

ARTICLE IV. - STORMWATER CONTROL

FOOTNOTE(S):

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Editor's note— Ordinance No. 04-249, adopted 12-14-04, amended Art. IV in its entirety to read as herein setout. Former Art. IV pertained to similar subject matter and derived from Ord. No. 92, Arts. I—XI, adopted 7-13-82.

Cross reference— Plumbing code, § 6-51 et seq.; drainage improvements and subdivisions, § 21-42. [\(Back\)](#)

DIVISION I. - GENERALLY

Sec. 23-110. - Statutory authority.

This article is adopted in accordance with the Home Rule City Act, Act 279 of the Public Acts of Michigan of 1909, as amended; the Drain Code of 1956, Act 40 of the Public Acts of Michigan of 1956, as amended; the Land Division Act, Act 288 of the Public Acts of Michigan of 1967, as amended; the Revenue Bond Act, Act 94 of the Public Acts of Michigan of 1933, as amended; the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan of 1994, as amended; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, 33 USC 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-111. - Findings.

The city finds that:

- (1) Water bodies, roadways, structures, and other property within, and downstream of the city are at times subjected to flooding;
- (2) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the city and the region;
- (3) Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
- (4) Stormwater runoff produced by land development contributes to increased quantities of waterborne pollutants;
- (5) Increases of stormwater runoff, soil erosion, and nonpoint source pollution have occurred as a result of land development, and cause deterioration of the water resources of the city and downstream municipalities;
- (6) Stormwater runoff soil erosion, and nonpoint source pollution, due to land development within the city, have resulted in a deterioration of the water resources of the city and downstream municipalities;
- (7) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the city will, absent reasonable regulation and control, adversely affect the city's water bodies and water resources, and those of downstream municipalities;
- (8) Stormwater runoff, soil erosion, and nonpoint source pollution can be controlled and minimized by the regulation of stormwater runoff from development;

- (9) Adopting the standards, criteria and procedures contained herein and implementing the same will address many of the deleterious effects of stormwater runoff;
- (10) Adopting these standards is necessary for the preservation of the public health, safety and welfare;
- (11) Illicit discharges contain pollutants that will significantly degrade the city's water bodies and water resources;
- (12) Illicit discharges enter the municipal separate storm sewer system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets); and
- (13) Establishing the measures for controlling illicit discharges and connections contained herein and implementing the same will address many of the deleterious effects of illicit discharges.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-112. - Purpose.

It is the purpose of this article to establish minimum stormwater management requirements and controls to accomplish, among others, the following objectives:

- (1) To reduce artificially induced flood damage;
- (2) To minimize increased stormwater runoff rates and volumes from identified new land development;
- (3) To minimize the deterioration of existing watercourses, culverts and bridges, and other structures;
- (4) To encourage water recharge into the ground where geologically favorable conditions exist;
- (5) To prevent an increase in nonpoint source pollution;
- (6) To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
- (7) To minimize the impact of development upon stream bank and stream bed stability;
- (8) To reduce erosion from development or construction projects;
- (9) To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;
- (10) To reduce stormwater runoff rates and volumes, soil erosion, and nonpoint source pollution, wherever practicable, from lands that were developed without stormwater management controls meeting the purposes and standards of this article;
- (11) To reduce the adverse impact of changing land use on water bodies and, to that end, establish minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient stormwater management controls;
- (12) To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user;
- (13) To prohibit illicit discharges and connection to the municipal separate storm sewer system; and
- (14) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance herewith.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-113. - Applicability, exemptions and general provisions.

- (1) The provisions of this article shall apply to any development site which requires approval of a plat, a site development plan, building permit, or any other permit for work which will alter stormwater drainage characteristics of the development site, provided, however, that this article shall not apply to the following:
 - (a) The installation or removal of individual mobile homes within a mobile home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park.
 - (b) Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to livestock production facilities as defined in this article, greenhouses and other similar structures.
 - (c) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this article, where such approvals remain in effect.
- (2) The provisions of this article shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-114. - Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise:

- (1) *Authorized enforcement agency.* The city manager or persons designated by the city manager to enforce this article.
- (2) *Base flood.* A flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (3) *Base flood elevation.* The high water elevation of the base flood, commonly referred to as the "100-year flood elevation".
- (4) *Base floodplain.* The area inundated by the base flood.
- (5) *Best management practices (BMP).* A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality's Guidebook of BMP for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this article (including, but not limited to minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the city's engineer, and, where appropriate, the standards of the drain commissioner.
- (6) *Building opening.* Any opening of a solid wall, such as a window or door, through which floodwaters could penetrate.
- (7) *Clean Water Act.* The Federal Water Pollution Control Act, 33 USC 1251, et seq., as amended, and the applicable regulations promulgated thereunder.
- (8) *Construction site stormwater runoff.* Stormwater runoff from a development site following an earth change.
- (9) *Detention.* A system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate.
- (10) *Developed or development.* The installation or construction of impervious surfaces on a development site that require, pursuant to State law or local ordinance, the city's approval of a site plan, plat, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for purposes of division 2 hereof only, developed or development shall not include the actual construction of, or an

addition, extension or modification to, an individual single-family or a two-family detached dwelling.

- (11) *Developer*. Any person proposing or implementing the development of land.
- (12) *Development site*. Any land that is being, or has been, developed, or that a developer proposes for development.
- (13) *Discharger*. Any person or entity who directly or indirectly discharges stormwater from any property. Discharger also means any employee, officer, director, partner, member, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this article.
- (14) *Drain*. Any drain as defined in the Drain Code, Act 40 of the Public Acts of Michigan of 1956, as amended, other than an established county or inter-county drain.
- (15) *Drain commissioner*. The Ottawa County Drain Commissioner.
- (16) *Drainage*. The collection, conveyance, or discharge of ground water and/or surface water.
- (17) *Drainage-way*. The area within which surface water or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.
- (18) *Earth change*. A human made change in the natural cover or topography of land, including cut and fill activities. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.
- (19) *EPA*. The United States Environmental Protection Agency.
- (20) *Erosion*. The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.
- (21) *Exempted discharges*. Discharges other than stormwater as specified in section 23-151 hereof.
- (22) *Flood or flooding*. A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.
- (23) *Floodplain*. Any land area subject to periodic flooding.
- (24) *Flood protection elevation*. The base flood elevation plus one (1) foot at any given location.
- (25) *Floodway*. The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth (1/10) of one (1) foot due to the loss of flood conveyance or storage.
- (26) *Grading*. Any stripping, clearing, stumping, excavating, filling, leveling and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.
- (27) *Hazardous materials*. Any material, including any substance, waste, or combination thereof which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (28) *Illicit connection*. Any method or means for conveying an illicit discharge into water bodies or the city's stormwater system.
- (29) *Illicit discharge*. Any discharge to water bodies that does not consist entirety of stormwater, discharges pursuant to the terms of an NPDES permit, or exempted discharges as identified in this article.
- (30) *Impervious surface*. A surface, such as a paved or gravel driveway, roof parking area or road that prevents the infiltration of water into the soil.

- (31) *Livestock production facilities.* An agricultural activity in which one hundred (100) or more livestock are fed, bred and/or raised within a confined area, other than an open pasture either inside or outside an enclosed building.
- (32) *MDEQ.* The Michigan Department of Environmental Quality.
- (33) *Municipal separate storm sewer system (MS4).* A publicly owned conveyance system designed or used for collecting or conveying stormwater.
- (34) *NPDES.* The National Pollution Discharge Elimination System.
- (35) *NPDES permit.* A national pollutant discharge elimination stormwater discharge permit issued by EPA (or by the state under authority delegated pursuant to Section 1342(b) of the Clean Water Act) that authorizes the discharge of pollutants to waters of the United States; whether the permit is applicable on an individual, group, or general area-wide basis.
- (36) *Non-stormwater discharge.* Any discharge to the storm drain system that is not composed entirely of stormwater.
- (37) *Overland flow-way.* Surface area that conveys a concentrated flow of stormwater runoff.
- (38) *Person.* An individual, firm, partnership, association, public or private corporation, limited liability company, public agency, instrumentality, or any other legal entity.
- (39) *Plan.* Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this article.
- (40) *Pollutant.* A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.
- (41) *Premises.* Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (42) *Property owner.* Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.
- (43) *Retention.* A system which is designed to capture stormwater and contain it until it infiltrates the soil or evaporates.
- (44) *Soil erosion.* The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.
- (45) *State.* The State of Michigan.
- (46) *State water quality standards.* All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan of 1994, as amended.
- (47) *Storm drain.* A system of open or enclosed conduits and appurtenant structures intended to convey or manage stormwater runoff ground water and drainage.
- (48) *Stormwater permit.* A permit issued by the city pursuant to this article.
- (49) *Stormwater pollution prevention plan.* A document which describes the BMP and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.
- (50) *Stormwater runoff.* The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.

- (51) *Stormwater management facility*. The method, structure, area, system, or other equipment or measures which are designed to receive, control, store, or convey stormwater.
- (52) *Stream*. A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.
- (53) *Wastewater*. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
- (54) *Water body*. A river, lake, stream, creek or other watercourse or wetlands.
- (55) *Watershed*. A region draining into a water body.
- (56) *Wetlands*. Land characterized by the presence of hydric soils and water at a frequency and duration sufficient to support wetland vegetation or aquatic life.

(Ord. No. 04-249, § 1, 12-14-04)

Secs. 23-115—23-129. - Reserved.

DIVISION 2. - STORMWATER PERMIT

Sec. 23-130. - Permit required.

- (1) A developer shall not engage in any development without first receiving a stormwater permit from the city pursuant to section 23-131
- (2) The granting of a stormwater permit shall authorize only such development for which the permit is required, subject to the terms of the permit, and it shall not be deemed to approve other development or other land use activities.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-131. - Stormwater permit review procedures.

The city shall grant a stormwater permit, which may impose terms and conditions in accordance with section 23-138, and which shall be granted only upon compliance with each of the following requirements:

- (1) The developer has submitted a drainage plan complying with section 23-132
- (2) The drainage plan contains a description of an adequate, temporary stormwater retention system to prevent construction site stormwater runoff, satisfying the requirements of section 23-134 and the developer has obtained a soil erosion permit, if necessary.
- (3) The developer provides:
 - (a) A permanent on-site stormwater management system complying with the city and drain commissioner standards and specifications; and
 - (b) Written construction plan approval from both the city and the drain commissioner.
- (4) The developer has paid or deposited the stormwater permit review fee pursuant to section 23-133
- (5) The developer has paid or posted the applicable financial guarantee pursuant to section 23-135
- (6) The developer provides all easements necessary to implement the approved drainage plan and to otherwise comply with this article including, but not limited to, section 23-181. All easements

shall be acceptable to the city in form and substance and shall be recorded with the Ottawa County Register of Deeds.

- (7) The drainage plan is designed in conformity with the City Code and drain commissioner design and performance standards for drains and stormwater management systems, as set forth in division 8 hereof.
- (8) All stormwater runoff facilities shall be designed in accordance with the then-current BMP.
- (9) The developer provides the required maintenance agreement for routine, emergency and long-term maintenance of all stormwater management facilities. This agreement shall be in compliance with the approved drainage plan and this article including, but not limited to, section 23-182 hereof. The maintenance agreement shall be acceptable to the city in form and substance and shall be recorded with the Ottawa County Register of Deeds.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-132. - Drainage plan.

The developer shall provide a drainage plan for review and approval by the city and the drain commissioner. The drainage plan shall identify and contain all of the following:

- (1) The location of the development site and water bodies that will receive stormwater runoff.
- (2) The existing and proposed topography of the development site, including the alignment and boundary of the natural drainage courses, with contours having a maximum interval of one (1) foot (using USGS datum). The information shall be superimposed on the pertinent Ottawa County soil map.
- (3) The development tributary area to each point of discharge from the development.
- (4) Calculations for the final peak discharge rates.
- (5) Calculations for any facility or structure size and configuration.
- (6) A drawing showing all proposed stormwater runoff facilities with existing and final grades.
- (7) The sizes and locations of upstream and downstream culverts serving the major drainage routes flowing into and out of the development site. Any significant off-site and on-site drainage outlet restrictions other than culverts should be noted on the drainage map.
- (8) An implementation plan for construction and inspection of all stormwater management facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the stormwater runoff facilities shown on the plan and an identification of the proposed inspection procedures to ensure that the stormwater management facilities are constructed in accordance with the approved drainage plan.
- (9) A plan to ensure the effective control of construction site stormwater runoff and sediment tracking onto roadways.
- (10) Drawings, profiles and specifications for the construction of the stormwater runoff facilities reasonably necessary to ensure that stormwater runoff will be drained, stored, or otherwise controlled in accordance with this article.
- (11) A maintenance agreement, in form and substance acceptable to the city and the drain commissioner, for ensuring maintenance of any privately-owned stormwater management facilities. The maintenance agreement shall include the developer's written commitment to provide routine, emergency, and long-term maintenance of the facilities in perpetuity and, in the event that the facilities are not maintained in accordance with the approved drainage plan, the agreement shall authorize the city to maintain any on-site stormwater management facility as reasonably necessary, at the developer's expense.
- (12) The name of the engineering firm and the registered professional engineer that designed the drainage plan and that will inspect final construction of the stormwater runoff facilities.

- (13) All design information must be compatible for conversion to REGIS and Ottawa County Geographic Information System.
- (14) Any other information necessary for the city and/or the drain commissioner to verify that the drainage plan complies with the city's and the drain commissioner's design and performance standards for drains and stormwater management systems.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-133. - Stormwater permit review fees.

- (1) All expenses and costs incurred by the city and drain commissioner directly associated with processing, reviewing and approving or denying a stormwater permit application shall be paid (or reimbursed) to the entity from the funds in a separate escrow account established by the developer, as provided in subsection (2) below. The city may draw funds from a developer's escrow account to reimburse the city and drain commissioner for out-of-pocket expenses incurred by the city and drain commissioner relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:
 - (a) Legal services of the city directly related to the application.
 - (b) Engineering services of the city directly related to the application.
 - (c) Services of other independent contractors working for the city which are directly related to the application.
 - (d) Any additional public hearings, required mailings and legal notice requirements necessitated by the application.
- (2) At the time a developer applies for a stormwater permit, the developer shall deposit with the city, as an escrow deposit, an initial amount as determined by resolution of the city commission for such matters and shall provide additional amounts as requested by the city commission such increments as are specified in said resolution. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed, and the final city approval and acceptance of the development has occurred will be refunded to the developer with no interest to be paid on those funds. At no time prior to the city's final decision on an application shall the balance in the escrow account fall below one-half ($\frac{1}{2}$) the required initial amount. If the funds in the account are reduced to less than one-half ($\frac{1}{2}$) the required initial amount, the developer shall deposit into the account an additional amount as determined by resolution of the city commission before the application review process will be continued. Additional amounts may be required to be placed in the escrow account by the developer, at the discretion of the city.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-134. - Construction site runoff controls.

Prior to making any earth change on a development site regulated by this article, the developer shall first obtain a soil erosion permit from the drain commissioner issued in accordance with Part 91 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan of 1994, as amended, if one is required. The developer shall install stormwater management facilities and shall phase the development activities so as to prevent construction site stormwater runoff and off-site sedimentation. During all construction activities on the development site, the city's engineer may inspect the development site to ensure compliance with the approved construction site runoff controls.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-135. - Financial guarantee.

- (1) The city's engineer shall not approve a stormwater permit until the developer submits to the city, in a form and amount satisfactory to the city, a letter of credit or other financial guarantee for the timely and satisfactory construction of all stormwater runoff facilities and site grading in accordance with the

approved drainage plan. Upon certification by a registered professional engineer that the stormwater management facilities have been completed in accordance with the approved drainage plan including, but not limited to, the provisions contained in subsection 23-132(8), the city may release the letter of credit or other financial guarantee subject to final city acceptance and approval.

- (2) Except as provided in subsection (3) below, the amount of the financial guarantee shall be equal to the construction cost estimate provided by the developer of all stormwater runoff facilities, unless the city determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the developer in writing. In determining whether an amount greater is appropriate, the city shall consider the size and type of the development, the size and type of the on-site stormwater system, and the nature of the off-site stormwater management facilities the development will utilize.
- (3) The city manager or his or her designee may waive the financial guarantee for a development if the Ottawa County Road Commission, as part of its review process, is requiring a letter of credit or other financial guarantee for the satisfactory construction of all stormwater management facilities.
- (4) The city manager or his or her designee may reduce or waive the amount of the financial guarantee for a development that will not increase the percentage of impervious surface of the development site by more than ten (10) percent.
- (5) This article shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private stormwater runoff facilities as well as those costs arising from the need to make other drainage improvements in order to reduce a development's impact on a drain consistent with adopted design standards.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-136. - Certificate of occupancy.

No certificate of occupancy shall be issued until stormwater management facilities have been completed in accordance with the approved drainage plan; provided, however, the city may issue a certificate of occupancy if an acceptable letter of credit or other financial guarantee has been submitted to the city for the timely and satisfactory construction of all stormwater management facilities and site grading in accordance with the approved drainage plan.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-137. - No change in approved facilities.

Stormwater management facilities, after construction and approval, shall be maintained in good condition, in accordance with the approved drainage plan, and shall not be subsequently altered, revised or replaced except in accordance with the approved drainage plan, or in accordance with approved amendments or revisions in the plan.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-138. - Terms and conditions of permits.

In granting a stormwater permit, the city may impose such terms and conditions as are reasonably necessary to effectuate the purposes of this article. A developer shall comply with such terms and conditions.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-139. - Reserved.

DIVISION 3. - STORMWATER SYSTEM, FLOODPLAIN AND OTHER STANDARDS; SOIL EROSION CONTROL

Sec. 23-140. - Management of and responsibility for stormwater system.

The city is not responsible for providing drainage facilities on private property for the management of stormwater on said property. It shall be the responsibility of the property owner to provide for, and maintain, private stormwater runoff facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-141. - Stormwater system.

All stormwater management facilities shall be constructed and maintained in accordance with all applicable federal, state and local ordinances and rules and regulations.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-142. - Stormwater discharge rates and volumes.

The city shall utilize the drain commissioner's minimum design standards for stormwater discharge release rates. However, if the city commission makes a specific finding that the drain commissioner's standards are insufficient, the city may establish minimum design standards for stormwater discharge release rates and require dischargers to implement on-site retention, detention or other methods necessary to control the rate and volume of surface water runoff discharged into a stormwater drainage system in the following circumstances:

- (1) A parcel of land is being developed in a manner that increases the impervious surface area of the parcel; or
- (2) The discharge exceeds the city's approved predevelopment discharge characteristics for the subject property, and the city determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this article.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-143. - Floodplain standards.

- (1) All new buildings and substantial improvements to existing buildings shall be protected from flood damage up to the flood protection elevation and shall be constructed in accordance with all applicable federal, state and local ordinances, and rules and regulations. Floodplain/floodway alteration shall be permitted only upon review and approval by the city, in accordance with an approved drainage plan. If mandated by state law, MDEQ review and approval shall also be required.
- (2) A drainage plan providing for the filling or alteration of a floodplain/floodway shall include provisions to minimize erosion, stabilize the stream bank and to protect water quality. A natural vegetation strip shall be maintained on each parcel or lot between the top of stream bank and a line, each point of which is twenty-five (25) feet horizontal from the top of stream bank.
- (3) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan and a soil erosion and sedimentation control permit. Such plan may also include provisions for the acceptable replacement of floodplain storage volume, where such storage volume is lost or diminished as a result of approved development.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-144. - Soil erosion and sedimentation control.

- (1) All persons who cause, in whole or in part, any earth change to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited onto adjacent properties or into a stormwater drainage system, a public street or right-of-way, wetland, creek, stream, water body, or floodplain. All development shall be in accordance with

Part 91 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan of 1994, as amended, and all applicable federal, State and local ordinances, rules and regulations.

- (2) A soil erosion and sedimentation control permit is required for any earth change that is greater than one (1) acre or less than five hundred (500) feet from any lake or stream.
- (3) During any earth change which exposes soil to an increased risk of erosion or sediment tracking, the property owner and other persons causing or participating in the earth change shall:
 - (a) Comply with the stormwater management standards of this article;
 - (b) Obtain and comply with the terms of a soil erosion and sedimentation control permit;
 - (c) Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment;
 - (d) Prevent damage to or impairment of any water body on or near the location of the earth change or affected thereby;
 - (e) Prevent damage to adjacent or nearby land;
 - (f) Apply for all required approvals or permits prior to the commencement of work;
 - (g) Proceed with the proposed work only in accordance with the approved plans and in compliance with this article;
 - (h) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this article;
 - (i) Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies (removal of all such soil, sediment, debris or other materials within twenty-four (24) hours shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety); and
 - (j) Refrain from grading lands at locations near or adjoining lands, public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-145. - Building openings.

- (1) No building opening shall be constructed below the following elevations:
 - (a) One (1) foot above the 100-year floodplain; and
 - (b) The building opening established at the time of plat or development approval and on file at the city and/or the drain commissioner.
- (2) A waiver from elevations stated in subsection (1) above may be granted by the city's engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.
- (3) If the drain commissioner has specified a minimum building opening at the time of plat or development approval or if construction occurs within the 100-year floodplain, upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this article. This certificate shall attest that the building opening elevation complies with the standards of this article. The permittee for the building permit shall submit the certificate to the city building inspector prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building

opening elevation is below the elevation specified in subsection (1) above, that opening must be raised using a method that meets with the approval of the city. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum building opening elevation complies with the standards of this article prior to the commencement of framing and or structural steel placement.

- (4) The city building inspector may waive the required land survey under subsection (3) above if the minimum building opening appears to be at or above the elevation of adjacent buildings which have already been certified or if a grade map shows that the low opening elevation of the building is at least three (3) feet higher than the minimum building opening established pursuant to subsection (1) above.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-146. - Sump pump discharge.

- (1) Whenever building footing drains are required or utilized, a direct connection between the footing drains through a sump pump-check valve system to a storm sewer is required. A gravity system is not permitted.
- (2) In cases where subsection (1) above applies, a stormwater lateral shall be provided for each parcel at the time of storm sewer construction.
- (3) Laundry facilities or other similar features shall not be connected to a footing drain or pump system discharging to footing laterals and the storm sewer system. Laundry facilities and interior sump pumps must be drained to the sewage disposal system.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-147. - Public health, safety and welfare.

Protection of the public health, safety and welfare shall be a primary consideration in the design of all stormwater runoff facilities.

(Ord. No. 04-249, § 1, 12-14-04)

Secs. 23-148, 23-149. - Reserved.

DIVISION 4. - PROHIBITION AND EXEMPTIONS

Sec. 23-150. - Prohibited discharges.

- (1) No person shall discharge to a water body, directly or indirectly, any substance other than stormwater or an exempted discharge identified in section 23-151. Any person discharging stormwater shall effectively prevent pollutants from being discharged with the stormwater, except in accordance with BMP.
- (2) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMP necessary to prevent or reduce the discharge of pollutants into the city's stormwater drainage system.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-151. - Exempted discharges.

The following nonstormwater discharges shall be permissible, provided that they do not result in a violation of state water quality standards:

- (1) Water supply line flushing;

- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising groundwater;
- (5) Uncontaminated groundwater infiltration to storm drains;
- (6) Uncontaminated pumped groundwater;
- (7) Discharges from potable water sources;
- (8) Foundation drains;
- (9) Air conditioning condensate;
- (10) Individual residential car washing;
- (11) De-chlorinated swimming pool water;
- (12) Street wash water;
- (13) Discharges or flows from fire fighting activities; and
- (14) Discharges for which a specific federal or state permit has been issued.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-152. - Interference with natural or artificial drains.

- (1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, or drainageway without first submitting a drainage plan to the city and receiving approval of that plan. Any deviation from the approved plan is a violation of this article. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare. When any of the above activity involves an established county drain, a drain use permit is required from the drain commissioner.
- (2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodplain/floodway.
- (3) For an overland flowway:
 - (a) A silt fence shall not be permitted below the top of the bank of a water body;
 - (b) Chain link fences shall be permitted if the city and drain commissioner determine that the fence will not obstruct or divert the flow of water;
 - (c) If a fence is removed by the city or the drain commissioner for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense, as long as the owner complies with subsection (2) above; and
 - (d) No shrubs or trees shall be planted below the top of the bank of a water body.
- (4) Shrubs, trees or other aboveground vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-153. - Storage of hazardous or toxic materials in drainageway.

Except as permitted by law, it shall be unlawful for any person to store or stockpile within a drainageway any hazardous or toxic materials unless adequate protection and/or containment has been provided so as to prevent any such materials from entering the drainage-way.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-154. - Discharge prohibitions.

- (1) *Prohibition of illicit discharges.* No person shall discharge or cause to be discharged into the city storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - (a) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
 - (b) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or water discharge order issued to the discharger and administered under the authority of the requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (2) *Prohibition of illicit connections.* The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this article if the person connects a line conveying wastewater to the MS4, or allows such a connection to continue.

(Ord. No. 04-249, § 1, 12-14-04)

Secs. 23-155—23-159. - Reserved.

DIVISION 5. - INSPECTION, MONITORING, REPORTING AND RECORDKEEPING

Sec. 23-160. - Inspection and sampling.

To assure compliance with the standards in this pervasively regulated area, the city may inspect and/or obtain stormwater samples from stormwater management facilities of any discharger to determine compliance with the requirements of this article. Upon request, the discharger shall allow the city's or the drain commissioner's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city and drain commissioner shall provide the discharger reasonable advance notice of such inspection and/or sampling. The city, drain commissioner or their properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-161. - Stormwater monitoring facilities.

A discharger of stormwater runoff shall provide and operate equipment or devices for the monitoring of stormwater runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a stormwater runoff facility, when directed in writing to do so by the city. The city may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling and flow measurement of discharges in order to determine whether adverse effects from or as a result of such discharges may occur. All such equipment and devices for the inspection, sampling and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances and regulations.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-162. - Accidental discharges.

- (1) Any discharger who accidentally discharges into a water body any substance other than stormwater or an exempted discharge identified in section 23-151 hereof shall immediately inform the city and/or the drain commissioner concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city and the drain commissioner within five (5) days. The written report shall specify:
 - (a) The composition of the accidental discharge and the cause thereof;
 - (b) The exact date, time, and estimated volume of the accidental discharge;
 - (c) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence; and
 - (d) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (2) A properly reported accidental discharge shall be an affirmative defense to an infraction brought under this article against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of subsection (1) above.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-163. - Record keeping requirement.

Any person subject to this article shall retain and preserve for no less than three (3) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or stormwater runoff from any property.

(Ord. No. 04-249, § 1, 12-14-04)

Secs. 23-164—23-169. - Reserved.

DIVISION 6. - ENFORCEMENT

Sec. 23-170. - Sanctions for violation.

- (1) Any person violating any provision of this article shall be responsible for a municipal civil infraction, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961, Act 236 of the Public Acts of Michigan of 1961, as amended, and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in subsection (2) below shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article. For purposes of this section, "subsequent offense" means a violation of the provisions of this article committed by the same person within twelve (12) months of a previous violation of the same provision of this article for which said person admitted responsibility or was adjudicated to be responsible.
- (2) Any person who neglects or fails to comply with a stop work order issued under section 23-171 hereof shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety-three (93) days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

- (3) Any person who aids or abets a person in a violation of this article shall be subject to the sanctions provided in this section 23-170

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-171. - Stop work order.

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this article, the city is authorized to issue a stop work order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The city may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this article or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-172. - Failure to comply; completion.

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

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-173. - Emergency measures.

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

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-174. - Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this article. Costs include, but are not limited to, those penalties levied by the EPA or MDEQ for violation of an NPDES permit, attorney fees, and other costs and expenses.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-175. - Collection of costs; lien.

Costs incurred by the city and the drain commissioner pursuant to sections 23-171, 23-172, 23-173, and 23-174 shall be a lien on the premises which shall be enforceable in accordance with the Revenue Bond Act, Act 94 of the Public Acts of Michigan of 1933, as amended, from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the city treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the city or the drain commissioner shall have all remedies authorized by the Revenue Bond Act, Act 94 of the Public Acts of Michigan of 1933, as amended.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-176. - Appeals.

Any person as to whom any provision of this article has been applied may appeal in writing, not later than thirty (30) days after the action or decision being appealed from, to the city commission the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The city commission shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the city commission may consider the recommendations of the city's engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the city commission may grant a variance from the terms of this article so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the provisions of this article 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 in order to comply with this article; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this article, nor result in less effective management of stormwater runoff

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-177. - Suspension of MS4 access.

- (1) The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons.
- (2) Any person discharging to the MS4 in violation of this article may have MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

(Ord. No. 04-249, § 1, 12-14-04)

Secs. 23-178, 23-179. - Reserved.

DIVISION 7. - STORMWATER EASEMENTS AND MAINTENANCE AGREEMENTS

Sec. 23-180. - Applicability of requirements.

The requirements hereof concerning stormwater easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the city for review and approval.

Sec. 23-181. - Stormwater management easements.

The developer shall provide all stormwater management easements necessary to implement the approved drainage plan and to otherwise comply with this article in form and substance required by the city and shall record such easements as directed by the city. The easements shall assure access for proper inspection and maintenance of stormwater runoff facilities and shall provide adequate emergency overland flowways, where necessary.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-182. - Maintenance agreements.

The developer shall provide all stormwater maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this article in form and substance as required by the city, and shall record such agreements as directed by the city. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance of stormwater runoff facilities and, where necessary, adequate emergency overland flowways.

Sec. 23-183. - Establishment of county drains.

Prior to final approval, all stormwater management facilities for platted subdivisions and site condominium developments shall be established as county drains, as authorized in Section 433, Chapter 18 of the Michigan Drain Code, Act 40 of the Public Acts of Michigan of 1956, as amended, for long-term maintenance.

(Ord. No. 04-249, § 1, 12-14-04)

Secs. 23-184—23-189. - Reserved.

DIVISION 8. - PERFORMANCE AND DESIGN STANDARDS

Sec. 23-190. - Performance standards.

In order to achieve the goals and purposes of this article, the following three (3) stormwater management zones are hereby established. The zones are shown on the map attached as Appendix A to Ordinance No. 04-249, and made a part of this article.

- (1) Zone A represents areas where sandy soils are present or where high quality waters may be impacted. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. In this zone, when site conditions permit, infiltration of runoff via stormwater retention shall be required. or extended detention implemented, rather than standard detention or the directed flow of stormwater runoff into water bodies. This stormwater management practice provides greater protection for surface water quality, and also assists in augmenting stream base flow, reduction of flash storm flows and prevention of stream bank erosion.
- (2) Zone B represents areas where sandy soils are not present and where high quality waters are not impacted. The goal of this zone is the control of stormwater runoff in order to prevent destabilizing of streams and other water bodies. In this zone, the use of detention ponds, the maintenance and enhancement of buffer strips and other measures to reduce directly connected impervious areas are specified. The management practices for this zone are intended to maintain existing water quality and to alleviate adverse downstream impact on water bodies.
- (3) Zone C consists of nonmandated detention zones, i.e., areas located at the lower portions of all watersheds impacted by a given project, as determined by the drain commissioner. Among the measures required in this zone, are the use of sediment basins, the maintenance and enhancement of buffer strips along water bodies and excavation of additional floodplain storage. An important element of stormwater management practice in this zone is the control and prevention of sedimentation, in order to reduce pollution of water bodies.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-191. - Design standards.

The design standards for stormwater runoff facilities for zones A, B and C, as described in section 23-190 hereof, are the following:

	Zone A	Zone B	Zone C
Criteria	Areas where sandy soils are present or where high quality waters may be impacted	Areas where sandy soils are not present and where high quality waters are not impacted	Areas located at the lower end of all watersheds impacted (non-mandated detention zones)
Stormwater Management and Water Quality Standards	Use retention basins, infiltration trenches, extended detention basins, and/or constructed wetlands. Maintain and enhance buffer strips or provide equivalent treatment.	Use detention ponds; maintain and enhance buffer strips, and reduce directly connected impervious area or provide equivalent treatment.	Use sediment basins, maintain and enhance buffer strips.
Bank Erosion Control	Stormwater runoff shall not exceed the capacity of the downstream conveyance system.	Stormwater runoff shall not exceed the capacity of the downstream conveyance system.	Stormwater runoff shall not exceed the capacity of the downstream conveyance system.
Flood Control	Detention with infiltration when conditions permit. Release rate of 0.13 cfs/acre per drain commissioner rules.	Release rate of 0.13 cfs/acre per drain commissioner rules.	Direct conveyance of stormwater runoff within the capacity of downstream system and excavate additional floodplain in lieu of detention.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-192. - Resolution to implement performance and design standards.

The city may by resolution adopt more detailed design and performance standards for stormwater runoff facilities, consistent with the terms of this article, and in order to further implement its goals and purposes.

(Ord. No. 04-249, § 12-14-04)

Sec. 23-193. - Responsibility to implement BMP.

The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the city storm drain system or watercourses through the use of structural and nonstructural BMP. Further, any person responsible for a property or premises, which is or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMP to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. Such BMP shall be part of a stormwater pollution prevention plan, as necessary, for compliance with requirements of a NPDES permit.

(Ord. No. 04-249, § 1, 12-14-04)

Secs. 23-194—23-199. - Reserved.

DIVISION 9. - OTHER MATTERS

Sec. 23-200. - Interpretation.

Words and phrases in this article shall be construed according to their common and accepted meanings, except that words and phrases defined in section 23-114 shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this article but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-201. - Headings.

The headings of the sections of this article are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the sections to which they may refer.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-202. - Severability.

The provisions of this article are hereby declared to be severable, and if any part or provision of this article should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the article.

(Ord. No. 04-249, § 1, 12-14-04)

Sec. 23-203. - Other provisions of city code.

This article shall be in addition to other provisions of the city code, and shall not be deemed to repeal or replace other ordinances or parts thereof except to the extent that such repeal is specifically provided for in this article.

(Ord. No. 04-249, § 1, 12-14-04)