

AN ORDINANCE

of the City Council of the City of Berkley, Michigan to Add New Article XII, Residential Grading & Drainage Standards, to Chapter 26, Buildings and Building Regulations, of the City of Berkley Code of Ordinances to Establish Standards for Residential Grading and Drainage and to Prescribe a Penalty for Violations.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article XII shall be added to Chapter 26 of the Berkley City Code, as follows:

ARTICLE XII. – RESIDENTIAL GRADING & DRAINAGE STANDARDS

Sec. 26-334. Purpose.

The purpose of this article is to establish standards for residential grading and drainage.

Sec. 26-335. Residential Grading & Drainage

In accordance with *Michigan Residential Code* standards, grading, as it relates to residential structures, shall be so developed as to drain storm and surface water away from residential dwellings to an approved place of discharge. All new buildings and structures shall be constructed at the elevation of the average grade unless otherwise approved by the building official. New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties. The existing or natural drainage of lands shall not be altered so as to obstruct, impede, accelerate, channel, or concentrate the flow of storm or surface water onto or from the lands of another so as to cause damage thereto or create a nuisance thereon.

Sec. 26-336. Grading Plan.

- (a) *Required.* Prior to the issuance of a building permit for any residential building or structure, other than for remodeling or work within an existing structure not affecting the land outside of the structure, and prior to any grading or other land improvement which might or will alter or change drainage or result in or contribute to soil erosion or sedimentation, the owner, building contractor and/or landscape contractor shall file a grading plan with the Building Department. The grading plan shall be sealed and prepared by a licensed engineer, surveyor, or architect.
- (b) *Contents.* The plan shall depict ~~two~~ one-foot or less contours of the area, shall be on a scale of at least one inch equals 100 feet and shall show all property within 100 feet of the property for which the permit is being sought. Specifically, the plan shall include the following:
 - 1. A topographic survey indicating, existing grades, proposed finished grades, grades of all buildings and structures

2. The location and elevations of all utilities, including manholes on or within 100 feet of the property;
 3. Slope, type of construction and location of existing and proposed driveways;
 4. Provision for temporary and permanent soil erosion and sedimentation control in accordance with, but not necessarily limited to, the minimum control measures required in the soil erosion and sedimentation control standards and specifications developed by the county;
 5. A calculation that estimates the annual amount of rainwater and frequency of runoff for the existing structure or vacant parcel. Estimates shall be based upon on local soil conditions, land cover, and historic rainfall records;
 6. A calculation that estimates the annual amount of rainwater and frequency of runoff for the new construction. Estimates shall be based upon local soil conditions, land cover, and historic rainfall records; and
 7. Detailed plan indicating how any additional water flow will be managed.
- (c) *As Builts.* Sealed “As Built” drawings must be submitted to the Building Department at the completion of construction. No Certificate of Occupancy or temporary Certificate of Occupancy shall be issued without City approved “As Built” drawings.
- (d) *Certification.* The plan shall be prepared and signed or sealed by a registered civil engineer, architect or land surveyor.
- (e) *Small Projects.* No grading plan shall be required for landscaping, farming, gardening, or other land improvements of a minor nature that do not materially affect, alter, or disrupt drainage, or cause soil erosion or sedimentation, in violation of this Article. The Building Department may request and review an informal plan to determine whether a more detailed grading plan under subsections (a) and (b), above, if necessary.

Sec. 26-337. Violations

Violations of this article shall be misdemeanors and will also be considered to be a Nuisance that the City may abate in accordance with the abatement procedures in Chapter 78 Nuisances.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

SECTION 4: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.


SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, May 6, 2019.

Passed on the Second Reading at the Regular City Council Meeting on Monday, May 20, 2019.

Attest:


Phommady A. Boucher
City Clerk


Daniel J. Terbrack
Mayor