

**CITY OF IONIA
IONIA COUNTY, MICHIGAN
ORDINANCE NO. 573**

**AN ORDINANCE TO AMEND PART TEN, TITLE FOUR, CHAPTER 1043,
ENTITLED "UTILITIES; STORM WATER MANAGEMENT" OF THE
CODIFIED ORDINANCES OF THE CITY OF IONIA, SECTIONS 1043.05,
1043.09, AND 1043.11**

The City of Ionia Ordains:

Part One: Addition

That Part Ten, Title Four, Chapter 1043, Section 1043.05 Entitled "Utilities; Storm Water Management; Definitions" of the Codified Ordinances of the City of Ionia is amended to read in its entirety as follows:
1043.05 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section unless the context in which they are used specifically indicates otherwise:

- (a) "Authorized enforcement agency." ~~Employees or designees of the Director of the Municipal agency~~ City employees, officers, or agencies designated to enforce this chapter.
- (b) "Base flood." A flood having a one percent chance of being equaled or exceeded in any given year.
- (c) "Base flood elevation." The high water elevation of the base flood, commonly referred to as the "100 year flood elevation".
- (d) "Base flood plain." The area inundated by the base flood.
- (e) "Best Management Practices (BMPs)." A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality's Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the City Engineer, and, where appropriate, the standards of the Ionia County Drain Commissioner.
- (f) "Building opening." Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.
- ~~(g) "City." The City of Ionia~~
- (g) "City." The City of Ionia. Except where the context clearly indicates otherwise, references to the City, City authorized enforcement agency, City Engineer, or City Community Development Director shall mean such offices of the City or such other public office or official designated by resolution of the City Council from time to time; provided, however that the foregoing shall not be interpreted to supersede provisions of state law reserving to particular City offices the power or duty to perform designated functions (e.g., City building official's authorization to issue building permits, City Treasurer's authority to enter liens on tax rolls, etc.).
- (h) "Clean Water Act." The Federal Water Pollution Control Act, 33 USC 1251 et seq., as amended, and the applicable regulations promulgated thereunder.
- (i) "Construction site storm water runoff." Storm water runoff from a development site following an earth change.
- (j) "Design Engineer." Registered and licensed professional engineer responsible for the design of a drainage plan.
- (k) "Detention." A system which is designed to capture storm water and release it over a given period of time through an outlet structure at a controlled rate.

(l) "Developed" or "development." The installation or construction of impervious surfaces on a development site that require, pursuant to State law or local ordinance, the City's approval of a site plan, plat, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures, provided, however, that for purposes of Sections [1043.06](#) through [1043.14](#) only, "developed" or "development" shall not include the actual construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling.

(m) "Developer." Any person proposing or implementing the development of land.

(n) "Development site." Any land that is being or has been developed, or that a developer proposes for development.

(o) "Discharger." Any person or entity who directly or indirectly discharges storm water from any property. "Discharger" also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this chapter.

(p) "Drain." Any drain as defined in the Drain Code of 1956, as amended, being M.C.L.A. 280.1, et seq., other than an established County or intercounty drain.

(q) "Drainage." The collection, conveyance, or discharge of ground water and/or surface water.

(r) "Drainageway." The area within which surface water or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.

(s) "Earth change." Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots. Normal landscaping and changes are exempted.

(t) "EPA." The United States Environmental Protection Agency.

(u) "Erosion." The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

(v) "Exempted discharges." Discharges other than storm water as specified in Section [1043.24](#) of this chapter.

(w) "Federal Emergency Management Agency (FEMA)." The agency of the Federal government charged with emergency management.

(x) "Flood" or "flooding." A general and temporary condition of partial or complete inundation of normally dry land areas resorting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.

(y) "Flood-proofing." Any structural and/or non-structural additions, changes or adjustments to structures or property that reduce or eliminate flood damage to land, or improvements utilities and structures.

(z) "Floodplain." Any land area subject to periodic flooding.

(aa) "Flood protection elevation (FPE)." The base flood elevation plus one foot at any given location.

(bb) "Floodway." The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth of a foot due to the loss of flood conveyance or storage.

(cc) "Grading." Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

(dd) "Hazardous materials." Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(ee) "ICDC." Ionia County Drain Commissioner.

(ff) "Illicit connection." Any method or means for conveying an illicit discharge into water bodies or the City's storm water system.

(gg) "Illicit discharge." Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this chapter.

(hh) "Impervious surface." Surface that does not allow storm water runoff to slowly percolate into the ground.

(ii) "Lowest floor." The lowest floor or the lowest enclosed area (including a basement), but not including an unfinished or flood-resistant enclosure which is usable solely for parking of vehicles or building access.

(jj) "MDEQ." Michigan Department of Environment Quality.

(kk) "National Pollutant Discharge Elimination System (NPDES) storm water discharge." A permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(ll) "Non-storm water discharge." Any discharge to the storm drain system that is not composed entirely of storm water.

(mm) "NPDES." National Pollution Discharge Elimination System.

(nn) "Overland flow-way." Surface area that conveys a concentrated flow of storm water runoff.

(oo) "Person." An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

(pp) "Plan." Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this chapter.

(qq) "Pollutant." A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

(rr) "Premises." Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(ss) "Property owner." Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

(tt) "Retention." A system which is designed to capture storm water and contain it until it infiltrates the soil or evaporates.

(uu) "Soil erosion." The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.

(vv) "State of Michigan Water Quality Standards." All applicable State rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

(ww) "Storm drain." A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, ground water and drainage.

(xx) "Storm water permit." A permit issued pursuant to this chapter.

(yy) "Storm water pollution prevention plan." A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

(zz) "Storm water runoff." The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.

(aaa) "Storm water runoff facility." The method, structure, area, system, or other equipment or measures which are designed to receive, control, store, or convey storm water.

(bbb) "Stream." A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

- (ccc) "Wastewater." Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- (ddd) "Water body." A river, lake, stream, creek or other watercourse or wetlands.
- (eee) "Watershed." A region draining into a water body.
- (fff) "Wetlands." Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life.

Part Two: Amendment

That Part Ten, Title Four, Chapter 1043, Section 1043.09 entitled "Utilities; Storm Water Management; Storm Water Permit Review Fees" of the Codified Ordinances of the City of Ionia is amended to read in its entirety as follows:

1043.09 STORM WATER PERMIT REVIEW FEES.

- (a) ~~—(a) All expenses—Expenses, fees, and costs incurred by the City directly—associated with processing, reviewing and approving or denying a storm water permit application shall be paid (or reimbursed) to the City from the funds in a separate escrow account as established by the developer, as provided in division (b) of this section. The City may draw funds from a developers escrow account to reimburse the City for out of pocket expenses incurred by the City relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following: ICDC from time to time.~~

~~—(b) At the time, a developer applies for a storm water permit, the developer shall deposit with the ICDC such sums as established by the ICDC including, without limitation, deposits into any required escrow account.~~

- ~~—(1) Services of the City Attorney directly related to the application.~~
- ~~—(2) Services of the City Engineer directly related to the application.~~
- ~~—(3) Services of other independent contractors working for the City which are directly related to the application.~~
- ~~—(4) Any additional public hearings, required mailings and legal notice requirements necessitated by the application.~~

~~—(b) At the time, a developer applies for a storm water permit, the developer shall deposit with the City Clerk, as an escrow deposit, an initial amount as determined by resolution of the City Council for such matters and shall provide additional amounts as requested by the City in such increments as are specified in said resolution. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed, and the final City approval and acceptance of the development has occurred will be refunded to the developer with no interest to be paid on those funds. At no time prior to the City's final decision on an application shall the balance in the escrow account fall below the required initial amount. If the funds in the account are reduced to less than the required initial amount, the developer shall deposit into the account an additional amount as determined by Ionia City Council resolution, before the application review process will be continued. Additional amounts may be required to be placed in the escrow account by the developer, at the discretion of the City.~~

Part Three: Amendment

That Part Ten, Title Four, Chapter 1043, Section 1043.11 entitled "Utilities; Storm Water Management; Financial Guarantees" of the Codified Ordinances of the City of Ionia is amended to read in its entirety as follows:

1043.11 FINANCIAL GUARANTEE.

(a) ~~The City Engineer shall not approve issuance of~~ a storm water permit ~~until~~ may be conditioned upon the developer ~~submits~~ submitting to the City, in a form and amount satisfactory to the City, a letter of credit or other financial guarantee for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan. Upon certification by a registered professional engineer that the storm water runoff facilities have been completed in accordance with the approved drainage plan including, but not limited to, the provisions contained in Section 1043.08(h) of this chapter, the City may release the letter of credit, or other financial guarantee subject to final City acceptance and approval.

~~—(b) Except as provided in division (e) of this section, the amount of the financial guarantee shall be one thousand dollars (\$1,000.00), unless the City determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the developer in writing. In determining whether an amount greater than one thousand dollars (\$1,000.00) is appropriate, the City shall consider the size and type of the development, the size and type of the on-site storm water system, and the nature of the off-site storm water runoff facilities the development will utilize.~~

~~—(c) The City Community Development Director may reduce or waive the amount of the financial guarantee for a development that will not increase the percentage of impervious surface of the development site by more than ten percent.~~

~~—(d) This chapter shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private storm water runoff facilities as well as those costs arising from the need to make other drainage improvements in order to reduce a development's impact on a drain consistent with adopted design standards.~~

Part Four: Repealer

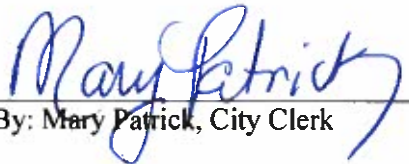
That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Part Five: Publication and Effective Date

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect immediately upon publication of a summary thereof as permitted by law, along with the date of its adoption, in the *Daily News*, a newspaper of general circulation in the City.

CITY OF IONIA

Dated: March 1, 2023


By: Mary Patrick, City Clerk

Introduction and First Reading:
Notice of Public Hearing:
Public Hearing, Second Reading, Adoption:
Effective Upon Publication:

February 1, 2023
February 11, 2023
March 1, 2023
March 6, 2023