

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE
CITY OF SOUTHGATE
BY AMENDING CHAPTER 1048, STORM WATER RUNNOFF CONTROL.

Preamble

The City of Southgate City Council approved at their regular meeting of October 19, 2022 that the Southgate City Codified Ordinance for Chapter 1048, Storm Water Runoff Control be amended as follows:

Southgate Code of Ordinance Chapter 1048 Storm Water Runoff Control
Revised APRIL 2022

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CROSS-REFERENCES

Sewers and sewer systems generally - see Mich. Const., Art. 7, Sec. 24; CHTR. Art. 13; M.C.L.A. Secs 46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.; S.U. & P.S. Ch. 1040

Mortgage bonds for public utilities - see CHTR. Sec. 115

Public utilities - see CHTR. Art. 9

Sewers and sewer systems in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35

Sewer connections in streets - see S.U. & P.S. 1020.09

Utility installations - see S.U. & P.S. 1020.14

Downriver Sewage Disposal System - see S.U. & P.S. Ch. 1042

Flood plain management - see B. & H. Ch. 1464

Soil erosion and sedimentation control - see B. & H. Ch. 1476

Grading for soil erosion and sedimentation control - see B. & H. 1476.04, 1476.06

1048.01 Purpose.

The purpose of this ordinance is to protect the public health, safety, and general welfare of the residents of the City of Southgate, to prevent flooding and damage to property as a result of uncontrolled storm waters, to improve storm water quality, to reduce erosion and sedimentation and provide for the construction, maintenance, and repair of storm water drainage facilities within the City, which shall be developed in accordance with the applicable requirements and procedures set forth herein.

(Ord. 498. Passed 6-19-91.)

This ordinance shall be applicable to all land development (new development and redevelopment), including but not limited to, site plan, plot plan, and plat applications as well as any grading applications. In addition, this ordinance shall be applicable to public improvement projects that disturb one (1) or more acres, including projects less than one acre that are part of a larger common plan for development or sale, and discharged into the city's MS4. The City Engineer may waive the channel protection requirements, water quality requirements, and/or flood control requirements of section 1048.08 of this ordinance for:

- Projects that are within areas of the City of Southgate's sewer collection system that are served by combined sewers; or Projects that disturb less than one (1) acre and are not part of a larger common plan of development or sale that would disturb one (1) acre or more.

(a) The procedures and standards set forth in this STORMWATER MANAGEMENT ORDINANCE, and the policies, procedures, and design data specified in the current Wayne County Stormwater Management Program Standards (design manual) provide the minimum standards to be adhered to by developers and in no way limits the authority of the City of Southgate to adopt or publish and/or enforce higher standards as a condition of approval of developments.

(b) No site plan, plot plan, or plat shall be approved until approval by the City Engineer that said development or redevelopment meets all:

- Soil erosion and sedimentation control measures consistent with the requirements of Southgate.
- Requirements for an approved post-construction stormwater management plan (stormwater plan) as outlined in section 1048.08 of this ordinance; and

- Related land development regulations.

(c) In order to ensure completion of construction of the permanent stormwater BMPs specified in the applicant's stormwater plan as outlined in sections 1048.08 and 1048.09 of this ordinance, a completion bond must be provided to the City of Southgate in conjunction with the site plan or plot plan submitted consistent with the City code. The value of the completion bond must be in an amount equivalent to the value of the permanent stormwater BMPs specified in the approved stormwater plan. consistent with section 1048.16 of this ordinance, the completion bond will be released by the City of Southgate following final verification of the construction by a registered professional engineer in the State of Michigan.

(d) For an existing stormwater basin constructed prior to the effective date of this ordinance, an approved stormwater plan must be secured prior to any significant expansion, repair, or maintenance of the said stormwater basin.

(e) This ordinance seeks to meet that purpose by minimizing the negative impacts of increased stormwater discharges from new land development and redevelopment through the following objectives:

1. To minimize increased stormwater runoff rates and volumes from identified land development and redevelopment.
2. To minimize nonpoint source pollution.
3. To minimize the deterioration of existing watercourses, culverts and bridges, and other structures.
4. To encourage water recharge where geologically favorable conditions exist.
5. To maintain the ecological integrity of stream channels.
6. To minimize the negative impacts of development on downstream channel stability.
7. To preserve and protect water supply facilities and water resources by controlling increased flood discharges, stream erosion, and runoff pollution.
8. To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where stormwater management controls are insufficient to meet water quantity and quality goals.
9. To ensure that storm drains and stormwater BMPs are adequate to address stormwater management needs within a proposed development, and for protecting downstream landowners from flooding and degradation of water quality. The procedures, standards, and recommendations set forth in this ordinance and the current Wayne County stormwater management policies and procedures manual (policies manual) are designed for these purposes.
10. To ensure that all stormwater facilities necessary for a proposed development will have an appropriate governmental unit responsible in perpetuity for performing maintenance or; for overseeing the performance of maintenance by a private entity.
11. To facilitate the integration of stormwater management and pollution control with other ordinances, programs, policies, and the comprehensive plans of the City of Southgate.
12. To establish legal authority to carry out all of the inspection and monitoring procedures necessary to ensure compliance with this ordinance.

1048.02 - DESIGNATION OF STORMWATER AUTHORITY; POWERS AND DUTIES

(a) The City Engineer shall administer and enforce this ordinance, and may furnish additional policy, criteria, and information including specifications and standards and/or establishment of a permitting program, for the proper implementation of the requirements of this ordinance and may provide such information in the form of a stormwater management policies and procedures manual and/or Stormwater Management Program Standards.

(b) Representatives of the City Engineer shall have the right to enter upon any land for the purposes of making an inspection or acquiring information to determine whether or not the property conforms to the requirements of this ordinance.

1048.03 DEFINITIONS.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

1. City Engineer: means the Engineering Department of the City or the consulting engineers employed by the City.
2. Developed stormwater flows: means stormwater that flows from a site after the improvements are constructed.
3. Developer: means any person who submits an application for a permit for the development or improvement of a parcel of land within the city.
4. Impervious areas: means those areas which do not permit the percolation of storm waters to subsurface soils, e.g., hard-surfaced parking lots, driveways and roadways, buildings, sidewalks, etc.
5. Lot: means a parcel, tract, or plot of land, either platted or unplatted.
6. New development: means any improvement to or development of a parcel of land requiring approval or a permit, or a pending application that requires approval of the City Planning Commission, the Board of Zoning Appeals, and/or City Council.
7. On-site detention/retention facility: means a stormwater detention facility located on or adjacent to the developer's lot and which is constructed for the purpose of serving the developer's lot.
8. Owner: means a fee titleholder, a land contract vendee, a lessee, a tenant of the property, and the person, individually and/or collectively, entitled to possession of the property.

Applicant: any person proposing or implementing the development or redevelopment of land.

BMP OR Best Management Practice: any practice, or combination of practices and design criteria that comply with the current Wayne County Stormwater Management Program Standards or equivalent practices and design criteria that accomplish the purposes of this ordinance (including, but not limited to minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the City Engineer and/or, where appropriate, the standards of Wayne County.

Channel: a natural or artificial watercourse with a definite bed and banks that conduct continuously or periodically flowing water.

Conveyance Facility: a storm drain, pipe, swale, or channel.

design engineer: means the registered professional engineer responsible for the design of the stormwater management plan.

detention means a system that is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate. The goals of this BMP are to control peak discharge rates and provide gravity settling of pollutants.

Developed or Development: the installation or construction of impervious surfaces on a development site that requires, pursuant to State law or local ordinance, City of Southgate approval of a site plan, site condominium, special land use, planned unit development, land division approval, private road approval, or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for the purposes of this article only, developed or development shall not include the actual construction of, or an addition, extension, or modification to, an individual single-family or a two-family detached dwelling that disturbs less than one acre.

EGLE: Environment, Great Lakes & Energy, State of Michigan

Engineered site Grading Plan: a signed/sealed drawing or plan and accompanying text prepared by a registered engineer in the State of Michigan which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures, having as its purpose to ensure that the objectives of this ordinance are met.

Erosion and Sediment Control Plan: means a plan that is designed to minimize the accelerated erosion and sedimentation runoff at a site during construction. **GRADING:** any stripping, excavating, filling, or stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

IMPERVIOUS SURFACE: a surface that does not allow stormwater runoff to slowly percolate into the soil.

INFILTRATION: the percolation of water into the ground, expressed in inches per hour.

LAND DISTURBING ACTIVITY: any activity that changes the volume or peak flow discharge of rainfall runoff from the land surface. this may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

MAINTENANCE AGREEMENT: a binding agreement that establishes the terms, measures, and conditions for the maintenance of stormwater systems and facilities.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: the permit issued to the City of Southgate by EGLE for point source discharges of stormwater from municipal separate storm sewer systems.

NON-STRUCTURAL MEASURE: a stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. such measures are used in lieu of or to supplement structural practices on a land development site.

OFFSITE FACILITY: all or part of a drainage system that is located partially or completely off the development site which it serves.

PEAK RATE OF DISCHARGE: the maximum rate of stormwater flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second (CFS).

PERMANENT STORMWATER BMP: a stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

PLAN: written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this ordinance.

POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN (STORMWATER PLAN): drawings and written information prepared by a registered engineer in the State of Michigan, which describe the way in which accelerated soil erosion and/or stormwater flows from a particular site are proposed to be controlled, both during and after construction, having as its purpose to ensure that the objectives of this ordinance are met.

RECEIVING STREAM OR CHANNEL: the body of water or conveyance into which stormwater runoff is discharged.

RECHARGE: the replenishment of underground water reserves through percolation.

REDEVELOPMENT: a change to a previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint(i.e. Interior painting, flooring, and trim work), resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

RESPONSIBLE PARTY: any individual, partnership, co-partnership, firm, company, corporation, association, joint stock, company, trust, estate, governmental entity, or any other legal entity; or their representatives, agents, or assigns that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMP's.

RETENTION: a holding system for stormwater, either natural or man-made, which does not have a direct outlet to adjoining watercourses or wetlands.

RUNOFF: that part of precipitation, which flows over the land.

SEDIMENT: mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

STORMWATER BMP: any facility, structure, channel, area, process, or measure which serves to control stormwater runoff in accordance with the purposes and standards of this ordinance.

STORMWATER MANAGEMENT DESIGN MANUAL: the current Wayne County Standards document provides a detailed explanation of the design criteria and specific constructed approaches for achieving compliance with the City's POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE.

STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL: the current Wayne County Standards document provides a detailed explanation of the policies and procedures for achieving compliance with the City's POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE.

STREAM BUFFER: an area of land at or near a streambank, wetland, or waterbody that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes that may otherwise result in significant degradation to water quality.

WATERCOURSE: any natural or manmade waterway or other body of water having reasonably well-defined banks, rivers, streams, creeks, brooks, and channels, whether continually or intermittently flowing, as well as lakes and ponds, are watercourses for purposes of stormwater management.

WATERSHED: an area of land draining to a common outlet otherwise known as a drainage or catchment area.

WETLANDS: as defined by MICHIGAN'S WETLAND STATUTE, PART 303, WETLANDS PROTECTION, OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, as amended (Ord. 498. Passed 6-19-91.)

1048.04 Determination of need FOR ON-SITE DETENTION OR RETENTION FACILITIES.

(a) For all new and pending developments within the City, the City Engineer shall follow the current Wayne County Stormwater Standards Manual in the need to determine on-site detention or retention facilities whether the receiving drainage course possesses sufficient flow capacities to protect downstream properties from damage resulting from developed stormwater flows. The City Engineer shall also determine if the existing public stormwater sewer system is capable of adequately evacuating stormwater runoff from a proposed residential, commercial, industrial, mixed-use, or similar type of development.

(b) Where a receiving drainage course does not possess sufficient flow capacities to protect downstream properties from damage resulting from developed stormwater flows, or where the existing public stormwater sewer system is determined to be incapable of adequately evacuating stormwater runoff from a proposed residential, commercial, industrial, mixed-use, or similar type of development, the new development shall provide an on-site stormwater detention or retention facility or facilities in accordance with the procedures and requirements set forth in this chapter and any other applicable ordinances.

(c) Any owner or developer aggrieved by a determination of the City Engineer made pursuant to this chapter shall have the right to a hearing before the Council, provided a written request therefor is filed with the City Clerk within ten days following the personal delivery or the date of mailing of the determination of the City Engineer. The City Council, prior to taking any action, shall refer this matter to the City Planning Commission for review and recommendation. Further review may be had in a court of competent jurisdiction.

(Ord. 498. Passed 6-19-91.)

1048.05 DETERMINATION OF NEED FOR STORMWATER RETAINING SYSTEMS.

In those areas where an existing public stormwater sewer system is determined to be incapable of adequately evacuating stormwater runoff from a proposed residential, commercial, industrial, mixed-use, or similar type of development, stormwater retention or detention system, as herein defined, shall be developed on-site in accordance with the applicable requirements and procedures herein set forth.

(Ord. 498. Passed 6-19-91.)

1048.06 Procedure for Development of facilities

(a) An application to develop a stormwater or other outdoor water retaining system or facility shall first be submitted to the City Engineer, who shall determine if the system is required by necessity or if the system is proposed for aesthetic purposes only.

(b) If the facility will possess a side slope steeper than six to one, the requirements of Section 1048.07(c) shall apply, and no system shall be developed or put into service until or unless such system has been fully reviewed and approved by the City Engineer and a permit has been issued.

(c) If the facility will possess a side slope of six to one or less and is to be made an integral feature of the site's landscaping, the applicable requirements of Section 1048.07(d) shall apply, and no such project

shall be developed until or unless it shall have first been reviewed and approved by the City Engineer and a permit has been issued.

(Ord. 498. Passed 6-19-91.)

1048.07 DESIGN STANDARDS.

Any application to develop a stormwater retaining system out of necessity, or other water impoundment facility for aesthetic purposes only, shall include a complete set of plans prepared to the following specifications and containing the following information.

(a) A site plan drawn to a scale of not greater than one inch equals fifty feet shall be prepared by a licensed civil engineer, whose seal shall appear on the plan, which plan shall include:

(1) A north arrow, a legal description of the property on which the facility is to be located, the name, address, and phone number of the owner and the developer, and the name address, and phone number of the designer.

(2) The location and identification of all existing and proposed in-ground and above-ground utility easements involved with the immediate site, i.e., the ground upon which the facility itself is to be developed.

(3) A cross-section of the basin showing the side slope, the rampway system, if applicable, and the bottom of the basin.

(4) The location, type, and size of all landscape planting materials and the location of the fence, when required, and the gate opening with the type of gate to be used. Where the standards of this chapter require fencing, a cross-section of the fence, fence post with footing, and landscape panel with landscaping, shall be included.

(5) Where applicable, the location of all existing or proposed buildings that will be located within twenty-five feet of a basin.

(6) The location of all existing or proposed off-street parking spaces that will be located within twenty-five feet of an unfenced stormwater basin and within eight feet of a fenced basin.

(7) When a stormwater retaining facility is to be part of a new development that requires review and approval of a site plan, as set forth in Section 1298.07 of the Zoning Code, all drawings for the basin shall include the requirements of this chapter but may be made a part of a required site plan package for the development.

(b) Calculations to determine the total storage volume of the system shall appear on the site plan and shall be determined in accordance with the Wayne County Stormwater standards manual.

(c) Except as otherwise permitted and regulated herein, the maximum side slope of a stormwater basin shall not be steeper than a ratio of six to one, (six feet of the horizontal plane for each foot of vertical rise). When any stormwater retaining basin is to have a side slope steeper than six to one, the facility shall be subject to the following requirements.

(1) A site plan prepared in accordance with the requirements of subsection (a) hereof, shall be submitted.

(2) The basin shall be in an interior side or rear yard, except where site conditions, such as topography, required direction of site drainage flow, or other conditions recognized by the City Engineer, require locating the basin in an exterior side yard or front yard.

(3) The side slope of the basin shall be stabilized against erosion and landslide by means and materials acceptable to the City Engineer.

(4) The bottom slope of the basin shall not be less than one percent.

(5) The retention basin shall be provided with a ramp that will permit access to the bottom of the basin by motorized machinery, for maintenance purposes.

(6) The basin shall be completely fenced by a green color-matched, close-like, non-climbable, maximum security-type, chain-link fence. The fence shall be not less than eight feet in height and shall include a ten-foot-wide swinging or roll away-type of the gate. The vertical posts of the fence shall be

anchored in concrete footings that shall be at least forty-two inches deep, measured from ground level at the post. There shall be provided at the bottom of the gate a concrete footing to permit a positive securing of a swinging gate at the closed position or a concrete rollway for a sliding gate.

(7) The fence shall be located on a line parallel to and not less than one foot from the rim of the basin and shall include signs posted at proper intervals, but at least on each side of the basin, warning of danger and prohibiting trespassing. Such signs shall be no greater than two square feet in size and shall be made of permanent material, affixed securely to the fence.

(8) A landscape planting panel shall be provided on all sides of the basin. The panel shall be placed outside of and adjacent to the fence. The panel shall be at least five feet in width, except that where the panel is adjacent to off-street parking spaces, minimum width of eight feet shall be provided. The landscape panel shall be fully planted with a minimum of evergreen shrubs. Where a screening effect is desired, narrow evergreen trees shall be used in place of the shrubs. Evergreen trees may also be used in combination with shrubs when a screening effect is not desired.

In those instances where ground constraints preclude application of the five- or eight-foot-wide landscape panel, a one-foot-wide planting panel may be used in which vines may be planted that will grow up the vertical face of the fence. Whenever this type of landscape screen is used, a horizontal top bar, to which the top of the fence shall be attached, shall be employed and shall be secured to the vertical posts. All plantings used shall be consistent with the landscape planting standards set forth in Section 1298.09 of the Zoning Code.

Use of this alternative will require approval by the City Engineer. The Engineer, in deciding as to the applicability of this landscape planting alternative, shall find that the constraints of the site on which the basin is located clearly preclude the use of the wider planting panel. The City Engineer may request the input of the City Building Department and other City departments or consultants in making his or her evaluation.

(d) When a stormwater retention or detention system is to serve as a visual aesthetic feature of the site, whether it is required by necessity or not, it shall be made an integral part of the landscaping of the site and shall be subject to review and approval by the City Engineer.

The City Engineer, in reviewing the plans, shall find that the following minimum requirements are met.

(1) A site plan drawn to scale and prepared by a licensed engineer shall be submitted and shall contain all design information applicable to this type of basin as herein set forth and as set forth in subsection (a) hereof.

(2) The maximum side slope of the basin shall not be steeper than a ratio of six to one (six feet of the horizontal plane for each foot of vertical rise).

(3) No part of any basin shall be located closer than twenty-five feet to any structure, right-of-way, parking lot, or lot line.

(4) The bottom of the basin shall maintain a slope ratio as set forth in paragraph (c)(5) hereof, and when designed to serve as a stormwater detention system the bottom shall consist of grass so that when not underwater, it shall serve as part of the site's lawn area.

(e) With the exception of unfenced basins designed as an integral part of a site's landscaped lawn area, stormwater entering any fenced basin shall enter only through sewer inlets. The sides and the rim of these basins shall be constructed to keep stormwater runoff from draining directly over the sides into the basin.

(f) All stormwater retention systems shall include devices and or systems designed to effectively circulate water and/or to evaluate water so as not to create an unsightly, obnoxious, or unhealthy water content. All such systems shall be subject to review and approval by the City Engineer.

(g) Whether or not stormwater retention or detention system serves as a visually aesthetic feature of the site, no part of any basin shall be located closer than twenty-five feet to any structure, right-of-way, parking lot, or lot line.

(Ord. 498. Passed 6-19-91; Ord. 799. Passed 12-29-04.)

1048.08 CONTENTS OF POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN

(A) The stormwater management plan (stormwater plan) shall utilize to the maximum extent practicable site planning and design techniques that reduce runoff rates, volumes, and pollutant loads. such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and distributed practices that intercept and treat runoff from developed areas.

(B) The stormwater plan shall be presented as follows:

1. Through plans, illustrations, reports, and calculations, the stormwater plan shall display the required information specified in the current Wayne County Stormwater Management Program Standards (design manual).

2. The stormwater plan must be sufficiently detailed to specify the type, location, and size of stormwater management facilities.

3. If it is proposed to develop a parcel in two or more phases, the stormwater plan shall be prepared and submitted for the total project.

4. The stormwater plan shall be prepared in accordance with the requirements outlined in the design manual. All plans shall be signed and sealed by a registered civil engineer in the State of Michigan.

1048.09 STANDARDS FOR POST CONSTRUCTION STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) APPROVAL

(A) All developments requiring a stormwater plan shall be designed, constructed, and maintained to prevent flooding, minimize stream channel impacts, protect water quality, and achieve the purposes of this ordinance, as stated above. the City of Southgate has adopted performance standards to meet the objectives of managing the quantity and quality of stormwater runoff from a site as described below and in the current Wayne County Stormwater Management Program Standards (design manual).

(B) Designers may select any combination of stormwater BMPs that meet the performance standards provided the selections:

1. Comply with the requirements identified in this ordinance and the current Wayne County Stormwater Management Program Standards.

2. Comply with all other local, County, State, or federal requirements; and

3. Do not conflict with the existing local stormwater management and watershed plans.

(C) The particular facilities and measures required on-site shall take into consideration the natural features, upland areas, wetlands, and watercourses on the site; the potential for on-site and offsite adverse stormwater impacts, water pollution, and erosion; and the size of the site.

(D) The following on-site stormwater management concepts must be followed:

1. Natural topography and site drainage shall be preserved, and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development.

2. The preferred conveyance strategy is to transport, wherever possible, untreated, and treated runoff in conveyance facilities open to the atmosphere (e.g., swales, vegetated buffer strips, energy-dissipating structures, etc.), rather than through enclosed pipes, to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle and to remove pollutants.

3. Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the City Engineer, relevant County agencies, and the applicable State of Michigan department(s).

4. The stormwater plan and associated BMPs must demonstrate compliance with required channel protection/volume criteria by providing retention as necessary to meet volume and peak flow limits consistent with the requirements of the design manual. Specific details for achieving compliance with the volume/channel protection criteria are outlined in the design manual.

5. The stormwater plan and associated BMPs must demonstrate compliance with required water quality criteria by providing treatment of total suspended solids (TSS) or by providing retention to achieve the same criteria for maximum TSS concentrations in the stormwater discharge from the site with either approach being consistent with the requirements of the design manual. Specific details for achieving compliance with the water quality criteria are outlined in the design manual.

6. The stormwater plan and associated BMPs must demonstrate compliance with required peak flowrate and flood control criteria by providing stormwater detention and/or retention consistent with the requirements of the design manual. Specific details for achieving compliance with the peak flowrate and flood control criteria are outlined in the design manual.

7. Under certain conditions, the City of Southgate, upon recommendation by the City Engineer, may impose the following additional restrictions on stormwater discharges.

- Peak discharge may be further restricted when it can be shown that a probable risk to downstream structures or unique natural areas exists or that existing severe flooding problems could be further aggravated.
- Measures shall be imposed to protect against ground or surface water pollution where the nature of the soils or bedrock underlying a stormwater management structure constitutes a substantial risk of contamination, such as might be the case in limestone formations. Special provisions to be followed in these cases will be provided by the City Engineer.

1048.10 STORMWATER MANAGEMENT PLAN AND BMP CONSTRUCTION PLANS SUBMISSION

(A) The stormwater management plan (stormwater plan) and the associated, proposed BMP construction plans and specifications shall be submitted for review in accordance with the site plan submittal requirements.

(B) The BMP construction plans and specifications shall be prepared in accordance with the requirements of this ordinance and the current Wayne County Stormwater Management Program Standards (design manual).

(C) The BMP construction plans and specifications shall be prepared, signed, and sealed by a licensed professional engineer in the State of Michigan, who shall certify that the design of all stormwater BMPs meets the requirements of this ordinance.

(D) No changes shall be made to an approved stormwater plan without review and written approval by the City Engineer. A plan amendment may be necessary for a complete review of the stormwater plan and BMP construction plans. Specifications are required to ensure changes to the plan will comply with the requirements of this ordinance.

(E) Compliance with the requirements of this ordinance does not eliminate the need for the proprietor to obtain required permits and approvals from County and State agencies.

(F) For site condominiums, complete master deed documents (including "exhibits" drawings) must be submitted for the City's review prior to approval.

1048.11 - EXEMPTIONS

(A) Notwithstanding the requirements of section 1048.11, a stormwater plan shall not be required for activities protected by the Right to Farm Act 93 of 1981.

(B) The installation or removal of individual manufactured homes within a manufactured home park is exempted from the requirements of this ordinance. this exemption shall not be construed to apply to the construction, expansion, or modification of a manufactured home park.

(C) Plats that have received preliminary plat approval and other developments with final land-use approval prior to the effective date of this ordinance are exempted from the requirements of this ordinance, where such approvals remain in effect.

(D) Any emergency projects that are immediately necessary for the protection of life, property, or natural resources, are exempted from the requirements of this ordinance.

(E) Linear construction projects, such as pipeline or utility line installation, that does not result in the installation of any impervious cover, as determined by the City Engineer, are exempted from the requirements of this ordinance.

1048.12 LIABILITY

Any person who undertakes or causes to be undertaken any land development shall ensure that soil erosion, sedimentation, increased pollutant loads, and changed water flow characteristics resulting from the activity are controlled to minimize pollution of receiving waters. the requirements of this ordinance and other applicable City of Southgate ordinances are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters to the maximum extent practicable.

1048.13 REVIEW PROCEDURES

(A) All stormwater management plans, BMP construction plans, and specifications shall be subject to review and approval by the City Engineer to ensure conformance with the requirements of this ordinance and the associated current Wayne County stormwater management policies and procedures manual and the current Wayne County Stormwater Management Program Standards.

(B) Upon submission of a stormwater management plan (stormwater plan) and BMP construction plans and specifications, as provided herein, such plan shall be reviewed by the City Engineer, and a written response prepared and submitted to the City of Southgate planning office. If the proposed plan is not sufficient as originally submitted, the City Engineer will notify the applicant in writing, setting forth the reasons for withholding a recommendation for approval, and will state the changes necessary to obtain approval. Failure of the owner to ultimately demonstrate that the project meets requirements, as determined by the City of Southgate, shall be a reason to deny approval of the stormwater plan and BMP construction plans and specifications.

(C) Before approval of the final stormwater BMP construction plans, copies of all necessary wetland, floodplain, inland lakes and streams, erosion control, or other needed State, federal, or local permits relating to stormwater management must be provided by the applicant for the City of Southgate's files.

(D) A satisfactory maintenance agreement in accordance with section 1048.19 of this ordinance that assures long-term maintenance of all drainage improvements will be in place before approval of the stormwater plan and BMP construction plans and specifications. documentation of the maintenance agreement will be submitted and approved by the City Engineer.

(E) A soil erosion and sedimentation control permit shall not be issued under the City code unless the detailed stormwater plan and BMP construction plans and specifications meet the standards of this ordinance and the associated current Wayne County stormwater management policies and procedures manual and the current Wayne County Stormwater Management Program Standards.

(F) For developments that will result in disturbance of five or more acres of land, a complete notice of coverage for construction-phase stormwater must be submitted to EGLE Water Resources Division, to have the discharge authorized under a National Pollutant Discharge Elimination System permit.

(G) The applicant will make arrangements acceptable to the City Engineer for inspection during construction and final verification of the construction of all permanent stormwater BMPs by a registered professional engineer in the State of Michigan. Following final verification of the construction by a registered professional engineer, the completion bond required consistent with section 1048.01 (C) of this ordinance will be released by the City of Southgate.

(H) Electronic files of the as-built storm drain and stormwater BMPs will be submitted by the applicant or his/her engineer to the City Engineer along with the final plan for existing systems, or upon completion of system construction for new systems.

(I) Complete development agreements (including deed restrictions) must be submitted for the City of Southgate's review and approval prior to recording.

1048.14 REVIEW FEES

The City of Southgate Council shall establish application fees and escrow requirements by resolution. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City including the costs of on-site inspections.

1048.15 REVISION OF PLAN

If it becomes necessary to alter a development or earth change proposal after the stormwater plan has been approved, a revised stormwater plan must be submitted, reviewed, and approved in accordance with the procedure set forth above. The revised plan must be signed/sealed by a registered professional engineer in the State of Michigan. All requirements and standards for stormwater plans shall apply.

1048.16 DRAINS UNDER THE JURISDICTION OF THE DRAIN COMMISSIONER

(A) Drainage districts will not be altered when designing development drainage, except as provided under Section 433 of Act 40, Public Act 1956, as amended.

(B) Existing County drain easements will be indicated on the stormwater plan as well as the final stormwater BMP construction plans and will be designated as "Wayne County Drain" or the appropriate inter-County drain as applicable. County drain easements prior to 1956 were not required by statute to be recorded immediately; therefore, it may be necessary to check the permanent records of the drain office to see if a drain easement is in existence on the subject property.

(C) A permit will be obtained from the appropriate County drain office prior to discharging into, tapping, or crossing any County or inter-County drain. the permit must be obtained prior to final plan approval.

(D) Proposed relocations of County drains will be processed through the office of the Wayne County Drain permit office.

1048.17 AS-BUILT CERTIFICATION

An as-built certification for stormwater BMPs must be provided to the City Engineer prior to final approval of the development. the certification should include all the requirements noted in the design manual.

1048.18 NOTICE OF CONSTRUCTION COMMENCEMENT

The applicant must notify the City of Southgate Engineer before the commencement of construction. In addition, the applicant must notify the City of Southgate Engineer in advance of the construction of critical components of the stormwater practices shown on the approved stormwater BMP construction plans and specifications. The City may, at its discretion, issue verbal or written authorization to proceed with critical construction steps, such as the installation of permanent stormwater BMPs based on stabilization of the drainage area and other factors.

1048.19 CONSTRUCTION INSPECTIONS BY THE CITY OF SOUTHGATE OR ITS REPRESENTATIVES

The City of Southgate Engineer or its representatives may conduct periodic inspections of the stormwater practices shown on the approved stormwater BMP construction plans and specifications, especially during critical installation and stabilization steps. All inspections shall be documented in writing. The inspection shall document any variations or discrepancies from the approved plan and the resolution of such issues.

1048.20 MAINTENANCE AGREEMENT

(A) Purpose of Maintenance Agreement - the purpose of the Maintenance Agreement is to provide the means and assurance that perpetual, long-term maintenance of stormwater BMPs shall be provided for and undertaken. a maintenance agreement shall be submitted to the City of Southgate, for review by the City Engineer and his/her designee and shall be subject to approval inconsistent with the approved stormwater management plan and BMP construction plans and specifications.

(B) Responsible Party

1. The responsible party named in the recorded stormwater maintenance agreement shall maintain in good condition and promptly repair and restore all structural and non-structural stormwater BMPs and all necessary access routes and appurtenances. Such repairs or restoration and maintenance shall be in accordance with the approved stormwater BMP construction plans and specifications and the stormwater maintenance agreement.

2. The responsible party shall make records of installation and of all maintenance and repairs and shall retain the records for at least five (5) years. These records shall be made available to the City of Southgate during inspection of the practice and at other reasonable times upon request.

(C) Maintenance Agreement Provisions

1. The maintenance agreement shall provide for routine, emergency, and long-term maintenance of all stormwater BMPs.

2. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater BMPs and shall be recorded in the office of the appropriate County Register of Deeds prior to the effectiveness of the approval of the City of Southgate.

3. If it has been found by the City of Southgate, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required

under this ordinance and/or as required in the approved maintenance agreement as required hereunder, the City Engineer shall then be authorized, but not required, to hire an entity with qualifications and experience in the subject matter to undertake the monitoring and maintenance as so required, in which event the property owner shall be obligated to advance or reimburse payment (as determined by the City of Southgate) for all costs and expenses associated with such monitoring and maintenance, together with a reasonable administrative fee. The maintenance agreement required under this ordinance shall contain a provision spelling out this requirement and, if the applicant objects in any respect to such provision or the underlying rights and obligations, such objection shall be resolved prior to the commencement of construction of the proposed development on the property.

1048.21 MAINTENANCE INSPECTIONS

The City of Southgate Engineer or its representatives may conduct periodic inspections for all stormwater practices constructed as part of the approved BMP construction plans and specifications. All inspections will be documented in writing. The inspection shall document any maintenance and repair needs and any discrepancies from the Stormwater Maintenance Agreement.

1048.22 STORMWATER MANAGEMENT EASEMENTS

(a) Necessity of easements for on-site stormwater BMPs -stormwater management easements shall be provided in a form required by the City of Southgate Engineer, and recorded as directed as part of the approval of the City of Southgate to assure:

- Access for inspections.
- Access to stormwater BMPs for maintenance purposes; and
- Preservation of primary and secondary drainageways which are needed to serve stormwater management needs of other properties.

(b) Recording of easements - easements shall be recorded with the appropriate County Register of Deeds based on jurisdiction and according to County requirements.

(c) Recording prior to building permit issuance - the applicant must provide the City Engineer with evidence of the recording of the easement prior to final subdivision plat or condominium approval or other applicable final construction approval.

(d) Right-of-entry - the easements must contain a provision granting the City of Southgate and its representatives the right of entry for the purposes of inspecting all stormwater BMPs at reasonable times and in a reasonable manner. this includes the right to enter a property when the City of Southgate has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

1048.23 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in force and effect.

1048.24 STOP-WORK ORDER

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this ordinance, the City of Southgate is authorized to issue a stop-work order to prevent further or continuing violations or adverse effects. all persons to whom the stop-work order is directed, or who are

involved in any way with the work or matter described in the stop-work order shall fully and promptly comply therewith. The City of Southgate may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this ordinance or to avoid or reduce the effects of non-compliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

1048.25 SANCTIONS FOR VIOLATIONS

(a) Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction, plus costs, damages, expenses, and other sanctions as authorized under chapter 87 of the revised judicature act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in this ordinance shall be a misdemeanor. The City of Southgate is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this ordinance. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law. an admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this ordinance.

(b) Any person who neglects or fails to comply with a stop-work order issued under this ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment in the County jail for not more than 90 days, or both, such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

(c) Any person who aids or abets a person who is a violation of this ordinance shall be subject to the sanctions provided in this section.

1048.26 FAILURE TO COMPLY; COMPLETION

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the City of Southgate may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the City for all costs of such work.

11048.27 EMERGENCY MEASURES

When emergency measures are necessary to moderate a nuisance, to protect public safety, health, and welfare, and/or to prevent loss of life, injury, or damage to property, the City of Southgate is authorized to carry out or arrange for all such emergency measures. property owners shall be responsible for the cost of such measures made necessary because of a violation of this ordinance and shall promptly reimburse the City for all such costs.

1048.28 COST RECOVERY FOR DAMAGE TO STORM DRAIN SYSTEM

A discharger shall be liable for all costs incurred by the City of Southgate as the result of causing a discharge that produces a deposit or obstruction, causes damage to, or impairs a storm drain or receiving waters, or violates any of the provisions of this ordinance. costs include, but are not limited to, those penalties levied by the environmental protection agency or EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

1048.29 COLLECTION OF COSTS; LIEN

Costs incurred by the City of Southgate and/or Wayne County pursuant to this ordinance shall be a lien on the premises which shall be enforceable in accordance with ACT NO. 94 OF THE PUBLIC ACTS OF 1933, as amended from time to time. any such charges which are delinquent for six (6) months or more may be certified annually to the City of Southgate treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the City or the appropriate drain commissioner shall have all remedies authorized by ACT NO. 94 OF THE PUBLIC ACTS OF 1933, as amended.

1048.30 EFFECT OF APPROVAL ON REMEDIES

The approval or disapproval of any post-construction stormwater management plan shall not have any effect on any remedy of any person at law or in equity.

Section 1. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 2. Should any section, clause, or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance, or any part thereof other than the part so declared to be invalid.

Section 3. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.


Section 4. All prior existing ordinances adopted by the City of Southgate inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Authentication

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.



Joseph G. Kuspa
Mayor



Janice M. Ferencz
City Clerk

Adopted October 19, 2022

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