

CHARTER TOWNSHIP OF LANSING
INGHAM COUNTY, MICHIGAN

ORDINANCE NO. 50.2

AN ORDINANCE OF THE CHARTER TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF LANSING, MICHIGAN BE AMENDED BY ADDING CHAPTER 109 (“SOIL EROSION AND SEDIMENTATION CONTROL”) TO TITLE X (“BUILDING REGULATIONS”); 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, OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT 451 OF PUBLIC ACTS OF 1994, MCL 324.9101 ET SEQ (AS AMENDED); TO DEFINE CERTAIN WORDS AND TERMS; TO INDICATE THE PURPOSES FOR THE TOWNSHIP’S SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE AND THE REQUIREMENT FOR OBTAINING PERMITS FOR EARTH CHANGE ACTIVITIES; TO INDICATE THE SCOPE OF THE TOWNSHIP’S SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE; TO DESCRIBE THE PROCEDURES ESTABLISHED FOR THE ISSUANCE OF SOIL EROSION AND SEDIMENTATION CONTROL PERMITS, INCLUDING THE PROCEDURE FOR REVIEW BY THE TOWNSHIP, THE DOCUMENTATION REQUIRED TO BE FILED BY THE APPLICANT, AND THE FEES RELATED THERETO; TO IDENTIFY THE STANDARDS FOR APPROVAL OF A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT AND SOIL EROSION AND SEDIMENTATION CONTROL PLAN BY THE TOWNSHIP; TO IDENTIFY THE REQUIREMENTS FOR THE ISSUANCE OF SOIL EROSION AND SEDIMENTATION CONTROL PERMITS; TO IDENTIFY DEPOSIT, INSURANCE, AND BOND REQUIREMENTS RELATED TO DEMOLITION PROJECTS; TO IDENTIFY REQUIREMENTS AND PROCEDURES RELATED TO EARTH CHANGE ACTIVITIES; TO PROVIDE THE TOWNSHIP WITH THE RIGHT TO ENFORCE ITS ORDINANCE AND THE TERMS OF SOIL EROSION AND SEDIMENTATION CONTROL PERMITS AND APPROVED SOIL EROSION AND SEDIMENTATION CONTROL PLANS; TO PROVIDE THE TOWNSHIP WITH THE RIGHT TO COMPLETE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES NECESSARY FOR STABILIZING EARTH CHANGES; TO PROVIDE FOR PENALTIES WITH RESPECT TO VIOLATIONS OF THIS CHAPTER, DEMOLITION PERMITS AND APPROVED DEMOLITION PLANS; TO REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

THE CHARTER TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, HEREBY ORDAINS:

1. Chapter 109 (“Soil Erosion and Sedimentation Control”) of Title X (“Building Regulations”) is hereby added as follows:

CHAPTER 109. SOIL EROSION AND SEDIMENTATION CONTROL.

SECTION 109-1. PURPOSE.

The purpose of this Ordinance is to prevent soil erosion and sedimentation from occurring as a result 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 109-2. 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. *“Part 91”* – Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA No. 451, as amended (Part 91).
- C. *“Part 631”* – Part 631, Reclamation of Mining Lands, of the Natural Resources and Environmental Protection Act, 1994 PA No. 451, as amended (Part 631).
- D. *“Part 615”* – Part 615 of the Natural Resources and Environmental Protection Act, 1994 PA No. 451, as amended (Part 615).
- E. *“Department of Planning + Development” (Department)* – The Charter Township of Lansing Department of Planning + Development.
- F. *“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.
- G. *“Excavation or Cut”* – Any act by which soil or rock is cut into, dug, uncovered, removed, displaced, or relocated, and the conditions resulting therefrom.
- H. *“Final Completion Notice”* – A signed, written statement by the Department of Planning + Development that the permitted earth disturbance has been inspected and found to comply with all soil erosion and sedimentation control plans, specifications, and/or supplementary requirements.
- I. *“Final Inspection Request”* – A statement by the Permittee that the permitted site has been permanently stabilized and can be inspected for final completion.
- J. *“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.
- K. *“Grading”* – Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.
- L. *“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 waters of the State.
- M. *“Notice of Deficiency”* – A written statement by the Township Department of Planning + Development 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.

- N. *"Notice of Violation"* – A written statement by the Township Department of Planning + Development 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.
- O. *"Permanent soil erosion and sedimentation control measures"* – Those control measures which are installed or constructed to control soil erosions and sedimentation and which are maintained after completion of the project.
- P. *"Permittee or Permit Holder"* – The landowner to whom a valid Permit has been issued.
- Q. *"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.
- R. *"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.
- S. *"Soil Erosion"* – The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.
- T. *"Soil Erosion and Sedimentation Control Permit"* – A permit to authorize work to be performed under this Ordinance.
- U. *"Stop Work Order"* – A written statement by the Department of Planning + Development indicating that all construction and/or earth change activities, except those specifically identified by said Department, shall be suspended until otherwise indicated.
- V. *"Stripping"* – Any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.
- W. *"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 affected.
- X. *"Township"* – The Charter Township of Lansing, Ingham County, Michigan, and/or its duly authorized agent or designee.
- Y. "Waters of the State"- The Great Lakes and their connecting waters, inland lakes and streams as defined in rules promulgated under Part 91, and wetlands regulated under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA No. 451, as amended (Part 303).

SECTION 195-3. 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 Lansing Zoning Ordinance unless the site plan or preliminary site plan includes soil erosion and sediment control measures consistent with the requirements of this Ordinance and related land development regulations.

SECTION 109-4. 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 Final Completion Notice if the Permittee has achieved substantial completion. "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 109-5. PERMITS AND FEES.

- A. *Permit requirement.* Except as expressly exempted by this Ordinance, no person shall perform or cause to be performed or undertake any earth change, unless a valid Permit has been issued by the 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. Soil erosion and sedimentation control plans, specifications, and work schedules shall be submitted with each application for a Permit.
- C. *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 the harvesting of crops is not required to obtain a permit under this Ordinance. 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 Ordinance. 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 Michigan Department of Environmental Quality under Part 631.

3. A person is not required to obtain a permit 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, 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 Michigan Department of Environmental Quality under Part 615. However, those earth changes shall conform to the same standards as required for a permit under this part. This subsection does not apply to a multisource commercial hazardous waste disposal well as defined in section 62506a.
4. An earth change of a minor nature that is stabilized within 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 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 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 applications, if no additional grading or earth change occurs for use of the post hole.
 - 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 100 feet from the waters of the State of Michigan;
 - iii. Seeding or reseeding of lawns closer to 100 feet of the waters of the State if the area to be seeded or reseeded does not exceed 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 100 feet from the waters of the State.

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.

- D. *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 1 inch to 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 on-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 1 inch to 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 and sedimentation control measures are located.
 - l. Other information or data as may be required by the 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 225 square feet.

E. *Fees.* At the time of filing an application for a Permit, fees shall be paid to 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 Lansing Board of Trustees.

SECTION 109-6. 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 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 Director or other designated person within the Department may waive financial guarantees that would otherwise be required by this section.

SECTION 109-7. 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 109-8. 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 109-18, *Enforcement.*

SECTION 109-9. 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 unreasonably 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 or create an unreasonable hazard to persons or property; or
- C. The land area for which an 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 109-10. 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 109-11. MODIFICATION OF APPROVED SOIL EROSION AND SEDIMENTATION CONTROL PLANS.

Plan modifications shall be completed in accordance with the following provisions:

- A. All modifications of 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. In the event that an earth change in connection with any proposed modification commences or is completed prior to approval by the Department, the Department will issue a notice of violation and the existing Permit for the site will be 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 109-12. RESPONSIBILITY OF PERMITTEE.

During earth change operations and until completion, the Permittee 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, approved 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 109-13. GENERAL REQUIREMENTS.

- A. Any earth changes shall be conducted in such a 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, and 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 shall be maintained on a daily basis. Temporary soil erosion and sedimentation 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 prescribed 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 or 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 release of the requirement Bond, Irrevocable Letter of Credit or cash deposit, temporary soil erosion and sedimentation control measures shall be removed and earth change areas associated with removal of said control measures 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 new Permittee and property owner of the obligations enumerated in this Ordinance.

SECTION 109-14. INCORPORATION OF PART 91 RULES.


Except where the requirements of this Ordinance are more restrictive, this Ordinance incorporates by reference Part 91 and the rules promulgated under Part 91 of Public Act 451 of 1994. 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 109-15. 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 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 109-16. EXCEPTIONS.

- A. In addition to exemptions provided elsewhere in this Ordinance, no permits shall be required for the following:
1. Those activities exempted from permitting by sections 9115 and 9115a of Part 91 and the rules promulgated under Part 91;
 2. Notwithstanding exemption for permit issuance, those operations and constructions which are exempted shall be in compliance with the rules and regulations concerning grading and erosion specified in this Ordinance.


SECTION 109-17. INSPECTION.

The Department shall inspect the work and may require inspection or compaction 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 grading.

Upon completion of all work specified in approved 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 Final Completion Notice. 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 109-18. ENFORCEMENT.

- A. Unless otherwise exempted by this Ordinance, Part 91, or the rules promulgated under Part 91, any person engaged in earth change activity who fails to file a soil erosion and sedimentation control plan and application in accordance with this Ordinance shall be deemed in violation of this Ordinance.
- B. 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.
- C. 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 VI 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.
- D. If the Department finds it necessary to issue a Notice of Violation to a Permittee, the Department may require a \$1,000.00 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.
- E. 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.
- F. 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 conditions and practices which may be a violation of the Permit and/or this Ordinance.
- G. 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 \$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 \$10,000 for each day of violation.
 - 3. A person who knowingly violates this Ordinance, Part 91, or said rules after receiving a notice of determination is responsible for the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 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 said rules, 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 and persons employed by the Department are authorized to enforce the provisions of this Ordinance.

SECTION 109-19. DESIGNATION OF MEA.


Upon adoption of this Ordinance by the Township Board, the Charter Township of Lansing, Department of Planning + Development will be designated as the municipal enforcing agency responsible for administration and enforcement of this Ordinance.

SECTION 109-20. 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 Lansing Board that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.


SECTION 109-21. EFFECTIVE DATE.

This Ordinance shall become effective upon its adoption, approval by the Michigan Department of Environmental Quality, and 30 days after publication as provided by law.



John Daher, Supervisor

I, Susan L. Aten, Clerk of the Charter Township of Lansing, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 50.2, duly adopted by the Board of Trustees of the Charter Township of Lansing, Ingham County, Michigan, on the 5th day of February, 2008, and that the same was posted and published as required by law on the 17th day of February, 2008.



Susan L. Aten, Clerk