests shall be heard and determined by the Township Board.

Section 7.2: Written Application Requirements

A written application for a variance shall be submitted to the Township Board and must demonstrate that:

- A. Special conditions and circumstances exist that are peculiar to the land or project involved, and that are not generally applicable to other plans or projects; and that,
- B. The special conditions and circumstances do not result or have not resulted from the actions of the applicant or the applicant's predecessor; and that,
- C. Literal interpretation of the provisions of this Ordinance would deprive the applicant of reasonable use of the property as a whole.
- D. The application shall include a plan demonstrating an alternate means to achieve the objectives of this Ordinance.

Section 7.3: Variance Procedure

In the event of a variance request, a public hearing shall be held by the Board to determine the merits of the variance request. Notice shall be published in a newspaper of general circulation at least ten days prior to the public hearing. Notice shall contain the date, time and place of the meeting, a description of the property involved and of the request. All decisions of the Board shall be final.

Section 7.4: Conditions for Approval

The Township Board may prescribe appropriate conditions and safeguards consistent with the purposes and standards of this Ordinance in connection with the grant of a variance.

ARTICLE 8. ENFORCEMENT AND PENALTIES

Section 8.1: Municipal Civil Infraction

Any person or entity found violating the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not less than \$50 nor more than \$500 as determined on the basis of the facts surrounding each violation. Additionally, the violator shall pay costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation. In no case, however, shall costs of less than \$10 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Section 8.2: Equitable Remedies

Any development for which:

- A. A stormwater construction permit has not been approved and issued;
- B. Construction does not conform with an approved stormwater management plan;
- C. An approved Maintenance Agreement has not been fully complied with; or
- D. Any other provision of this Ordinance has been violated in any manner;

Shall be deemed a nuisance and may be abated, enjoined, or subject to other equitable relief by order of a court of competent jurisdiction.

Section 8.3: Issuance of Civil Infraction

A police officer, the Administrator, the Township Code Enforcement Officer, or any other person the Township Board may from time to time designate, are authorized to issue municipal civil infraction citations to any person or entity in violation of this Ordinance.

ARTICLE 9. FEES AND ESCROW DEPOSITS

Section 9.1: Fees

To assist in defraying the cost of investigation, reviewing, and administering matters arising under this Ordinance, including but not limited to stormwater management plans, stormwater construction permit applications, maintenance agreements, variance applications, and other requests from property owners, which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing fees hereunder, and which are currently set forth in Schedule A of this Ordinance. Revision to the fees, charges and Escrow Deposits may be made by action of the Township Board, which may be enacted apart from the published Ordinances as necessary to ensure the objectives of this Ordinance. In addition to a non-refundable administrative fee, the property owner or applicant must pay a Review/Inspection Escrow Deposit.

- A. The property owner or applicant must provide Marquette Township with construction cost estimates certified by a licensed engineer for all improvements subject to a stormwater construction permit. A Review/Inspection Escrow Deposit will be based on the construction costs, as set forth in Schedule A.
- B. In accordance with the Township’s adopted Fee Schedule and Policy, the property owner or applicant is responsible for the cost of all Township reviews and consultants fees required in the review and administration process under this Ordinance, including Township attorney, planner and other Township consultants. The administrative fee and Review/Inspection, Escrow Deposit shall be paid at the time the stormwater construction permit application is filed. Adjustments in the construction cost estimates may require additions to the deposit.
- C. The Township shall deduct from the Review/Inspection Escrow Deposit all Township and/or consultant inspection, review and construction administration expenses related to the stormwater management plan, including but not limited to review of shop drawings, construction observation, punch lists, consultants reviews, management plan reviews, and review of easements.
- D. If more than 75% of the Review/Inspection Escrow Deposit is used to reimburse inspection and review costs, the property owner or applicant must bring the deposit to its initial level within 14 days after notice from the Township. If the deposit is not brought back to its initial level within the time required, then no further inspections or reviews shall occur, a stop work order may be issued, and no permits, certificates or approvals shall be issued for any work on the project until the deposit is brought to its initial level.

- E. Any funds remaining in the Review/Inspection Escrow Deposit at the end of the project will be held until such time that as-built drawings of the stormwater system have been provided to the Township in digital format. Upon review and approval of the as-built plans, any unexpended funds will be released.
- F. Project inspections or reviews may be by the Administrator for smaller or less complex stormwater management systems. The Township reserves the right to use consultant services for the inspections or reviews of any or all systems within the sole and absolute discretion of the Administrator.

ARTICLE 10. SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, provision or word is determined to be void or unenforceable for any reason by any court of competent jurisdiction, all remaining provisions of this Ordinance shall be fully effective, enforceable, and unaffected thereby.

CERTIFICATION

It is hereby certified that that foregoing Ordinance was adopted by the Township Board of Marquette Township, Marquette County, Michigan, at a meeting of the Board duly called and held on [Date].

MARQUETTE TOWNSHIP

By: _____

[Name of Township representative], [Title]

By: _____

[Name], Clerk

First Reading: June 2, 2015

Adopted: June 16, 2015

Published and Effective: June 19, 2015