

CHARTER TOWNSHIP OF GARFIELD
TOWN BOARD MEETING
January 14, 2025

Supervisor McManus called the Town Board Meeting to order at the Garfield Township Hall on January 14, 2025 at 6:00p.m.

Pledge of Allegiance

Roll Call of Board Members

Present: Molly Agostinelli, Chuck Korn, Laurie Lapp, Chloe Macomber, Joe McManus, Lanie McManus and Denise Schmuckal

Also in Attendance: Township Manager Chris Barsheff

1. Public Comment (6:01)
None

2. Review and Approval of the Agenda - Conflict of Interest (6:02)
Supervisor McManus asked to add agenda item f1, Grand Traverse County Road Commission Report.
Manager Barsheff asked to add agenda item 7e. MDOT Traffic Light Replacements.

Schmuckal moved and Agostinelli seconded to approve the agenda as amended.

Yeas: Schmuckal, Agostinelli, Lapp, Macomber, L. McManus, Korn, J. McManus
Nays: None

3. Consent Calendar (6:03)

a. Minutes

December 5 and 9, 2024 Special Meetings
December 10, 2024 Regular Meeting
(Recommend Approval)

b. Bills

(i)	General Fund	\$217,708.49
	(Recommend Approval)	
(ii)	Gourdie-Fraser	
	Developer's Escrow Fund – Storm Water Reviews,	
	Utility Plan Review, Oversight and Closeout	
		\$ 8,451.25
	General Utilities	17,604.00
	General	4,040.00
	Special Assessment District(SAD)	712.50

Park Funds/DNR Trust Fund	16,790.00
Total	\$47,597.75
(Recommend Approval)	

- c. **MTT Update (Receive and File)**
- d. **Veteran's Exemptions Report (Receive and File)**
- e. **Building Department 2024 Statement of Operations and Annual Report (Receive and File)**
- f. **Zoning Department 2024 Activities (Receive and File)**

Schmuckal moved and Agostinelli seconded to adopt the consent calendar as presented.

*Yeas: Schmuckal, Agostinelli, Macomber, Lapp, L. McManus, Korn, J. McManus
Nays: None*

4. Items Removed from the Consent Calendar

None

5. Correspondence (6:06)

None

6. Reports

a. County Commissioner's Report (6:06)

County Commissioners Lauren Flynn and Fern Spence stated that Scott Sieffert has been appointed as Chair of the BOC and T.J. Andrews has been appointed Vice Chair. Flynn added that the County is now the sponsor for the monthly recess events and at next week's study session, Safe Harbor, the ethics committee, and septic systems will be discussed. The new county mental health center is partially open at this time and more services will be added throughout the year. Spence added that she is eager to serve the communities of Blair and Garfield.

b. Sheriff's Report (6:10)

Sheriff's Deputy Roy Raska reviewed statistics for the 2024 year. Lunches at the Salvation Army a couple times per month are going well.

c. GT Metro Fire Report (6:12)

Fire Chief Paul Mackin reviewed statistics from the 2024 year and for the month of December 2024. He added that firefighter testing is ongoing to fill a position and the department is reviewing resumes for the public education position. Staff is also working on safe home heating for residents and the annual awards banquet will be held tomorrow.

- d. **MMR Report (6:19)**
MMR Operations Manager Amy Fairchild stated that the December 2024 call volume was heavy. MMR is adding a new truck to the fleet for Station 11 and three paramedics were hired as were three EMT's.
- e. **Planning Department Report for January 2025 (6:21)**
The Planning Department Report was submitted in writing. Barsheff said that the High Tops project has been withdrawn for its proposed location and the applicant hopes to have plans for another location at the next Planning Commission meeting.
- f. **Parks & Rec Report (6:23)**
The Parks & Rec Report was submitted in writing.
- f1. **Road Commission Report (6:23)**
Alan Leman commented on the utility work at the intersection of M-22 and M-72 which will result in a detour more than likely through Garfield Township. Leman also discussed a possible Franke Road redesignation since there is more traffic from the nearby Montessori school. He handed out a construction list for the next year and announced that the new Kingsley facility is open.
- g. **Clerk's Report (6:33)**
McManus submitted her report in writing and added that the Clerk's office has been preparing for the financial audit.
- h. **Township Manager's Report (6:34)**
Barsheff reported that the SAD for milfoil on Silver Lake has expired and will be renewed. He has been working with AT&T to upgrade the Day Drive cell tower and is reviewing fire prevention ordinances. Board members agreed that Barsheff should go ahead and draft such an ordinance for board review. The Personnel Committee discussed the earned sick time act and amendments to the employee handbook will be brought to the board soon. Barsheff also discussed the High Tops liquor license and talked about creating a Facebook page for the township along with policies for posting to the page
- i. **Supervisor's Report (6:51)**
J. McManus stated that the BPW named a new director to begin in April. He added that on January 31 there will be a TC Connect policy conference and there may be some room for others to attend. A revised water contract was reviewed and approved and resubmitted to the city and no response was received yet.

7. Unfinished Business

a. Public Hearing - Consideration of Storm Water Control Ordinance No. 49, Amendment 1, Resolution 2025-01-T (6:56)

J. McManus opened the public hearing at 6:56pm and with no one wishing to speak, closed the public hearing.

This amendment would address some inconsistencies in the current ordinance and would remove references to Grand Traverse County as the principal enforcement agency and assign the Charter Township of Garfield as the sole enforcement agency for this ordinance. This proposed amendment is part of a long range plan to amend the Stormwater Ordinance to address standards and references to the county of Grand Traverse.

Schmuckal moved and Macomber seconded THAT Resolution 2025-01-T. Adopting Amendment No. 1 to Ordinance No. 49, Garfield Township Stormwater Control Ordinance No. 49, Amendment 1, BE ADOPTED.

Yeas: Schmuckal, Macomber, Agostinelli, Lapp, L.. McManus, Korn, J. McManus

Nays: None

b. Public Hearing - Consideration of Soil Erosion Ordinance No. 78, Resolution 2025-02-T (7:02)

J. McManus opened the public hearing at 7:00pm.

Fern Spence commented on soil erosion in some HOA's and talked about the responsibility of the township to enforce the ordinance.

J. McManus closed the public hearing at 7:02pm.

Mike Green gave a brief overview of the proposed amended ordinance and stated that if it were adopted, it would allow the township to administer its own Soil Erosion and Sedimentation Control Program.

Korn moved and Schmuckal supported THAT Resolution #2025-02-T adopting Ordinance No. 78, Garfield Township Control of Soil Erosion and Sedimentation Ordinance BE ADOPTED.

Yeas: Korn, Schmuckal, Agostinelli, Macomber, L. McManus, Lapp, J. McManus

Nays: None

c. Discussion on water system (7:15)

Engineer Jennifer Graham from Gourdie Fraser gave a brief overview of the water system issue between Garfield Township and the City of Traverse City and referred to her letter to the township dated January 2, 2025. She said that there were some discrepancies between the city and the Township regarding water usage over the years and a new contract for

water between the city and the township needed to be worked out. Until these water discrepancies can be solved, there are many developments on hold. Graham recommends that the township write a letter to the city commission to formally ask for more water since there has been no response thus far from the city regarding the issue. Board members asked questions regarding the water system and discussed the problems at length.

Schmuckal moved and Korn seconded to draft a letter from the Garfield Township Board to be signed by the Supervisor requesting additional water from the city, a timeline to meet that request, and that the request be added to the agenda of their next meeting.

Yeas: Schmuckal, Korn, Lapp, L. McManus, Agostinelli, Macomber, J. McManus

Nays: None

Graham also mentioned the water pressure at the Commons Area Barns. More buildings are being requested at that site and plans for water need to be shared with Garfield Township. Board members discussed the issue and will address it in the same letter. Board members added that the letter should state that the Commons Area needs to be part of any new contract.

d. Discussion of the Township logo/website (8:14)

Barsheff presented the different logo and seal options and gave a brief overview of the process thus far. Board members discussed the various logos and gave their opinions on the designs.

Schmuckal moved to use seal #V2a. Agostinelli seconded the motion.

Yeas: Schmuckal, Agostinelli, Lapp, L. McManus, Korn, Macomber, J. McManus

Nays: None

e. Traffic Signal Replacement MDOT (8:32)

Barsheff discussed the new Meijers and Lowes traffic signals that would be installed. At a previous meeting, it was voted to leave the mast arms silver and not paint them. Barsheff said it was a cost share between the road commission and the township to have them painted at a cost of \$16,000 to the township and he was bringing the matter back to the board to see if board members wanted them painted. A board member questioned bringing it back to the board when it was already voted on.

Agostinelli moved and Macomber seconded to paint the new mast arm lights at the Lowe's and Meijer locations two locations for \$16,000.

Yeas: Agostinelli, Macomber, Lapp, Korn, L. McManus, J. McManus

Nays: Schmuckal

8. **New Business**

a. **Consideration of adopting the Garfield Township organization chart (8:45)**

Board members discussed the chart and considered it accepted and filed.

9. **Public Comment: (8:51)**

None

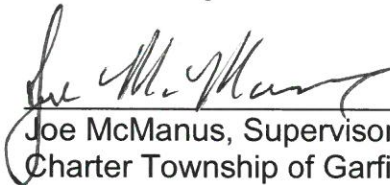
10. **Other Business (8:51)**

Schmuckal asked for a final version of a committee list.

Barsheff and Agostinelli will touch base regarding the Joint Planning Commission appointment.

11. **Adjournment**

McManus adjourned the meeting 8:54pm.



Joe McManus, Supervisor
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49686



Lanie McManus, Clerk
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49686

**CHARTER TOWNSHIP OF GARFIELD
GRAND TRAVERSE COUNTY, MICHIGAN**

ORDINANCE NO. 49 (Stormwater Ordinance): AMENDMENT NO. 1

RESOLUTION #2025-01-T

**A RESOLUTION TO AMEND CHARTER TOWNSHIP OF GARFIELD ORDINANCE
NO. 49 (Stormwater Ordinance):**

WHEREAS Public Act 359 of 1947 (MCL 42.15, et seq.) authorizes the Charter Township of Garfield to enact ordinances considered necessary for the peace, health, and safety of persons and property in the Charter Township; and

WHEREAS the Township would like to update its Stormwater Ordinance to remove references to Grand Traverse County as the enforcement agency and to recognize the Charter Township of Garfield as the principal enforcement agency; and

WHEREAS the Township would like to make other minor corrections to its Stormwater Ordinance.

NOW, THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

**AMENDMENT NO. 1 TO CHARTER TOWNSHIP OF GARFIELD ORDINANCE NO. 49
(Stormwater Ordinance):**

THAT THE ENTIRETY OF THE ORDINANCE BE AMENDED by replacing references to “The Grand Traverse County Drain Commissioner” with “The Charter Township of Garfield” as the enforcement agent of this Ordinance.

**CHARTER TOWNSHIP OF GARFIELD
GRAND TRAVERSE COUNTY
STATE OF MICHIGAN**

**ORDINANCE NO. 49
CHARTER TOWNSHIP OF GARFIELD
STORM WATER CONTROL ORDINANCE
Amendment 1**

**AN ORDINANCE TO PROVIDE FOR STORM WATER MANAGEMENT PRACTICES AND
REVIEW OF STORM WATER MANAGEMENT PLANS IN CONFORMANCE WITH
STANDARDS ADOPTED BY THE CHARTER TOWNSHIP OF GARFIELD.**

THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

Section 1. Applicability. Except as otherwise provided in this Ordinance, any earth changes, as defined as in Part 91, 1994 PA 451, as amended, that meet any of the following criteria require a Storm Water Runoff Control Permit:

- A. Disturb 1 or more acres of land
- B. Within 500 feet of the ordinary high water mark of a lake or stream
- C. Commercial use development
- D. Mobile home park or manufactured home development
- E. Multiple family residential development or P.U.D.
- F. Site condominium or condominium developments as defined by Act 59 of the Public Acts of 1978, as amended
- G. Platted subdivision development
- H. Private roads which access 3 or more development parcels

Section 2. Design Standards. “Design standards” as used in this ordinance means the Uniform Storm Water Control Design and Installation Standards for Municipalities in Grand Traverse County and are adopted as if fully set forth herein.

Section 3. Enforcement Agent. The Charter Township of Garfield may designate such agents as Township deems necessary to carry out the purposes of this ordinance.

Section 4. Earth Change Permit.

A. Application. Permit applications shall be submitted to the enforcement agent. Copies of the permit application form shall be made available by the enforcement agent. Application for a permit and issuance of the permit shall be made prior to the start of any earth change requiring a permit under this ordinance. Submission of an application for permit shall constitute consent by the property owner for the enforcement agent or his designated representative to enter upon the property for purposes of inspections attendant to the application. The application shall contain, at a minimum, all of the following:

1. A map or maps at a scale of not more than 200 feet to the inch or as otherwise determined by the enforcement agent, including a legal description and site location sketch that includes the proximity of any proposed earth change to lakes, streams, and or wetlands; predominant land features; and contour intervals or slope description and all applicable setbacks.
2. A soils survey or a written description of the soil types of the exposed land areas contemplated for the earth change.
3. A description and the location of the physical limits of each proposed earth change.
4. The location of all lakes, streams, and wetlands partially or completely contained within the boundaries of the site or within 50 feet of the site boundary.
5. A description and the location of all existing and proposed on-site storm water management and dewatering facilities.

6. The timing and sequence of each proposed earth change.
7. The location and description for installing and removing all proposed temporary soil erosion and sedimentation control measures.
8. A description and the location of all proposed permanent storm water control measures or devices.
9. The enforcement agent may require, as defined in Section 1, that the storm water runoff control plan be prepared by a State of Michigan licensed landscape architect, architect, land surveyor or professional engineer. If the enforcement agent also requires an additional professional consultant (engineer and/or attorney) to review the plans submitted, all review costs shall be paid for by the developer
10. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Options include
 - a) Property owner
 - b) Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements
 - c) Grand Traverse County Drain Commissioner, in accordance with the Michigan Drain Code, Public Act 40 of 1956, as amended, if the storm water conveyance facilities are within a designated Drain District.

B. Sequential Application.

1. If a development on a site is so large or complex that a storm water control plan encompassing all phases of the project cannot reasonably be prepared prior to initial groundbreaking, then an application for a permit for successive major incremental earth change activities may be allowed.
2. Requests for sequential applications shall be approved by the enforcement agent prior to submittal of the initial permit application. Approval of sequential applications shall take place in two phases. First, the overall conceptual plan for the entire development shall be submitted for review and approval. Second, detailed plans for sections of the total project shall be submitted for review and approval upon the request of the enforcement agent.
3. All permits processed and issued for phases of a project shall be clearly defined as to the nature and extent of work covered. Each phase of the project must be reviewed and permitted by the enforcement agent prior to construction.

C. Permit Application Review. Concurrent with and pursuant to issuance of any required Soil Erosion and Sedimentation Control Permit, the enforcement agent shall approve, approve with conditions, or deny an application after the completed application is submitted together with all required plans and fees. The enforcement agent shall reject any application which is incomplete.

D. Approval – Certification Not Required. Approval shall be granted if the storm water control plan meets the requirements set forth in the design standards and the requirements of this ordinance.

E. Approval – Certification Required. For any site requiring that a storm water control plan be prepared by a State of Michigan registered professional, the enforcement agent shall grant approval if the storm water control plan meets the requirements set forth in the design standards and upon receipt

by the enforcement agent of a letter from the registered professional certifying that the storm water control plan meets all of the requirements of the design standards.

F. Approval with Conditions. If the application is approved with conditions, the enforcement agent must state in writing the conditions upon which approval is based.

G. Denial. The enforcement agent shall notify the applicant in writing if the application is denied and the reasons for the denial.

H. Permit Expiration. All permits approved by the enforcement agent shall expire upon the occurrence of project completion date provided on the application or 1 year, whichever occurs first. The enforcement agent may extend the permit for a period not to exceed one year upon good cause shown by the landowner or permit applicant. The enforcement agent may charge an additional fee to cover the cost of continued inspections, the amount of which is specified in the current permit and review fee schedule, in effect for the Township. All fees are to cover administrative expenses of processing the storm water control permit including inspections and monitoring of projects.

I. Permit Revocation or Suspension. A permit issued under this ordinance may be revoked or suspended by the enforcement agent for any of the following reasons:

- 1) A violation of a condition of the permit
- 2) Misrepresentation or failure to fully disclose relevant facts in the application
- 3) A change in condition that requires a temporary or permanent change in the activity
- 4) Authorized work is abandoned or suspended for a period of six months or more.
- 5) A non-approved waiver of the buffers and setbacks established in the design standards.

Notification of a revocation or suspension shall be made in writing. The notice will specify the reason(s) for the revocation or suspension and the time for an appeal of the revocation or suspension.

Section 5. Storm Water Management Easements. All easements that are necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance shall be recorded with the Grand Traverse County Register of Deeds prior to issuance of a permit by the enforcement agent. The easements shall assure access for proper inspection and maintenance of storm water runoff facilities and shall provide adequate emergency overland flow-ways.

Section 6. Performance Guarantees. As a condition of issuance of a permit, the enforcement agent may require the applicant to deposit cash, a certified check, or an irrevocable letter of credit acceptable to the enforcement agent in an amount sufficient to assure the installation and completion of the storm water control plan. Irrevocable letters of credit, if used as a performance guarantee, shall extend for a minimum of one year with the option of renewal. The required security shall be held in the office of the enforcement agent and shall be released only upon final inspection and approval of the storm water control systems.

Section 7. Final Inspection and Approval or Denial of Completed Storm Water Control Measures or Devices. Upon completion of a storm water control plan, the property owner, applicant, or other authorized representative of the property owner shall notify the enforcement agent. The enforcement agent shall conduct a final inspection within 10 days after being notified of the completion. The enforcement agent shall either approve or not approve the completed storm water control measures and devices on a form prepared by the enforcing agent within 30 days following inspection. If changes occur to the original plan during the course of construction, the enforcement agent may require final "as built" drawings before making a final inspection or in making a determination as to final approval or denial of the installed storm water control plan

- A. Approval – Certification Not Required.** Approval shall be granted if the storm water control measures as completed meet the requirements set forth in the storm water control plan.
- B. Approval – Certification Required.** For any site requiring that a storm water control plan be prepared by a registered professional, the enforcement agent shall grant approval if the storm water control measures as completed meet the requirements set forth in the storm water control plan and upon receipt by the enforcement agent of a letter from a licensed professional civil engineer certifying that all storm water measures have been completed in accordance with the storm water control plan.
- C. Denial.** The enforcement agent shall notify the applicant in writing if the request for closure of the permit is denied and the reasons for the denial.

Section 8. Maintenance.

A. Routine Maintenance

- 1) All storm water control plans shall be maintained according to the measures outlined in the design standards, and as approved in the permit.
- 2) The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Options include
 - a) Property owner
 - b) Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements
 - c) Grand Traverse County Drain Commissioner, in accordance with the Michigan Drain Code, Public Act 40 of 1956, as amended, if the storm water conveyance facilities are within a designated Drain District.
- 3) Maintenance agreements shall specify responsibilities for financing maintenance and shall be recorded with the Register of Deeds before the permit can be closed.

B. Non-Routine Maintenance. Non-routine maintenance includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to storm water structures.

- 1) Non-routine maintenance shall be performed on an as needed basis based on information gathered during regular inspections.
- 2) If non-routine maintenance activities are not completed in a timely manner or as specified in the approved plan, the Charter Township of Garfield may complete the necessary maintenance at the owner's/operator's expense.

C. Maintenance Inspections

- 1) The person(s) or organization(s) responsible for maintenance shall inspect storm water control systems on a regular basis, as outlined in the plan.
- 2) Authorized representatives of the enforcement agent may enter at reasonable times to conduct on-site inspections or routine maintenance.
- 3) For storm water control systems maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with the enforcement agent as provided in the plan.
- 4) Authorized representatives of the enforcement agent may conduct inspections to confirm the information in the reports filed under section c.

Section 9. Fees. All fees shall be paid in accordance with the current permit and review fee schedule adopted by the Charter Township of Garfield Board. All fees are to cover administrative expenses of processing the storm water control permit including inspections and monitoring of projects.

Section 10. Enforcement.

- A. Violations.** It shall be a violation of this ordinance to do any of the following:
- 1) To make an earth change without first obtaining a permit as required by this ordinance
 - 2) To provide false or misleading information in an application for permit
 - 3) To fail to follow approved storm water control plan
 - 4) To fail to maintain a storm water control measure or device in accordance with an approved storm water control plan
- B. Notice of violation.** Whenever there is a failure to comply with the provisions of this ordinance, the enforcement agent shall notify the applicant/owner that he/she has five calendar days from the receipt of the notice to temporarily correct the violation and 30 days from receipt of the notice to permanently correct the violation. The enforcement agent for good cause demonstrated by the permittee may make reasonable extensions. Notice shall be made by certified mail, return receipt requested.
- C. Enforcement Actions.** Should the applicant/owner fail to take the corrective actions specified in the notice of violation, the enforcement agent may take any or all of the following actions:
- 1) Issue or cause to be issued a municipal civil infraction
 - 2) Take whatever remedial actions are necessary and assert a lien on the subject property in an amount equal to the costs of remedial actions. The lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. The lien shall be recorded with the Grand Traverse County Register of Deeds and shall incur legal interest from the date of recording. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this ordinance, including assessment of a lien on the property.
- D. Emergency Actions.** When emergency actions are necessary to moderate a nuisance, to protect the public safety, health, and welfare, and/or to prevent the loss of life, injury, or damage to property, the enforcement agent is authorized to carry out or arrange for all such emergency actions, and to enforce penalties and/or liens as described herein.
- E. Cease & Desist Orders.** The enforcement agent may issue a cease and desist order or revoke a permit upon the determination that there is a violation of this ordinance. A cease and desist order, when issued, shall require all earth change activities to stop immediately.
- F. Injunctive Relief.** Notwithstanding any other remedy available under this ordinance, the enforcement agent may maintain an action in a court of competent jurisdiction for an injunction or other process against a person to restrain or prevent violations of this ordinance.
- G. Fines & Penalties.**
- 1) A violation of this ordinance is a municipal civil infraction punishable by a fine not exceeding \$500.00 per day of violation.
 - 2) A knowing violation of this ordinance or interference with the enforcement of this ordinance by the enforcement agent or any person duly authorized to carry out the purposes of this ordinance is a misdemeanor punishable by imprisonment for up to 90 days, and/or a fine of up to \$500.00 or both.

- 3) An action for the violation of this ordinance shall be instituted in the 86th District Court for Grand Traverse County. Fines and costs imposed or assessed in such an action shall be distributed in accordance with section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379.

Section 11. Waiver. The enforcement agent responding to a specific earth change as provided for in Section 3 may waive certain requirements specified in the ordinance upon being provided with demonstrable evidence of special circumstances warranting waiver, but only upon finding that both of the following requirements are met:

- A. The application of the ordinance provisions will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance; and
- B. The granting of the relief requested will not substantially prevent nor result in less effective management of storm water runoff.

Section 12. Appeals. Any person aggrieved by the action or inaction of the enforcement agent related to this ordinance may appeal to the Charter Township of Garfield Building Code Board of Appeals. All requests for appeal shall be filed in writing within 30 days of the action or inaction appealed from and includes the basis of the appeal. In considering any such appeal, the Board may grant a variance from the terms of this ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that both of the following requirements are met:

- A. The application of the ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance; and
- B. The granting of the relief requested will not substantially prevent nor result in less effective management of storm water runoff.

The filing of an appeal does not preclude other remedies available to either party, nor does it act as a stay of any order from the enforcement agent for the installation of measures or controls to reduce or eliminate storm water runoff pending the outcome of the appeal.

Section 13. Separate Causes of Action. Nothing in this ordinance impairs or precludes a separate cause of action provided by statute or common law for conduct prohibited herein.

Section 14. Other Ordinances. This ordinance shall be in addition to other ordinances of the Charter Township of Garfield and shall not be deemed to repeal or replace other ordinances or parts of other ordinances except to the extent that such repeal is specifically provided for in this ordinance. This ordinance is intended to work in conjunction with any County or Township Soil Erosion and Sedimentation Control Ordinances along with other state and federal laws affecting water and quality.

Section 15. Notice. Notice means delivery by first class mail unless otherwise specified in this ordinance.

Section 16. Severability. The provisions of this ordinance are severable and if any part is declared void or unenforceable by a court of competent jurisdiction, the remaining parts shall remain in force.

Section 17. Effective Date. This ordinance shall take effect seven (7) days after it is published

At a regular meeting held on January 14, 2025, a motion was offered by Denise Schmuckal, with support from Chloe Macomber, to approve the foregoing Amendment 1 to Ordinance No. 49. The motion carried as follows in a roll call vote.

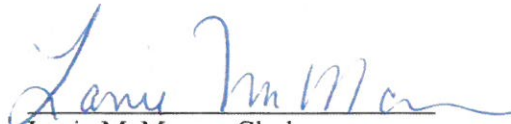
Upon roll call vote, the following voted:

Ayes: Schmuckal, Macomber, Lapp, L. McManus, Korn Agostinelli, J. McManus

Nays: None

Absent and Excused: None

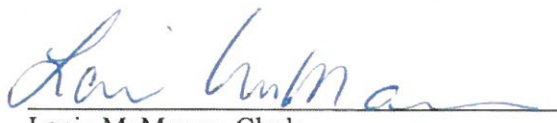
The Chairman, Joe McManus, declared the motion carried and Resolution 2025-01-T adopted this 14th day of January 2025.


Lanie McManus, Clerk
Charter Township of Garfield

CERTIFICATE

I, Lanie McManus, the Clerk of Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Resolution 2025-01-T, Amendment 1 to Ordinance No. 49, which was adopted by the Township Board of the Charter Township of Garfield on the 14th day of January, 2025. Ordinance No. 49 Amendment 1 shall take effect upon the expiration of seven (7) days following publication.

1/15/2025
Date


Lanie McManus, Clerk
Charter Township of Garfield

**CHARTER TOWNSHIP OF GARFIELD
COUNTY OF GRAND TRAVERSE, MICHIGAN**

ORDINANCE NO. 78 (Control of Soil Erosion and Sedimentation)

RESOLUTION 2025-02-T

**A RESOLUTION TO ADOPT CHARTER TOWNSHIP OF GARFIELD
ORDINANCE NO. 78 (Control of Soil Erosion and Sedimentation)**

At a regular meeting of the Charter Township of Garfield Township Board held on January 14, 2025, at 6:00 pm at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan, the following resolution was offered by motion of Chuck Korn, and supported by Denise Schmuckal.

WHEREAS, the Charter Township of Garfield Ordinance No. 78 – Control of Soil Erosion and Sedimentation (SESC) Ordinance mirrors the Natural Resources and Environmental Protection Act (NREPA)(Part 91) by meeting the minimum regulatory requirements along with additional permit requirements for projects involving slopes of 20% of greater; and

WHEREAS, the Township Board recommends adoption of the Control of Soil Erosion and Sedimentation Ordinance to ensure that such activities are administered and operated in compliance with this Ordinance and other applicable laws and ordinances; and

WHEREAS, upon adoption of this Ordinance by the Township Board, it will be sent to the Michigan Environment, Great Lakes, and Energy (EGLE) for formal approval and the Township will be officially designated as a Municipal Enforcement Agency (MEA) for the administration and enforcement of this Ordinance.

NOW, THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD

ORDAINS: CHARTER TOWNSHIP OF GARFIELD ORDINANCE NO. 78
THAT **Ordinance No. 78** BE ADOPTED to read in its entirety as follows:

**Charter Township of Garfield
Grand Traverse County, Michigan
CONTROL OF SOIL EROSION AND SEDIMENTATION ORDINANCE
Ordinance No. 78**

PREAMBLE

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF SOIL EROSION AND SEDIMENTATION AND TO PROTECT ADJACENT PROPERTY AND THE WATERS OF THE STATE FROM SEDIMENTATION UNDER THE PROVISIONS OF PART 91 OF THE SOIL EROSION AND SEDIMENTATION CONTROL, NATURAL RESOURCES AND ENVIRONMENTAL

PROTECTION ACT 451 OF PUBLIC ACTS OF 1994, MCL 324.9101 ET SEQ
(AS AMENDED)

THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

Section 1. Purpose

The purpose of this Ordinance is to prevent soil erosion and sedimentation from occurring because of earth change activities within the Township by requiring proper provisions for water disposal and the protection of soil surfaces during and after earth change activities, in order to promote the safety, public health, convenience, and general welfare of the community.

Section 2. Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. "Accelerated soil erosion" – The increased loss of the land surface that occurs as a result of human activities.
- B. "Act" – The Natural Resources and Environmental Protection Act (1994 PA No. 451 as amended).
- C. "Earth Change" – A human made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to accelerated soil erosion or sedimentation of the waters of the State. This includes, but is not limited to, grading and preparation for wells, septic fields, driveways, foundations, backfill, final grade changes and stockpiling of material. "Earth change" does not include the practice of plowing and tilling soil for the purpose of crop production.
- D. "Excavation or cut" – Any act by which soil, clay, gravel, sand, peat or topsoil is cut into, dug, uncovered, removed, displaced, or relocated, and the conditions resulting therefrom.
- E. "Final Completion Notice" – A signed, written statement by the Zoning Department that the permitted earth disturbance has been inspected and found to comply with all Soil Erosion and Sedimentation Control plans, specifications, permit conditions and/or supplementary requirements.
- F. "Final Inspection Request" – A statement by the Permittee that the permitted site has been permanently stabilized and can be inspected for final completion.
- G. "Flood Plain" – That area which would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.
- H. "Grading" – Any stripping, excavating, filling, stockpiling, or any combination thereof, and shall also include the land in its excavated or filled condition.
- I. "Minor Project" – A project that results in less than 500 square feet of disturbance area and located more than one hundred (100) feet from the water of the State.

- J. “Notice of Deficiency” – A written statement by the Department which indicates specific deficiencies of on-site soil erosion and sedimentation control measures, either temporary or permanent, which are required to control soil erosion and sedimentation.
- K. “Notice of Violation” – A written statement by the Department which indicates specific failures and/or deficiencies of on-site soil erosion and sedimentation control measures, either temporary or permanent, which are required to control soil erosion and sedimentation and identifies the permittee as being in violation of the conditions of the issued Permit, the approved soil erosion and sedimentation control plan, Part 91, or this Ordinance.
- L. “Part 91” – Part 91, Soil Erosion and Sedimentation Control, of the Act.
- M. “Permittee or Permit Holder” – The landowner of the land involved in the earth change activity for which a permit is required and to whom a valid permit has been issued.
- N. “Person” – A natural person, firm corporation, partnership, association, limited liability company, or similar entity or governmental or quasi-governmental entity subject to the jurisdiction of the Township and this Ordinance.
- O. “Sediment” – Solid particulate matter including both mineral and organic matter that is in suspension in water, is being transported or has been removed from its site of origin by the actions of wind, water, or gravity, and has been deposited elsewhere.
- P. “Soil Erosion” – The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.
- Q. “Soil Erosion and Sedimentation Control Permit” – A permit to authorize work to be performed under this Ordinance.
- R. “Stop work order” – A written statement by the Zoning Department indicating that all construction and/or earth change activities, except those specifically identified by said Department, shall be suspended until otherwise indicated.
- S. “Stripping” – Any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.
- T. “Temporary Soil Erosion and Sedimentation Control Measures” – Interim control measures which are installed or constructed for the control of soil erosion and sedimentation until permanent soil erosion and sedimentation control is installed.
- U. “Township” – The Charter Township of Garfield, Grand Traverse County, Michigan, and/or its duly authorized agent or designee.
- V. “Waters of the State” – The Great Lakes and their connecting waters, inland lakes and streams as defined in the rules promulgated under Part 91, and wetlands regulated under Part 303 of the Act.

- W. “Zoning Department” or “Department” – The Charter Township of Garfield Zoning Department.

Section 3. Compliance Required for Site Plan/Plat Approval

No site plan or preliminary plat shall be approved under the terms and conditions of the Charter Township of Garfield Zoning Ordinance and Land Division Ordinance unless the site plan includes soil erosion and sediment control measures consistent with the requirements of this Ordinance and related land development regulations.

Section 4. Compliance Required for Occupancy

- A. No permanent certificate of occupancy for any building shall be issued unless the applicant for said certificate shall have obtained a Final Completion Notice indicating compliance with all plans and specifications and completion of all required permanent soil erosion and sedimentation control measures.
- B. A temporary certificate of occupancy may be issued, at the discretion of the Department, prior to issuance of a Certificate of Completion if the permittee has achieved substantial completion as determined by the Department. “Substantial completion” shall mean satisfactory completion of all aspects of the work except growth of vegetative materials necessary for soil stabilization and minor structural appurtenances. A temporary Certificate of Occupancy shall be conditioned upon a listing of items and procedures to be completed, a schedule of completion, and the furnishing of adequate financial guarantees to insure completion of all such items.

Section 5. Permits and Fees

- A. *Permit requirement.* Except as expressly exempted by this Ordinance or Part 91 of the Act or the rules promulgated thereunder, no person shall perform or cause to be performed any earth change, until a valid Permit has been issued by Garfield Township Zoning Department for said work. The undertaking of any earth change activity under the authority of any other Authorized Public Agency shall be exempt from this Ordinance. This exception shall not be construed to eliminate requirements that permits be obtained from other agencies.
- B. *Permit application.* A separate application shall be required for each Permit. Said erosion and sedimentation control plans, specifications, and work schedules shall be submitted with each application for a permit.
- C. *Activities requiring a permit.* Except as noted below in Section 5.D, earth changes requiring a soil erosion permit include any of the following:
1. An earth change (including soils from grading activities within or adjacent to the earth change area) that disturbs one (1) or more acres.
 2. An earth change within five hundred (500) feet of the Waters of the State.

3. Earth changes involving slopes of twenty percent (20%) or greater.
- D. *Activities exempt from permit requirements:*
1. Subject to subsection 2, a person engaged in the logging industry, the mining industry or the plowing or tilling of land for the purpose of crop production or harvesting of crops is not required to obtain a permit under this part. However, all earth changes associated with the activities listed in this section shall conform to the same standards as if they required a permit under this part. The exemption from obtaining a permit under this subsection does not include either of the following:
 - a. Access roads to and from the site where active mining or logging is taking place.
 - b. Ancillary activities associated with logging and mining.
 - c. Removal of clay, gravel, sand, peat, or topsoil.
 2. This Ordinance does not apply to a metallic mineral mining activity that is regulated under a mining and reclamation plan that contains soil erosion and sedimentation control provisions and that is approved by the Department under Part 631 of the Act.
 3. A person is not required to obtain a permit from a county enforcing agency or a municipal enforcing agency for earth changes associated with well locations, surface facilities, flowlines, or access roads relating to oil or gas exploration and development activities regulated under Part 615 of the Act, if the application for a permit to drill and operate under Part 615 contains a soil erosion and sedimentation control plan that is approved by the Department under Part 615. However, those earth changes shall conform to the same standards as required for a permit under Part 91. This subsection does not apply to a multisource commercial hazardous waste disposal well as defined in Section 62506.a of the Act.
 4. An earth change of a minor nature that is stabilized within twenty-four (24) hours of the initial earth disturbance and that will not contribute sediment to lakes or streams.
 5. Normal road and driveway maintenance such as grading or leveling that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.
 6. Residential or Earth Change Activities. A residential property owner who causes the following activities to be conducted on individual residential property owned and occupied by such owner is not required to obtain a permit under this Ordinance if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the State of Michigan or a discharge of sediment offsite:

- a. An earth change of a minor nature that is stabilized within twenty four (24) hours of the initial disturbance.
 - b. Gardening, if the natural elevation of the area is not raised. "Gardening" means activities necessary to the growing of plants for personal use, consumption, or enjoyment.
 - c. Post holes for fencing, decks, utility posts, mailboxes, or similar application, if no additional grading or earth change occurs for use of the posthole.
 - d. Removal of tree stumps, shrub stumps or roots resulting in an earth change not to exceed one hundred (100) square feet.
 - e. All of the following activities, if soil erosion and sedimentation controls are implemented, the earth change is stabilized within twenty-four (24) hours of the initial earth disturbance, and soil erosion or sedimentation to adjacent properties or the waters of the State has not or will not reasonably occur.
 - i. Planting of trees, shrubs or similar plants;
 - ii. Seeding or reseeding of lawns of less than one (1) acre if the seeded area is at least one hundred (100) feet from the waters of the State of Michigan;
 - iii. Seeding or reseeding of lawns closer to one hundred (100) feet of the waters of the State, if the area to be seeded or reseeded does not exceed one hundred (100) square feet;
 - iv. Temporary stockpiling of soil, sand, or gravel not greater than a total of ten (10) cubic yards on the property, if the stockpiling occurs at least one hundred (100) feet from the waters of the state of Michigan.
7. Exemptions provided in this Section, Part 91, and the rules promulgated thereunder shall not be construed as exemptions from enforcement procedures under this Ordinance, Part 91 or said rules if the exempted activities cause or result in a violation of this Ordinance, Part 91 or the rules.
- E. Application data required. The soil erosion and sedimentation plans and specifications accompanying the Permit application shall contain the following data:
- 1. A site location sketch at the scale of not greater than one (1) inch to two hundred (200) feet, indicating the site location and proximity of any proposed earth change to lakes or streams.
 - 2. A boundary line survey of the site on which the work is to be performed.

3. Name, address, and telephone number of the landowner, contractor, Authorized Agent and the one-site contact, as applicable.
4. A schedule indicating the anticipated starting and completion dates of the development's construction sequence and the time of exposure of each area prior to the installation of permanent soil erosion sediment control measures.
5. A statement of the quantity of excavation and fill involved.
6. The estimated total cost of the required temporary and permanent soil erosion and sedimentation control measures.
7. A plan of the site at a scale not greater than one (1) inch to one hundred (100) feet showing:
 - a. Legal description of property;
 - b. Physical limits of each proposed earth change;
 - c. Existing topography at a maximum of two (2) foot contour intervals;
 - d. Proposed final topography at a maximum of two (2) foot contour intervals;
 - e. Location of any structure or natural feature on the site;
 - f. Location of any structure or natural feature on the land adjacent to the site and within fifty (50) feet of the site boundary lines;
 - g. Location of any proposed additional structures or development on the site;
 - h. Elevations, dimensions, location, extent, and the slope of all proposed grading (including building and driveway grades);
 - i. Plans of all drainage provisions, dewatering facilities, retaining walls, ribbing, planting and all temporary and permanent soil erosion and sedimentation control measures to be constructed in connection with, or as a part of, the proposed work together with a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any streams;
 - j. Existing soil types based on the Unified Soil Classification System or Natural Resources Conservation Service soil classification;
 - k. A program proposal for the continued maintenance of all permanent Soil Erosion and Sedimentation Control measures that remain after project completion, including the designation of the person responsible for the maintenance. Maintenance responsibilities shall become a part of any sales

or exchange agreement for the land on which the permanent Soil Erosion Control measure are located.

1. Other information or data as may be required by the Township Zoning Department, such as a soil investigation report which shall include, but not be limited to, data regarding the nature, distribution and supporting ability of existing soils and/or rock on the site.
 8. The Department may waive or partially waive data submission requirements for earth changes for residential parcels for single- or two-family residences or projects involving earth disturbance of less than two hundred twenty-five (225) square feet.
- F. Fees. At the time of filing an application for a Permit, fees shall be paid the Township in accordance with the fee schedule adopted and as may be amended from time to time by Resolution of the Charter Township of Garfield Board of Trustees.

Section 6. Financial Guarantee

A Permit shall not be issued unless the permittee shall first post with the Township a bond executed by the landowner and a corporate surety with authority to do business in the State of Michigan as a surety or other security as may be required by this section.

The bond shall be in a form approved by the Township, payable to the Township and in the amount of the estimated total cost of all temporary and permanent soil erosion and sedimentation control measures, and an amount sufficient to assure installation and completion of corrective measures. The total cost shall be estimated by the Applicant and reviewed by the Township Zoning Department. The bond shall include provisions for failure to complete the work on schedule as specified on the Permit. In lieu of a surety bond, the applicant may file with the Township an Irrevocable Letter of Credit in a form approved by the Township's attorney or cash deposit in the amount equal to that which would be required for the surety bond.

Every bond and instrument of credit shall include and every cash deposit shall be made conditioned upon the permittee's compliance with all of the provisions of this Ordinance and all of the terms and conditions of the Permit, and completion of all work contemplated under the Permit within the time limit specified in the Permit or Temporary Certificate of Occupancy, or, if no time limit is specified, within one hundred eighty (180) days after the date of the issuance of the Permit.

For Minor Projects and the construction of new single family residential homes, the Zoning Administrator or other designated person within the Department may waive financial guarantees that would otherwise be required by this section.

Section 7. Extension of Time

If the permittee is unable to complete the work within the specified time, the permittee may, at least ten (10) days prior to the expiration of the permit, present in writing to the Department a request for an extension of time setting forth the reasons for the requested extension. If an extension is warranted, the Department may grant a permit extension with a new expiration date

for the completion of the work, but no such extension shall release the owner or surety on the bond or the person furnishing the instrument of credit or cash bond.

Section 8. Failure to Complete Work

In the event of failure to complete the work or failure to comply with all the requirements, conditions and terms of the permit, the Department may proceed with corrective actions as described in Section 18, Enforcement.

Section 9. Denial of Permit

Permits shall not be issued where:

- A. The proposed work would cause hazards to the public safety and welfare; or
- B. The work as proposed by the applicant will permanently or unreasonable damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposit of debris or sediment on any public way or into any waterway to create an unreasonable hazard to persons or property; or
- C. The land area for which earth change is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability, or any other such hazard to persons or property; or
- D. The land area for which the work is proposed may lie within the flood plain of any stream or watercourse (not specifically designated and delineated by the Township as an area subject to flood hazard), unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have no detrimental influence on the public welfare or upon the total development of the watershed.

Section 10. Work and Plans Approved Prior to Adoption of this Ordinance

Work pursuant to plans and permits issued by an approving agency prior to adoption of this Ordinance may proceed to completion pursuant to said previously approved plans and permits. However, any modification of said plans or work shall comply with the terms and requirements of this Ordinance, as well as those of the prior approving agency.

Section 11. Modification of Approved Soil Erosion and Sedimentation Control Plans

- A. All modifications of the approved soil erosion and sedimentation control plans must be submitted and approved by the Department. All necessary sustaining reports shall be submitted with any proposal to modify the approved soil erosion and sedimentation control plan.
- B. No earth change in connection with any proposed modifications shall be permitted without the approval of the Department.

- C. If an earth change in connection with any proposed modification commences or is completed prior to approval of the proposed change by the Department, the Department will issue a notice of violation and the existing permit for the site may, at the sole discretion of the Department, be revoked if it is judged necessary in order to ensure that the purpose of this Ordinance is achieved. If the permit is revoked, no further work on the site will be allowed until a new permit has been issued by the Department and all applicable permit fees paid.

Section 12. Responsibility of Permittee and Owner

During earth change operations and until completion, the permittee and the owner of the property to which the Permit pertains shall be responsible for:

- A. The prevention of damage to any public utilities or services within the limits of the permitted work along any routes of travel of the equipment;
- B. The prevention of damage and/or repair damage caused to adjacent property. No person shall engage in grading or earth change on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.
- C. Carrying out the proposed work in accordance with all the requirements of the Permit, the approved soil erosion and sedimentation control plans, and this Ordinance.
- D. The prompt removal of all soil, miscellaneous debris, or other materials applied, dumped, or otherwise deposited on streets, highways, sidewalks, or other thoroughfares, either public or private, during transit to and from the construction site.

Section 13. General Requirements

- A. Any earth changes shall be conducted in such manner so as to effectively reduce accelerated soil erosion and resulting off-site sedimentation.
- B. All earth changes shall be designed, constructed, and completed such that the time which an area of disturbed land is exposed shall be as limited as possible.
- C. Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change. Any sediment caused by accelerated soil erosion which is deposited on any lands not specifically covered by an authorized Permit or deposited in the waters of the State shall be promptly removed in accordance with all necessary State, County, and local regulations at the sole expense of the permittee. Any restoration and/or stabilization measures required due to said sediment removal shall also be installed by and at the sole expense of the permittee.
- D. Any temporary or permanent facility designed and constructed for the conveyance of water around, through or from the earth change area shall be designed to limit the water flow to a non-erosive velocity.

- E. Temporary soil erosion and sedimentation control measures shall be installed before or upon commencement of the earth change activity and said measures shall be daily maintained. Temporary soil erosion and sediment control measures shall be removed after permanent soil erosion measures are in place and the area is stabilized. The area shall be stabilized with permanent soil erosion control measures under approved standards and specifications as described by the Permit, this Ordinance and Part 91.
- F. Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area shall be implemented within five (5) calendar days after final grading of the final earth change has been completed. Where significant earth change ceases, temporary soil erosion control measures shall be implemented within five (5) calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.
- G. Prior to the release of the required Bond, Irrevocable Letter of Credit or cash deposit, temporary soil erosion and sedimentation control measures shall be removed and earth change areas stabilized with permanent soil erosion control measures.
- H. The requirements of the Permit shall run with the land and no transfer of the land prior to completion of the work and termination of the Permit shall relieve the permittee and property owner of the obligations enumerated in this Ordinance.

Section 14. Incorporation of Part 91 and Rules Promulgated Thereunder

Except where the requirements of this Ordinance are more restrictive, this Ordinance incorporates by reference Part 91 of the Act and the rules promulgated thereunder. All persons engaged in earth changes shall design, implement, and maintain acceptable soil erosion and sedimentation control measures, in conformance with Part 91, Soil Erosion and Sedimentation Control, Natural Resource and Environmental Protection Act, Act 451 of Public Acts of 1994, and all administrative rules promulgated pursuant thereto

Section 15. Maintenance Requirements

Persons implementing soil erosion and sediment control measures under this Ordinance and all subsequent owners of property on which such measures have been taken shall maintain all permanent erosion control measures, retaining walls, structures, plantings and/or other protective measures. If a maintenance agreement is deemed necessary by the Zoning Department, the property owner shall be required to execute said agreement and such deed restrictions as may be appropriate to guarantee maintenance of permanent sedimentation and erosion control measures and facilities.

Section 16. Variance and Exceptions

- A. In addition to exemptions provided elsewhere in this Ordinance, no permits shall be required for the following:
 - 1. Those activities exempted from permitted by Sections 9115 and 9115a of Part 91 of the Act and the rules promulgated under Part 91;

2. Notwithstanding exemption for permit issuance, those operations and constructions which are exempted shall comply with the rules and regulations concerning grading and erosion specified in this Ordinance.

Section 17. Inspection

The requirements of this Ordinance shall be enforced by the Department. The Department shall inspect the work and may require inspection or testing by a soil engineer or by a soil testing agency approved by said Department, unless it is determined by that Department that such inspection requirements may be waived due to the non-hazardous nature of the earth change.

Upon completion of all work specified in approved soil erosion and sedimentation control plans and other requirements, the Applicant shall file with the Department a final inspection request. The Department shall inspect the completed work and, upon determination of satisfactory completion, issue a Notice of Final Completion. If the Department finds any existing conditions not in accordance with any application, Permit, approved plan or subsequent requirements, further work shall not be allowed until approval of a revised soil erosion and sedimentation control plan has been granted by the Department.

Section 18. Enforcement

- A. If the Permittee fails to complete the work or fails to comply with the requirements, conditions, and terms of the permit and/or subsequent requirements, including a Temporary Occupancy Permit, the Department shall issue a Notice of Deficiency. The issued notice shall provide a description of any deficiencies as well as the required corrective action(s). The permittee shall complete the required corrective actions within the time frame indicated on the issued notice. If permittee fails to comply with all requirements of the Notice of Deficiency, the Department will issue a Notice of Violation and/or a Stop Work Order.
- B. If a Notice of Violation is issued, the Department may order such work as is necessary to stabilize the site and eliminate any danger to persons, property, or natural resources. Such work will be completed by an assigned agent of the Department. The Permittee and the surety executing the bond or person issuing the instrument of credit or making the cash deposit as required in Section 6 shall be firmly bound under a continuing obligation for the payment of all costs and expenses that may be incurred by the Township in causing any and all such work to be performed. In the case of a cash deposit, any unused portion thereof will be refunded to the permittee. If the financial guarantee is insufficient, the permittee shall deposit an amount equal to the deficiency.
- C. If the Department finds it necessary to issue a Notice of Violation to permittee, the Department may require a One Thousand Dollars (\$1,000) cash performance deposit for each subsequent single residential Permit issued to that applicant. The amount of the performance deposit required for any other type of activity shall be determined by the Department at the time of application.

- D. Notwithstanding the existence or pursuit of any other remedy, the Township may maintain an action in its own name in any court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this ordinance.
- E. Acceptance of the Permit by Permittee shall constitute Permittee's consent that the Department may enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigation of conditions and practices which may be a violation of the Permit and/or this Ordinance.
- F. Civil Infractions.
 - 1. In addition to remedies for a violation provided in this Ordinance, a person who violates this Ordinance, Part 91 or the rules promulgated thereunder as incorporated herein, shall be liable for payment of a municipal civil infraction and may be ordered to pay a civil fine of not more than Two Thousand Five Hundred Dollars (\$2,500).
 - 2. A person who knowingly violates this Ordinance, Part 91 or said rules, or who knowingly makes a false statement in an application for a Permit or in the Soil Erosion and Sedimentation Control Plan shall be responsible for payment of a civil fine or not more than Ten Thousand Dollars (\$10,000) for each day of violation.
 - 3. A person who knowingly violates this Ordinance, Part 91, or the rules promulgated under Part 91, after receiving a Notice of Deficiency is responsible for payment of a civil fine of not less than Two Thousand Five Hundred Dollars (\$2,500) or more than Twenty-Five Thousand Dollars (\$25,000) for each day of violation.
 - 4. Civil fines collected pursuant to this section shall be deposited with the Township.
 - 5. A default in payment of a civil fine or a cost ordered under this section or installment of a fine or cost may be remedied by any means authorized under the Revised Judicature Act of 1961 (1961 PA 236; MCL 600.101 et seq).
 - 6. In addition to the other remedies provided in this Ordinance, Part 91 or the rules promulgated under Part 91, a person in violation of Part 91 may be liable for damages for injury to or destruction of or loss of natural resources resulting from said violation and may be subject to such injunctive orders as may be appropriate, including orders to cease and desist all such activities and/or to restore the area or the areas affected by the violation to their condition as said condition existed prior to the violation.
 - 7. Persons authorized by the Township Board to enforce municipal civil infractions within the Township are authorized to enforce the provisions of this Ordinance.

Section 19. Designation of Municipal Enforcing Agency

Upon adoption of this Ordinance by the Charter Township of Garfield Township Board, the Zoning Department will be designated as the municipal enforcing agency and is responsible for the administration and enforcement of this Ordinance.

Section 20. Severability

It is the legislative intent of the Township Board adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the Township and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance, it being the intent of the Charter Township of Garfield Township Board that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 21. Effective Date

This Ordinance shall become effective after its adoption and publication as provided by laws and approval by the Michigan Department of Environmental Quality.

Moved: Chuck Korn

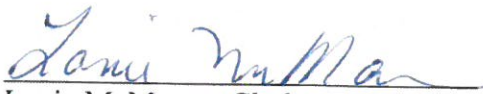
Supported: Denise Schmuckal

Ayes: Korn, Schmuckal, Agostinelli, Lapp, L. McManus, Macomber, J. McManus

Nays: None

Absent and Excused: None

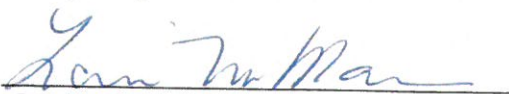
The Chairman, Joe McManus, declared the motion carried and Resolution 2025-02-T adopted this 14th day of January 2025.


Lanie McManus, Clerk

CERTIFICATE

I, Lanie McManus, the Clerk of Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Resolution 2025-02-T, Ordinance No. 78, which was adopted by the Township Board of the Charter Township of Garfield on the 14th day of January, 2025. Garfield Township Ordinance No.78 shall take effect after its adoption and publication as provided by laws and approval by the Michigan Department of Environmental Quality

1/15/2025
Dated:


Lanie McManus, Clerk