

East Bay Charter Township Storm Water Management Ordinance

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1.0 ADMINISTRATION

1.1 Purpose, Objectives, and Administration

1.1.1 Purpose

The purpose of this Ordinance is to supplement Michigan Public Act 451 of 1994, as amended, for the more stringent regulation of storm water discharges originating within East Bay Charter Township and to provide rules and guidelines to facilitate enforcement thereof.

1.1.2 Objectives

The objective of this Ordinance is to accomplish, among other things, the following:

1. To manage storm water runoff resulting from earth changes occurring within East Bay Township, both during and after development.
2. To ensure that future development provides measures to manage the quantity and quality of storm water runoff originating from the property so that surface water and groundwater quality is protected and the flooding potential is reduced.
3. To preserve and use the natural drainage system for receiving and conveying storm water runoff and to minimize the need to construct enclosed, below grade storm drain systems.
4. To preserve natural infiltration and the recharge of groundwater and to maintain subsurface flows which replenish lakes, streams, and wetlands.
5. To ensure that storm water runoff management systems are incorporated into site planning at an early stage of the planning and design process.
6. To minimize the need for costly maintenance and repairs to roads, embankments, ditches, streams, lakes, wetlands and storm water management facilities which are the result of inadequate storm water control.
7. To reduce long-term expenses and remedial projects which are caused by uncontrolled storm water runoff.
8. To encourage the design and construction of storm water management systems which serve multiple purposes, including but not limited to flood prevention, water quality protection, wildlife habitat preservation, education, recreation and wetlands protection.
9. To minimize the impact of development on downstream properties and to preserve the biological and structural integrity of existing watercourses.
10. To allow for off-site storm water management facilities and measures if such proposals meet the requirements of these regulations.
11. To assure that all storm water facilities will be properly designed, constructed and maintained in accordance with a uniform set of standards.
12. To provide for enforcement of this Ordinance and penalties for violations.

1.1.3 Ordinance Administrations

The Township and/or a designated Agent of the Township shall administer and enforce this Ordinance.

1.1.4 Exclusive Storm Water Regulation Provision

To the extent that this storm water ordinance is in conflict with any previously adopted ordinance within the Township, the intent is to have this storm water ordinance supersede any other storm water regulations that may have been previously adopted or included as a portion of other local ordinances or zoning provisions. If any conflicts arise, the Township shall either repeal or amend such other ordinances to make this Ordinance the exclusive storm water regulation within the Township.

1.1.5 Repeal

Any non-zoning regulation inconsistent with the storm water regulations contained in this Ordinance is hereby repealed to the extent of such inconsistency.

1.1.6 Rules Applying to Text in this Ordinance

When not inconsistent with the context, the present tense includes the future; words used in the singular include the plural. The word "shall" is understood to be mandatory, and the word "may" is merely suggestive.

1.2 Definitions

1.2.1 General

This Article sets forth the definitions of certain terms used within the Ordinance which have a meaning specific to the interpretation of the text of the Ordinance.

1.2.2 Undefined Words

Any word not defined herein shall first be interpreted as defined within Part 91, Public Act 451 of 1994, as amended, and where not defined there, shall be interpreted within its common and approved usage.

1.2.3 Definitions

The following terms and phrases shall have the meaning given herein, unless the context otherwise requires:

AGENT: The Township's engineer or other designated representative as determined from time to time by the Township Board.

APPEALS BOARD: The personnel appointed by East Bay Charter Township that will consider and decide appeals from decisions made by the Agent in administering and enforcing this Ordinance within the Township.

APPLICANT: The landowner, or the authorized agent for the property upon which a regulated earth change is proposed, and who has submitted an application for a Storm Water Management Permit.

CHANNEL: The portion of a stream, which conveys normal flows of water, or a ditch or other conveyance structure, excavated for the flow of water.

CERTIFIED PLANS: Plans prepared by, or under the direct supervision of, a State of Michigan licensed professional engineer or licensed landscape architect, and sealed by said professional. Depending upon the type of project proposed, the Township's Agent may require certified plans from another type of professional or specialist.

COMMERCIAL DEVELOPMENT: An activity, action or alteration of property that is proposed for the purpose of a commercial activity, such as retail sales, professional offices, multi-family residential structures for sale or rental, or any other purpose which includes access by the public for conducting business.

CONVEYANCE FACILITY (STRUCTURE): A surface or subsurface structure, pipe or channel which transports storm water from one location to another.

COUNTY DRAIN: Drains established and/or constructed pursuant to the Michigan Drain Code (Act 40 of 1956, as amended).

CREDITS (STORM WATER CREDIT): Reductions in the amount of storm water to treat or store onsite, gained through the use of low impact design.

DESIGN STANDARD (OR ENGINEERING DESIGN STANDARD): A specification or set of specifications that prescribes the methodology for developing storm water management facilities based upon a uniform set of standards, calculations, and procedures.

DESIGN STORM: A hypothetical rainfall event that is developed as a statistical relationship between actual rainfall intensity-duration-frequency data for modeling the effectiveness of a given drainage system.

DETENTION BASIN (POND): A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event (dry detention basin) or it may be a body of water with a fixed minimum and maximum water elevation between runoff events (wet detention basin).

DISCHARGE: The rate of flow of water through an outlet structure at a given point and time, typically measured in cubic feet per second (cfs) or gallons per minute (gpm).

DISTURBED AREA: An area of manipulated land, defined by the removal of vegetative cover, and/or earthmoving activities, and includes filling.

DRAINAGE: The interception and removal of water (groundwater or surface water) by natural or artificial means.

DOWNSTREAM PROPERTIES: Down gradient lands and waters which may receive storm water runoff and other surface water flows from the applicant's property, and are often subjected to the cumulative impact of upstream development.

DRAINAGE SYSTEM: All facilities, channels, and areas, which serve to convey, filter, store and/or receive storm water, either on a temporary or permanent basis.

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 soil erosion or sedimentation of the waters of the state. The term "earth change" as used in this Ordinance shall not apply to the practice of plowing and tilling soil for the purpose of crop production.

FLOOD: An overflow of surface water onto lands not normally covered by water. Floods have these essential characteristics: the inundation of land is temporary and results from unusually heavy precipitation and the land is inundated by overflow from a lake, pond, stream, and/or wetland, or is flooded by natural runoff.

FLOODPLAIN: The area of land adjoining a lake or stream which is inundated when the flow exceeds the capacity of the normal watercourse. For mapping purposes, floodplains are designated according to the frequency of the flood event, such as the 100-year floodplain or 500-year floodplain.

GRADING: Any stripping, clearing, stumping, excavating, filling, stockpiling or any combination thereof, and includes the land in its excavated or filled condition.

GRUBBING: To clear (ground) of roots and/or stumps.

IMPERVIOUS AREA: Surfaces that do not readily allow rainfall to infiltrate into the soil; examples include but are not limited to: roof area, paved or gravel driveways, parking areas, roads (both asphalt and gravel), or areas of heavy clay soils.

INDUSTRIAL USE: Any manufacturing, processing, fabrication, maintenance assembly, printing or improvement of articles or merchandise, warehousing, wholesaling, storage, or activities related to mineral extraction and processing; and other business enterprises not classified as commercial.

INFILTRATION: The downward movement or seepage of water from the surface into the subsoil and/or groundwater. The infiltration rate is expressed in terms of inches per hour.

MAINTENANCE AGREEMENT: A binding agreement between the landowner and the Township, which sets forth the location and design of best management practices as well as terms and requirements for storm water and erosion management facility maintenance, recorded with the Grand Traverse County Register of Deeds.

OFF-SITE FACILITY: Storm water management facility which is located partially or completely off the applicant's subject property.

ORDINARY HIGH WATER MARK: The line between upland and bottomland, which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake, which has a level established by law, it means the ordinary high-established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

OUTFALL: The point where water flows out from a conduit, drain, or stream.

PEAK DISCHARGE RATE (PEAK FLOW): The maximum calculated rate of storm water flow at a given point in a channel, watercourse, or conduit resulting from a predetermined frequency storm or flood, measured in cubic feet per second (cfs).

PERSON: Any individual, firm, partnership, association, public or private corporation, company, organization or legal entity of any kind, including governmental agencies.

RETENTION BASIN: A wet or dry storm water holding area, either natural or manmade, which does not have any outlet to adjoining watercourses or wetlands other than an emergency spillway.

PERMANENT MEASURES: Installations designed to manage storm water runoff after development is completed.

SITE: Any tract, lot, or parcel of land or combination of tracts, lots or parcels of land proposed for development.

STOP WORK ORDER: A notice for cessation of activity issued by the Agent to any person engaged in an activity in violation of this Ordinance including, but not limited to, grading and development activities.

STORM WATER MANAGEMENT FACILITIES: Any structure, facility, barrier, berm, vegetative cover, basin, or other measure, which serves to manage storm water.

STORM WATER MANAGEMENT PERMIT: Written statement along with supporting documentation and storm water management plan that is executed by the Agent and issued under the provisions of this Ordinance authorizing the applicant to engage in specified earth changes.

STORM WATER MANAGEMENT PLAN: Maps and written information prepared in accordance with specific standards identified within the Ordinance for a proposed land use or earth change. The storm water management plan describes the way in which storm water runoff will be managed during and after completion of the proposed development.

STORM WATER RUNOFF: Excess water that does not infiltrate into the soil, but instead flows over the surface of the ground or is collected in channels, watercourses or conduits and transported over a given drainage area.

STREAM: A moving body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. See Public Act 451 of 1994, as amended, Part 301, Inland Lakes and Streams Section 324.30101, Subparagraph E, as amended.

SWALE: Low lying grassed area with gradual slopes, which transports storm water, either on site or off site.

TEMPORARY MEASURES: Installations designed to manage storm water runoff during development or until soils in the contributing drainage area are stabilized.

TOWNSHIP: The Charter Township of East Bay, which lies in Grand Traverse County, MI.

WATERSHED: A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

1.3 Regulated Activities and Permit Requirements

1.3.1 Regulated Activities

Except as otherwise provided in this Ordinance, all earth changes described below shall be regulated activities and shall require a Storm Water Management Permit from the Agent, pursuant to Section 1.3.2 Permit Requirements, of this Ordinance:

1. Industrial, commercial, or other non-commercial but also non-residential development regardless of the size or location, with the following exception:

A proposal for redevelopment or alteration of an existing commercial or industrial site involving an increase in total impervious surface amounting to the lesser of 10% or 4,356 square feet shall be exempt from the requirements of this ordinance.
2. All subdivision developments as defined by Section 102 of Public Act 288 of 1967, as amended, regardless of size, location or environmental sensitivity.
3. All site condominium developments or condominium developments as defined by Public Act 59 of 1978, as amended, Section 559.101 et seq. of the Michigan Compiled Laws regardless of size, location or environmental sensitivity.
4. A mobile home park, manufactured housing development, or campground.
5. Public and private roads, which either provides access to four (4) or more parcels, are more than five hundred (500) feet in length, and/or have a grade of ten percent (10%) or greater.
6. A private driveway that is at a ten percent (10%) grade or greater, sloping down toward the intersecting road.

1.3.2 Permit Requirements

For purposes of this Ordinance, a Storm Water Management (SWM) Permit for regulated activities as identified in Section 1.3.1 Regulated Activities, is required before any earth changes commence. The SWM Permit requirements are independent of any other regulations governing the proposed earth change, such as soil erosion regulations or zoning requirements, which may require additional permitting through other enforcing agencies. The granting of a SWM Permit shall authorize only such earth changes for which the permit has been issued, and shall not be deemed to approve any development as a whole, or any other land use activities.

1.3.3 Permit Application Submittal

1. An application for a SWM Permit shall be submitted on the form provided by the Township's Agent, signed by the landowner or his/her duly authorized agent, and shall include a storm water management plan, prepared in accordance with Section 1.4 Storm Water Management Plan Requirements, along with the appropriate permit and review fees, prior to being considered by the Agent as an administratively complete application. The Agent may request additional storm water management plans or supporting documentation at his/her discretion during the permit review process.

2. The application for a SWM Permit shall be made, reviewed, and approved prior to the start of any earth change including construction of access roads, driveways, grubbing or grading. Permit approval shall be given prior to the initiation of any work activity. Any unauthorized work shall be considered a violation of this Ordinance subject to enforcement actions under Section 1.7 Stop Work Orders and Enforcement Action, regardless of any later actions taken toward compliance. Soil test borings including those utilizing reasonable backhoe test excavation, vegetative cutting for land surveys, percolation tests and normal maintenance shall not be considered a start of work under these regulations.

1.3.4 Certified Plans and Permit Applicability

Plans for a proposed earth change shall have requirements as shown in the following table:

Classification Number	Classification Description	Permit Required	Certified Plans Required
1.	Single Family Residential Home Construction with Less than 0.5 Acres of Earth Disturbance	No	No
2.	Single Family Residential Home Construction with from 0.5 Acres to 1 Acre of Earth Disturbance	Yes	No
3.	Single Family Residential Home Construction with greater than 1 Acre of Earth Disturbance, and Multi-Family Residential Developments	Yes	Yes
4.	Commercial Development, Industrial Use, Institutional, Private Roads, Developments, Sewer Main / Water Main Installation, unless exempted under Section 1.3.1.1	Yes	Yes

1.3.5 Sequential Applications

1. On development proposals that are so large or complex that a storm water management plan encompassing all phases of the project cannot reasonably be prepared prior to initial groundbreaking, an application for a sequential SWM Permit, based on successive major incremental earth change activities may be allowed. The Agent will only consider requests for sequential applications prior to submittal of the initial SWM Permit application.
2. Approval of sequential applications shall take place in two phases. First, the overall conceptual plan for the entire development shall be submitted for review and approval. Second, detailed plans for each phase of the total project shall be submitted for review and approval.
3. All permits processed and issued for phases of a project shall be clearly defined as to the nature and extent of work covered for that phase. Each phase of the project must be reviewed and permitted individually prior to construction.

1.3.6 Permit Application Review Period

An application for permit shall be acted upon within thirty (30) calendar days of receipt of an administratively complete application as determined by the Agent.

1.3.7 Permit Approval or Disapproval

1. If the Agent determines that the proposed storm water management plan complies with the standards in this Ordinance, a permit shall be issued specifying the work approved, along with any supplemental conditions. If the proposed storm water management plan does not comply with these standards, the permit request shall be modified by the applicant or denied. When necessary, the Agent may request additional information from the applicant upon which to base the permit decision.
2. The Agent shall notify the applicant in writing if the application is denied, citing the reasons for the denial.
3. The Agent shall notify the Township, after a permit decision has been made.

1.3.8 Permit Expiration or Revocation

1. SWM Permits shall terminate automatically upon completion of the project or one (1) year from the date of issuance, whichever occurs first. The applicant may request a one-year extension, which shall be reviewed and shall be granted by the Agent if he/she finds good cause for the extension and that the SWM regulations governing the proposed development and conditions on the site have not changed since the date the SWM Permit was first approved.
2. A SWM Permit issued by the Agent under this Ordinance may be revoked or suspended, subject to the provisions of Section 1.7 Stop Work Orders and Enforcement, for any of the following causes:
 - A. A violation of a condition of the permit.
 - B. Obtaining a permit by misrepresentation or failure to fully disclose relevant facts in the application or storm water management plan.
 - C. A change in a condition that requires a temporary or permanent change in the activity.

1.3.9 Permit Revisions

Revisions to an approved SWM Permit, permit condition, or approved storm water management plan shall first be approved by the Agent. The applicant shall make a written request for the proposed revision(s) to the Agent, including any supporting documentation that the Agent may require as a basis for making a decision regarding the proposed revision. Proposed revisions do not take effect until approved by the Agent. Construction of unapproved plan revisions may be subject to enforcement action.

1.3.10 Administrative Fee Schedule

1. All fees applicable under this Ordinance shall be specified in a fee schedule determined from time to time by resolution of the Township and maintained in the Agent's office.
2. Permit fees shall be directly related to the actual costs of administering the SWM Permit program, including design review, site inspection, enforcement and permit administration.
3. If the Agent determines that the basic fees will not cover the actual costs of the application review, then the applicant shall deposit with the Township such additional fees in an amount determined by the Agent equal to the estimated additional costs.

4. If the site plan is of a large or complex nature, the Agent may request that additional professionals contracted by the Agent review the submitted site plan. The costs incurred for such review(s) shall be the responsibility of the applicant. The applicant shall deposit with the Agent such fees in an amount determined by the Agent equal to the estimated costs.
5. The additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. The East Bay Charter Township Escrow Policy shall be followed for escrow procedures. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application is not completed, then the Agent may require the applicant to deposit additional fees into escrow in an amount determined by the Agent to be equal to the estimated costs to complete the review. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following the Township's Agent issuing a letter of compliance. Any actual costs incurred by the Agent in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of a letter of compliance.

1.3.11 Penalties for Initiating Earth Change Activities without a Permit

Any earth change activity, subject to regulation under this Ordinance, which has commenced without a valid permit, or is not proceeding in accordance with an issued SWM Permit, or is in violation of a permit condition, shall be considered a violation of this Ordinance and subject to the provisions of Section 1.7 Stop Work Orders and Enforcement Action, of this Ordinance.

1.4 Storm Water Management Plan Requirements

1.4.1 Storm Water Management Plan Requirements

A storm water management plan shall be prepared for any regulated earth change subject to SWM Permit requirements. The plan shall be designed to effectively manage the runoff from the site to not more than the rate and volume prior to development. Pretreatment of runoff shall be required if deemed necessary by the Agent. Administratively complete plans shall include the following:

1. A plan or plans at a scale of not more than one hundred (100) feet to the inch or as otherwise determined by the Agent, including the following:
 - A. A legal description
 - B. Site location sketch, which includes the property lines, proximity of any proposed earth change to lakes, streams, and wetlands, and shows the earth change location(s) and limits
 - C. Predominant land features
 - D. Legible contours at not more than 2-foot intervals.
2. A written description of the soil types of the exposed land area contemplated for the earth change.
3. A description and the location of the physical limits of each proposed earth change.

4. Location of all lakes, streams, and wetlands partially or completely contained within the boundaries of the site or within fifty (50) feet of the site boundary to the extent that the property owner has the ability of depicting the same.
5. A description and the location of all existing and proposed on-site storm water management facilities and measures.
6. The timing and sequence of each proposed regulated earth change.
7. A description and the location of all proposed temporary storm water facilities and measures.
8. A description and the location of all proposed permanent storm water facilities and measures.
9. Storm water calculations shall be provided in a clear and easy to follow format.
10. A program for the continued maintenance of all permanent storm water facilities and measures.
11. Other information, which the Agent requires to review the impact of the proposed earth change in relationship to the standards and requirements of this Ordinance.

1.4.2 Site Condominium and Subdivision Requirements

Applicants for site condominium or subdivision plat approval shall submit the same information as in Section 1.4.1 Storm Water Management Plan Requirements, of this Ordinance and may need to submit additional relevant information including but not limited to the following: off-site watershed boundaries, existing and proposed easements, and proposed drainage system including water movement onto and out of the proposed development.

1.4.3 General Standards for Approval of Storm Water Management Plans

Approval of a storm water management plan shall be based upon the following general provisions:

1. The Agent shall approve or disapprove storm water management permit applications and plans in accordance with the provisions of this Ordinance.
2. All regulated earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to provide for the retention/detention of storm water runoff and to protect water quality.
3. Measures required for storm water shall take into consideration natural features, proximity of the site to lakes, streams, and wetlands, extent of impervious surfaces, potential for flooding, and the size of the site.
4. Alteration to natural drainage patterns shall not create flooding down gradient or off-site.
5. Storm water management plans shall be designed in accordance with the specific design criteria in Section 2.0 Technical Design, of this Ordinance.

6. All maintenance agreements and their associated storm water management plans shall be recorded with the Grand Traverse County Register of Deeds by the applicant, at the expense of the applicant.

1.4.4 Offsite Storm Water Management

Storm water management facilities shall be constructed, operated and maintained on the applicant's property, without impact or degradation to downstream conveyance structures or properties. However, the applicant may request a waiver from the requirements for on-site storm water management by written petition to the Agent with the SWM Permit application. Where a request is made for off-site storm water management, the request shall comply with the following general criteria:

1. Off-site storm water management areas may be shared between two or more property owners or developments, provided that maintenance agreements have been approved by the Agent and storm water management easements have been obtained and recorded with the Grand Traverse County Register of Deeds by the applicant, at the expense of the applicant.
2. The storm water management easement shall contain language stating that the easement shall exist as long as said development exists and shall not be modified or terminated without the prior written authorization of the Agent. The Agent may only approve a modification or termination of this easement upon a determination that alternative means are available and will be used to improve, or equal, the handling and deposition of storm water generated from the development or redevelopment of the site.
3. Easements within County Drainage Districts shall require prior approval of the County Drain Commissioner.
4. Storm water management plan requirements specified in Section 1.4.3 General Standards for Approval of Storm Water Management Plans, and 1.4.4 Offsite Storm Water Management, and Section 2 the Technical Design, of this Ordinance shall be used as the basis for reviewing off-site storm water management proposals.

1.5 Maintenance, Inspection, and Access

1.5.1 Applicability

All temporary and permanent storm water management facilities shall be maintained and inspected during the life of the facility to provide adequate protection against adverse impacts from storm water runoff. Permanently installed storm water management facilities shall be routinely inspected and maintained by the property owner or designated qualified party to ensure the continued and proper operation of the facility for the protection of downstream properties. Maintenance records shall be kept indicating the date and items inspected and/or maintained.

1.5.2 Maintenance Requirements

Where maintenance is required, it shall be performed in accordance with the following general provisions, as well as any specific conditions that may be included with the SWM Permit.

1. All storm water management facilities and measures shall be maintained in accordance with the permit conditions.
2. The person(s) or organization(s) responsible for maintenance shall be designated in the storm water management plan or the permit application submitted to the Agent. Options may include:
 - A. The owner(s) of the property.

- B. Property owners association or other designated qualified party as determined by the Agent, if provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.
3. Maintenance agreements may be required by the Agent when the average annual cost of maintenance is reasonably expected to exceed \$500 per year and shall be required for all site condominium and subdivision plat proposals. When required, maintenance agreements shall specify responsibilities for financing maintenance and emergency repairs, including but not limited to the procedures specified in Section 1.4 Storm Water Management Plan Requirements, and Section 1.5 Maintenance, Inspection, and Access, of this Ordinance.
 4. The Agent is not required to accept the applicants' desired responsible party for maintenance purposes in a given situation. Natural features, proximity of site to lakes, streams and regulated wetlands, extent of impervious surfaces, size of the site and potential need for ongoing maintenance activities will be considered when making this decision, as well as the overall complexity of the storm water management facilities. Where deemed necessary by the Agent, third party maintenance may be required for the adequate protection of sensitive sites, or complex storm water management facilities.

1.5.3 Inspections

1. The Agent shall have the right to conduct on-site inspections of the storm water management facilities to verify compliance with the requirements of this Ordinance, including that maintenance is being performed as required by this Ordinance. Any such inspections may take place before, during, and after any earth change activity has occurred for which a permit has been issued. Submission of an application for a permit under this Ordinance shall be deemed as providing written consent for the Agent to conduct on-site inspections of the storm water management facilities. The Agent shall exercise this right to inspection by written consent of the person having the right to possession of the property, or by administrative search warrant issued by a court of competent jurisdiction.
2. If upon inspection, existing site conditions are found not to be as stated in the permit or approved storm water management plan, the permit may be revoked. No earth disrupting work shall be undertaken or continued, except preventative storm water measures as authorized by the Agent, until revised plans have been submitted and valid permit issued.

1.5.4 Revisions to an Approved Permit

1. Requests for revisions must be submitted to, and approved by the Agent in writing before being effective, unless approved by the Agent on site. If a change is approved on site, the following shall occur:
 - A. The Agent shall provide written verification of a change and/or revision within seven (7) days of the on-site approval.
 - B. The permit holder shall provide updated sealed drawings, calculations, etc. to reflect the changes and/or revisions within seven (7) days of the on-site approval.

1.5.5 Storm Water Management Easements

1. If any portion of the storm water management facilities will be located on property other than the property on which the storm water will originate, then the owner of the property on which the storm water will originate shall obtain a storm water management

easement from the owner of the property on which all or a portion of the storm water management facilities will be located. The storm water management easement shall define the scope of the easement to include at a minimum the legal right of the owner of the property on which the storm water will originate to access the property on which the storm water management facilities will be located for the purpose of installing, inspecting, and maintaining the storm water management facilities; shall run in perpetuity with the land benefitted by the easement, or until the storm water management facilities are removed, whichever is sooner; and shall be recorded in the office of the Grand Traverse County Register of Deeds.

2. A recorded copy of the storm water management easement shall be filed with the Agent prior to the issuance of a SWM Permit.
3. The recorded storm water management easement shall not be revoked, terminated, reconveyed, or amended without the prior written authorization of the Agent. Any such extinguished or revised storm water management easement shall be recorded in the office of the Grand Traverse County Register of Deeds, and a recorded copy shall be filed with the Agent.

1.6 Compliance Assurance

1.6.1 Performance Guarantees

1. Applicants proposing subdivision plats, site condominiums, road construction projects, or other developments identified by the Agent with a high potential for storm water management problems may be required to post a cash escrow, letter of credit, or other acceptable form of performance security in an amount sufficient to assure the installation and completion of the storm water management plan. For escrow procedures the East Bay Charter Township Escrow Policy shall be followed.
2. Letters of credit shall extend for a minimum of two (2) years with the option of renewal. Money held in escrow, cash deposits, and/or certified checks will be returned to the applicant after the Township's Agent issues a letter of compliance.

1.6.2 Construction Certification by a Registered Professional

1. For any sites that require certified plans in accordance with Section 1.3.4 Certified Plans and Permit Applicability, a certification letter shall be submitted by the registered professional after the storm water management facilities have been installed to affirm that construction has been completed in accordance with the approved storm water management plan.
2. If there are changes during the course of construction, sealed "record drawings" are required for final approval of the site work.
3. "Changes during construction," as used in this Section, includes, but is not limited to: unanticipated soil conditions, elevation, acts of God, or other changes in circumstances not anticipated during the initial application process.
4. Sites where certification by a competent State of Michigan Licensed Professional Engineer is Mandatory:
 - A. Certain activities listed under the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended).

- 1) Part 23, Pretreatment
 - 2) Part 31, Floodplain
 - 3) Part 41, Sewage Systems
 - 4) Part 111, Solid Waste
 - 5) Part 115, Hazardous Waste
 - 6) Part 307, Inland Lake Levels
 - 7) Part 309, Inland Lake Improvements
 - 8) Part 315, Dams
- B. Certain activities listed under the U.S. Environmental Protection Agency, Title 40 of the Code of Federal Regulations.
- 1) Part 112, Spill Prevention, Control and Counter Measures
 - 2) Part 122, Storm Water Pollution Prevention Plan (SWPS)

1.6.3 Letter of Compliance

The Agent shall issue a letter of compliance to the applicant after the following has occurred:

1. Receipt and approval of the certification letter in accordance with Section 1.6.2.
2. The site is completely stabilized to meet requirements set forth by the Agent.
3. Record drawings of the site, sealed by a State of Michigan Licensed Professional Engineer or Licensed Landscape Architect, are submitted to the Agent (if there were changes or revisions in accordance with Sections 1.5.4 Revisions to an Approved Permit, and Section 1.6.2.2).

1.7 Stop Work Orders and Enforcement Action

1.7.1 Stop Work Orders

1. If necessary to assure compliance with the permit requirements, standards, and other provisions of this Ordinance or to protect public health, safety and/or welfare, the Agent may issue a stop work order for the purpose of preventing uncontrolled storm water, or other conditions posing imminent and substantial danger to public health, safety, welfare or natural resources.
2. The stop work order, when issued, shall require all specified storm water activities to be stopped. Said order shall describe the specific alleged violation and the steps deemed necessary to bring the project back into compliance.
3. If the Agent determines, that storm water violations have or will reasonably occur from a parcel of land in violation of this Ordinance, it may seek to enforce the Ordinance by notifying the person who owns the land by mail, with return receipt requested, of its determination. The notice shall contain a description of specific storm water measures, which if implemented by the property owner, would bring the property owner into compliance.

1.7.2 Enforcement

1. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred and 00/100 Dollars (\$500.00). In addition, any person found responsible for a municipal civil infraction may be subject to an enforcement order issued by the District Court Judge requiring remedial action to bring the property into compliance with this Ordinance. Each day this Ordinance is violated shall be considered as a separate violation.

2. The Township Supervisor, and any other person designated by the Township Board, shall be the authorized official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
4. In addition to enforcing this Ordinance by a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.
5. The property owner shall reimburse the Township for all expenses incurred as a result of non-compliance with the permit, or non-compliance of this ordinance. Such expenses shall include, but are not limited to reasonable attorney's fees, administrative costs, inspection fees, and the costs of any remedial action taken.

1.7.3 Emergency Action

1. Where necessary to protect public safety or water resources, including lakes, streams, regulated wetlands, and other receiving bodies of water, the Township, through a Circuit Court abatement proceeding, may seek a temporary restraining order or preliminary injunction from the court authorizing entry onto private property for the purpose of initiating emergency action to abate imminent and substantial danger and risk.
2. Except as otherwise provided through maintenance agreements, the property owner shall reimburse the Township for all expenses incurred as a result of the emergency action, including but are not limited to reasonable attorney's fees, administrative costs, inspection fees, and the costs of any remedial action taken to abate the emergency condition.

1.8 Appeals

1.8.1 Right of Appeal

Any person aggrieved by the action or inaction of the Agent related to this ordinance may appeal to the Appeals Board.

All requests for appeal shall be filed in writing within 30 days of the action or inaction appealed from and shall include the basis of the appeal.

1.8.2 Appeals Process

In considering any such appeal, the Appeals Board may grant a variance from the terms of this ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that both of the following requirements are met:

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

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

1.9 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 the Ordinance shall not be affected.

2.0 Technical Design

2.1 Temporary Storm Water Management Standards

1. Temporary storm water management facilities shall be installed by the applicant before grading, filling or grubbing is initiated.
2. Where permanent storm water management facilities, such as detention or retention basins are proposed for use during construction as a temporary storm water management measure, the construction sequence and grading plan shall be designed for the proper and effective implementation of these facilities. In such cases the construction sequence shall be indicated on the plans.
3. Temporary storm water management measures shall be maintained throughout the duration of the earth change, including the later stages of development. Maintenance activities may include, but are not limited to removal of accumulated sediment, structural repairs, and reseeded or replacement of temporary vegetative covers.
4. Temporary storm water management facilities shall be designed in accordance with the Michigan Department of Environmental Quality (MDEQ) Best Management Practices (BMP) Guide Book for Michigan Watersheds.
5. At a minimum, during construction all regulated earth changes shall be required to provide temporary storm water management that either contains the volume of runoff generated from a 10-year, 24-hour design storm on-site for all disturbed area, or to provide silt fencing or other permeable barriers that will manage the flow of storm water discharging off-site, diffusing it and releasing it at reduced velocities, where such discharge will not adversely impact downstream properties.

2.2 Permanent Storm Water Management Standards – General

1. Storm Water Management Plan Preparation:
 - A. Various proposed types of land uses will require plans to be prepared by one or more of the following licensed professionals: State of Michigan Licensed Professional Engineer, and/or Licensed Landscape Architect.
 - B. If the site plan is of a large and complex nature, the Agent may require that other additional type specialists/professionals prepare it.
2. On-site storm water management facilities, which minimize adverse impact to downstream properties, shall be required, and shall include storm water volume and treatment for all sites unless a proposal for off-site storm water management has been approved.
 - A. Storm water volume control facilities may include, but are not limited to dry/wet retention basins/ponds, dry/wet detention basins/ponds, and controlled outfall structures.
 - B. Storm water treatment facilities may include, but are not limited to storm water treatment units, rain gardens or other bio-filtration systems and/or treatment forebay systems.
3. The Table in Appendix A provides a brief summary of acceptable Storm Water Run Off calculation methods. Additional information and/or explanations are following herein.

4. Retention and detention basins shall have an emergency overflow system where possible. The overflow system shall be designed to accommodate flow from a 100-year, 24-hour storm event, and the route shall be indicated on the plans. If no emergency overflow is available, then the volume from back-to-back 100-year, 24-hour storm events must be held on the site without detriment to buildings, roads, etc. The plans must clearly indicate this area along with pertinent elevations.
5. Emergency overflow routes shall not discharge to a stream, lake, wetland, roadway ditch, or anywhere else if they will cause scouring, flooding or pollution on site or downstream.
6. Sites that are less than one (1) acre in size and are located in areas serviced with a storm sewer system and that have the approval of the storm sewer system owner may discharge storm water to that system after it has been treated with an approved separator system that removes sixty percent (60%) of sediments, without other storm water volume control facilities being required.
7. The rainfall amounts for Grand Traverse County shall be the numbers given by the Natural Resources Conservation Service for 24-hour duration and are as follows: 1-year storm equals 1.62 inches; 2-year storm equals 2.09 inches; 5-year storm equals 2.70 inches; 10-year storm equals 3.21 inches; 25-year storm equals 3.89 inches; 50-year storm equals 4.47 inches; 100-year storm equals 5.08 inches.
8. The maximum grade for the side slopes of any storm water retention or detention basin shall be no greater than 3:1 (horizontal to vertical) for vegetated basins. Where, due to site limitations, this maximum side slope grade cannot be met, the Agent may grant an increase in the slope, provided additional stabilization (beyond seed and mulch) is proposed.
9. Storm water basins with permanent pools of water of three (3) foot depth or greater with side slopes steeper than one (1) on six (6) shall have one or more of the following safety features:
 - A. Safety ledges at the basin perimeter, which are at least ten (10) feet wide
 - B. Aquatic vegetation surrounding the basin, which discourages wading
 - C. Fencing to prevent unauthorized access to the basin.
10. Storm water detention basins shall not be constructed in regulated wetlands unless approved by the appropriate State of Michigan agency and/or the Army Corps of Engineers.
11. Storm water detention basins which impound five (5) acres or more and have a head of six (6) feet or more shall meet dam construction permit requirements in Part 315 of Act 451 of 1994, as amended, administered by the Michigan Department of Environmental Quality.
12. If space allows, and if the applicant would like to receive storm water credits or volume reduction, low impact design methods may be utilized. Such methods may include rain gardens, constructed wetlands, bio-filtration areas, etc. and must be proven methods with documentation demonstrating its usage in the area is appropriate.

The documentation may be from a reputable manufacturer, manual, or certified professional specializing in such techniques, and must show the basis for the credit or volume reduction. When the applicant is proposing low impact design methods, the following must be provided with the application:

- A. The name of the chosen method(s) and documentation supporting proper applicability of the method to the area.
 - B. Calculations, in an easy to follow format, showing the proposed credit or volume reduction.
13. The required storm water control volume may be reduced by the Agent by an amount not to exceed fifty percent (50%) if rain gardens are implemented and demonstrate the ability to accommodate an equivalent amount of storm water.
 14. Storm water management basins designed for retention or detention shall be isolated from septic systems and water wells by fifty (50) feet or more. Variations in this setback may be granted by the Grand Traverse County Health Department prior to the issuance of a Township Storm Water Management permit if confirmation of Health Department allowance is provided to the Agent.
 15. New fueling stations will be required to install an approved oil/water separator system for sites that discharge storm water off-site. Existing fueling stations that are modifying more than twenty-five percent (25%) of their existing impervious surfaces will be required to install an approved oil/water separator system if they discharge storm water off-site.

2.3 Storm Water Volume Control Facilities

2.3.1 Retention Basin Design

1. Small projects in areas that have less than one-half (0.5) acre of impervious surface shall be allowed to have runoff retention stored at two inches (2") of runoff from all impervious surface areas in lieu of detailed hydrologic calculations.
2. At a minimum, retention basins created in soils with permeability greater than 1.3 inch per hour shall have the storage capacity to hold the increase in runoff volume generated by the earth change. The required volume shall be calculated by comparing the undeveloped conditions for a 2-year, 24-hour frequency storm event, to the post developed condition for the storm event listed in the Table of Design Storage Volume in Appendix A, less the permeability rate of the retention basin soil.
3. Infiltration of runoff within the basin may be used to reduce the required storage volume subject to the following provisions:
 - A. An infiltration test with a report must be done within each proposed basin to a depth of 5' below the bottom of the basin.
 - B. The permeability rate must be determined in accordance with the latest version of the Michigan Criteria for Subsurface Sewage Disposal, or other method pre-approved by the Agent.
 - C. The maximum allowable infiltration rate used in the calculation for runoff storage shall be 0.5 times the actual measured infiltration rate, or 4 inches per hour, whichever is smaller.

- D. The most restrictive soil lens must be used in the infiltration calculation. The topsoil lens may be the most restrictive in sandy soils. If necessary specify only sandy topsoil is to be used in the basin bottom.
- E. Maximum allowable deduction for the infiltration volume shall be based on a 24-hour period or the time of concentration – whichever was used in the total runoff volume calculation.
- F. Soil permeability rates are listed in the following table:

Soil Texture & Structure Permeability	(Inches/Hour)
Coarse Sand and Medium Sand	6 or more
Fine Sand and Loamy Sand	3 – 6
Sandy Loam	2 – 3
Loam, Sandy Clay Loam	1.3 – 2
Clay Loam, Silt Loam, Clays, Silts, Muck, Peat, Marl	Less than 1.3

- 4. At a minimum, retention basins, which are created in soils with permeability less than 1.3 inch per hour, shall be designed to store runoff from a 100-year, 24-hour rainfall event.
- 5. Retention basins shall be designed to drain within seventy two (72) hours.
- 6. For retention basins without emergency overflow outlets, the maximum water level during back-to-back 100-year, 24-hour storm events must be calculated without deduction for infiltration. This level shall be shown on the plan along with the areas outside of the basin that will be inundated with runoff. This water must remain on site and may not cause damage. This is necessary to ensure buildings, roads, etc. will not be flooded during frozen soil conditions. Note: the basin will be sized using the allowable infiltration rate but this second calculation must be used for safety and flood control.

2.3.2 Detention Basin Design Standards

- 1. When using the Soil Conservation Service Method (TR-55), or any of the other acceptable methods indicated, the volume of a detention pond is to be calculated based upon the storm event and condition shown in the Table of Design Storage Volume in Appendix A.

The allowable outflow will be either of the following (3) amounts:

- A. 2-year, 24-hour storm based upon the pre-existing site conditions
- B. 10% of the flow rate calculated by the developed site conditions analysis indicated above. (The TR-55 program does not accept lower values than 10% of the developed rate.)
- C. 0.13 cfs/acre

2. All sites with greater than one (1) acre of impervious surface will require the detention outflow to be directed to approved storm systems or have the approval of adjacent property owners, with documented easements, or one can release at a 2-year, 24-hour pre-construction rate if it can be determined that there is not a flooding hazard on the adjacent property. Low porosity in the soils in the area of discharge and depressions in the land would be examples of reasons to deny detention out-flowing at a 2-year rate.
3. Sites that have three (3) acres or more of parking area must, in addition, have an approved separator system to remove impurities before discharging to the detention/retention pond or install an approved treatment forebay.

2.3.3 Storm Water Wetlands or Wet Basin Design

All of the detention basin design criteria also apply to the design of storm water wetlands. Additional criteria exclusive to storm water wetlands is presented in this section.

1. Physical Feasibility
 - A. A water balance must be performed to demonstrate that a storm water wetland can withstand a 30-day drought at summer evaporation rates without completely drawing down.
2. Design Criteria
 - A. The surface area of the entire storm water wetland shall be at least 1% of the total drainage area to the facility.
 - B. At least 25% of the total water quality volume shall have a minimum depth of 4 feet (deep water). The forebay and micro pool may meet this requirement.
 - C. A minimum of 35% of the total surface area shall have depth of 6 inches or less (high marsh), and at least 65% of the total surface area shall be shallower than 18 inches (low marsh).
3. Controls
 - A. A micro pool shall be located at the outlet of the storm water wetland to protect the low flow pipe from clogging and prevent sediment resuspension.
 - B. The micro pool shall be 3 to 6 feet deep, and have a minimum surface area equivalent to that of the forebay.
4. Geometry
 - A. An overall length to width ratio of 1.5:1 (length: width [L:W]) is recommended.
 - B. Irregular flow paths shall be used to maximize flow length from inflow to outflow points. These paths may be achieved by constructing internal berms (high marsh wedges, rock filters).
 - C. Micro topography is encouraged to enhance wetland diversity.
5. Landscaping- A landscape plan shall be prepared by a qualified wetland consultant and indicate methods used to establish and maintain wetland coverage. Minimum elements of the plan include:
 - Delineation of pondscape zones
 - Selection of corresponding plant species
 - Planting configuration
 - Sequence for preparing wetland bed
 - Schedule for planting
 - Re-use of existing wetland material

- Suitable (hydric) soils
6. Maintenance-If a minimum coverage of 50% is not achieved in the planted wetland zone after the second growing season, reinforcement planting will be required until such coverage is met.

2.3.4 Storm Water Separator Design Standards

1. Approved separators are to remove a minimum of sixty percent (60%) of sediments.
2. Treatment forebay criteria – The treatment forebay is designed to store the “first flush” of pollutants typically found in urban storm water runoff, and to capture initial flush pollutant loads.
 - A. The treatment forebay shall be a wet basin or approved structure with an impermeable bottom and sides to the design high water level.
 - B. Sizing – The treatment forebay shall be sized to store the water quality volume (V_{wq}) defined as one-half (0.5) inch of runoff from the directly connected impervious area. This volume can be included in the overall flood control volume.
 - C. The minimum required water quality volume is given by the equation:

$$V_{wq} = 1815 \times A \times Imp$$
 Where: V_{wq} = Water quality volume (cft)
 $1815 = 0.5$ inch of runoff \times 3,630 to convert ac-in to cft
 A = Contributing drainage area (acres)
 Imp = Percent of contributing drainage area that is impervious, expressed as a ratio.
 - D. Capacity for the water quality volume shall be provided above the normal water level.
 - E. The overflow structure from the treatment forebay shall be sized for the peak inflow from the design rainfall event.
 - F. The top-of-berm elevation between the treatment forebay and the infiltration basin shall be a minimum of one (1) foot below the outer berm elevation.
 - G. The treatment forebay shall have a minimum 1-foot-deep sump below the inlet pipe for sediment accumulation.
 - H. The outlet structure from the treatment forebay shall be designed to draw water from the central portion of the water column with the forebay to trap floatables and contain sediments.
 The top of the inlet structure shall be located a minimum of one (1) foot below the normal water level, and the invert shall be a minimum of one and one-half (1.5) feet above the bottom of the treatment forebay.
 - I. Material – Treatment forebays shall be lined with impermeable materials extending up to the design high water elevation. A minimum 18-inch-thick clay layer or an impermeable liner protected with a minimum of twelve (12) inches of soil cover are acceptable alternatives. Maximum allowable permeability shall be 0.0001417 inch/hour as determined by a geotechnical engineer for clay placement, or manufacturer’s certificate for liner products.

2.3.5 Underground Storm Water Management Facilities

If the use of storm water retention or detention basins, either on-site or off-site is not feasible and the permeability of the soils is greater than 1.3 inch per hour, the installation of underground drainage systems (catch basins / manholes with open bottoms with stone and/or run(s) of perforated piping) may be allowed if they provide for detention or retention volumes as stated in this Township Storm Water Ordinance.

The perforated piping and dry basin structure(s) cannot be considered to provide for any outflow when calculating volumes for the detention system design. All underground drainage systems must provide the following:

- A. Catch basins or separator systems, sediment basins, silt traps for storm water flowing to the underground drainage system
- B. An approved overflow system
- C. Adequate provisions for maintenance
- D. The bottom of the system must be at least 4' above the high groundwater table.

Appendix A

Appendix A

East Bay Township Storm Water Ordinance, Summary Tables

Table 1: Table of Storm Water Calculation Method:

Classification Number	Classification Description	Storm Water Calculation Options			
		Simple Method (Store 2" on All Impervious)	Rational Method	NRCS TR-55 Method	MDEQ-SCS Method
1	Impervious Area < 0.5 Acres	X	X		
2	Project Area < 20 Acres		X	X	X
3	Project Area > 20 Acres			X	X
4	Time of Concentration < 10 hours Time of Concentration > 10 hours Project Area < 2 Square Miles				X

Table 2: Table of Design Storage Volume:

Classification Number	Classification Description	Has Emergency Overflow?	Is Permeability > 1.3"/hr?	Basin Has Slow Release? (not infiltration)	Volume of Storage Required				Store Back-to-Back 100-Yr Storms Onsite	Is Volume Reduction Available Through Credits for Permeable Soils?	Is Volume Reduction Available Through Credits for Low Impact Design?
					25-yr Storage	50-yr Storage	100-yr Storage				
1	Retention Basin	Y	Y	N	X				Y	Y	
2	Retention Basin	N	Y	N		X		X	Y	Y	
3	Retention Basin	Y	N	N			X		N	Y	
4	Retention Basin	N	N	N			X	X	N	Y	
5	Detention Basin	Y	N	Y	X				N	Y	
6	Detention Basin	N	N	Y		X		X	N	Y	

Appendix B

EAST BAY CHARTER TOWNSHIP
 1965 NORTH THREE MILE ROAD
 TRAVERSE CITY, MICHIGAN 49696
 TELEPHONE: (231) 947-8647
 FAX: (231) 922-2094

Permit #:
Date Applied:
Expiration:
Receipt #:

PERMIT APPLICATION FOR STORM WATER MANAGEMENT

EAST BAY CHARTER TOWNSHIP STORM WATER MANAGEMENT ORDINANCE

APPLICANT: Owner Developer Contractor Other

Name:		Address:	
City:	State:	Zip:	Phone:

SITE LOCATION INFORMATION: NOTE - ONE COMPLETE SET OF PLANS MUST BE ATTACHED.

Township:	Section:	Town:	Range:	Subdivision:	Lot #:
Address:			City:		
State:	Zip:	Property Tax #:			

PROPOSED EARTH CHANGE:

Type of Change:	Size of Earth Change:
MDEQ Permit # (If Applicable):	
Excavation Start Date:	Date to be Completed:
Permit Fee: \$	

REASON FOR PERMIT:

<input type="checkbox"/> Within 500' of Lake or Stream Estimated Distance to Lake or Stream: _____ Name of Water Body: _____	<input type="checkbox"/> Slopes of 10% or Greater
<input type="checkbox"/> Acreage (Soil Disturbance of 1 Acre or More)	<input type="checkbox"/> Heavy Clay Soils
<input type="checkbox"/> Commercial Site	<input type="checkbox"/> Township Required
<input type="checkbox"/> Within 100' of Protected Wetlands	<input type="checkbox"/> Drain Easement Onsite
	<input type="checkbox"/> Within a Drainage District
	<input type="checkbox"/> Other: _____

PARTIES RESPONSIBLE FOR EARTH CHANGE:

Name of Property Owner of Record (If Other than Applicant):			
Mailing Address:			
City:	State:	Zip:	Phone:

Name of Person "Onsite" Responsible for Earth Change:		Cell Phone:	
Company Name:			
Mailing Address:			
City:	State:	Zip:	Phone:

I (we) affirm that the above information is accurate and that I (we) will conduct the above described earth change in accordance with Part 91, Soil Erosion & Sedimentation Control, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, and the East Bay Charter Township Storm Water Management Ordinance, its corresponding rules, applicable local ordinances and the agreements accompanying this application.

Owner's Signature:	Print Name:	Date:
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Owner's Signature:	Print Name:	Date:
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*Designated Agent must have a written statement from landowner authorizing him/her to secure a permit in the landowner's name.

ENFORCEMENT Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred and 00/100 Dollars (\$500.00). In addition, any person found responsible for a municipal civil infraction may be subject to an enforcement order issued by the District Court Judge requiring remedial action to bring the property into compliance with this Ordinance. Each day this Ordinance is violated shall be considered as a separate violation.

PERMIT PROCEDURES

In accordance with the East Bay Charter Township Storm Water Management Ordinance and their corresponding General Rules, the undersigned herewith makes application for a permit to undertake a proposed earth change. Permit requirements will be as follows:

1. A person proposing to undertake an earth change shall submit a permit application form for a Township permit to the Township. In land development, the application shall be submitted by the landowner or their designated agent (a person who has written authorization from the landowner to sign the application and secure a permit in the landowner's name), whoever is responsible for the earth change.
2. The application shall be accompanied by a Storm Water Management Plan and any other document that the Township or their Agent may require.
3. The Storm Water Management Plan shall be reviewed by the Township's Agent who is trained and experienced in storm water management.
4. The Township's Agent shall approve, disapprove or require modification of an application for a Storm Water Management Plan permit within 30 calendar days following receipt of an administratively complete application. Notification of disapproval shall be made by certified mail with the reasons for disapproval and conditions required for approval.
5. An application form shall be provided to the applicant by the Township or the Township's Agent.
6. A Township permit shall include any additional provisions that may be required. The permit shall be available on the site of the earth change for inspection.
7. Upon a determination that an applicant has met all the requirements of the Township ordinance, the Township shall issue a permit for the proposed earth change.
8. An "authorized public agency" is exempt from obtaining a permit from the Township, but shall notify the Township of each proposed earth change.