

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

**ORDINANCE NO. 78  
CONTROL OF SOIL EROSION AND SEDIMENTATION ORDINANCE**

**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. “Gardening” – Activities necessary to the growing of plants for personal use, consumption, or enjoyment.
  - I. “Grading” – Any stripping, excavating, filling, stockpiling, or any combination thereof, and shall also include the land in its excavated or filled condition.
  - J. “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.
  - K. “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.
  - L. “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.
  - M. “Part 91” – Part 91, Soil Erosion and Sedimentation Control, of the Act.
  - N. “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.
  - O. “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.
  - P. “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.
  - Q. “Soil Erosion” – The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.
  - R. “Soil Erosion and Sedimentation Control Permit” – A permit to authorize work to be performed under this Ordinance.

- S. “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.
- T. “Stripping” – Any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.
- U. “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.
- V. “Township” – The Charter Township of Garfield, Grand Traverse County, Michigan, and/or its duly authorized agent or designee.
- W. “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.
- X. “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. *Logging, mining, or land plowing or tilling; permit exemption; “mining” defined.*
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.
  2. This part does not apply to a metallic mineral mining activity that is regulated under a mining and reclamation plan under Part 631 or 634 of the Act or a mining, reclamation, and environmental protection plan under Part 632 of the Act, if the plan contains soil erosion and sedimentation control provisions and is approved by the department.
  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 or mineral well exploration and development activities regulated under Part 625 of the Act, if the application for a permit to drill and operate contains a soil erosion and sedimentation control plan that is approved by the department under Part 615 or 625 of the Act. However, those earth changes shall conform to the same standards

as required for a permit under this part. This subsection does not apply to multisource commercial hazardous waste disposal well as defined in section 62506a of the Act.

4. As used in this section, “mining” does not include the removal of clay, gravel, sand, peat, or topsoil.

*E. Earth change activities not requiring a permit; violations.*

1. Notwithstanding any other provision of this part, a person is not required to obtain a permit from a county or municipal enforcing agency for earth changes associated with the following agricultural practices if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the State or a discharge of sediment off-site:
  - a) The construction, maintenance, or removal of fences and fence lines
  - b) The removal of tree or shrub stumps or roots
  - c) The installation of drainage tile, irrigation, or electrical lines
  - d) The construction or maintenance of one (1) or more ponds that meet all of the following:
    - i) The earth change associated with the construction or maintenance is less than five (5) acres.
    - ii) The earth change associated with the construction or maintenance does not result in a discharge of storm water into the waters of the State.
    - iii) The earth change associated with the construction or maintenance is not part of a larger plan of development. As used in this subparagraph, "larger plan of development" means a contiguous area where multiple separate and distinct construction activities are occurring under a single plan as identified in documentation or physical demarcation indicating where construction activities may occur
2. Notwithstanding any other provision of this part, a residential property owner who causes the following activities to be conducted on individual residential property owned and occupied by him or her is not required to obtain a permit under this part if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the State or a discharge of sediment off-site:
  - a) An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance.

- b) Gardening, if the natural elevation of the area is not raised.
  - 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 holes.
  - d) Removal of tree stumps, shrub stumps, or roots resulting in an earth change not to exceed one hundred (100) square feet.
  - e) All 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 reseeded 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;
    - iii) Seeding or reseeded 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) The 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.
  - f) Those activities exempted from permit requirements by Section 9115 and 9115a of Part 91 of the Act and the rules promulgated under Part 91.
3. Exemptions provided in this Section 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.
- F. *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, project timing and sequencing, 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 measures 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 grant a permit waiver for an earth change after receiving a signed affidavit from the landowner that the earth change will disturb less than two hundred twenty-five (225) square feet and that the earth change will not contribute sediment to lakes or streams.
- G. *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 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 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 five (5) days of receiving 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 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 on \_\_\_\_\_, after its adoption and publication as provided by law and approval by the Michigan Department of Environmental Quality.

At a regular meeting held on \_\_\_\_\_, a motion was offered by \_\_\_\_\_, with support from \_\_\_\_\_, to approve the foregoing Ordinance No. 78. The motion carried as follows in a roll call vote.

Upon roll call vote, the following voted:

**YES:**

**NO:**

**ABSENT:**

**ORDINANCE NO. 78 ADOPTED.**

\_\_\_\_\_  
Joe McManus, Supervisor

\_\_\_\_\_  
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 Ordinance No. 78 which was adopted by the Township Board of the Charter Township of Garfield on the \_\_\_ day of \_\_\_\_\_, 2025. Garfield Township Ordinance No. \_\_\_\_\_ shall take effect upon the expiration of seven (7) days following publication.

\_\_\_\_\_  
Dated:

\_\_\_\_\_  
Lanie McManus, Clerk

Introduced:

Adopted:

Published:

Effective:

DRAFT