

**ORDINANCE NO. 409-10**

**CITY OF LATHRUP VILLAGE  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF  
LATHRUP VILLAGE CODE OF ORDINANCES,  
CHAPTER 30. ENVIRONMENT, ARTICLE II. STORMWATER  
TO PROTECT AND ENHANCE THE WATER QUALITY  
OF LOCAL WATER COURSES, WATER BODIES,  
AND GROUND WATER PURSUANT TO AND CONSISTANT  
WITH THE CLEAN WATER ACT, TO CONTROL NON-STORM  
WATER DISCHARGES TO STORMWATER CONVEYANCES  
AND REDUCE POLLUTANTS IN STORMWATER DISCHARGES  
AND TO PROVIDE STANDARDS FOR THE DESIGN,  
CONSTRUCTION, OPERATION AND MAINTENANCE OF  
STORMWATER MANAGEMENT BEST MANAGEMENT  
PRACTICES FOR WATER QUALITY TREATMENT, CHANNEL  
EROSION PROTECTION AND FLOOD PREVENTION.**

**THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:**

**PART I. TITLE.**

This Ordinance shall be known as the "2010 Stormwater Management Ordinance".

**PART II. ORDINANCE AMENDMENTS.**

That Chapter 30. Environment, Article II. Stormwater is hereby restated and amended in total as Sections 30-26 through and including 30-50 as follows:

30-26 Purpose.

The purpose of this article is to:

- (a) Protect and enhance the water quality of local watercourses, water bodies, and groundwater pursuant to and consistent with the Clean Water Act.
- (b) Control non-stormwater discharges to stormwater conveyances and reduce pollutants in stormwater discharges.
- (c) Provide Standards for the design, construction, operation and maintenance of stormwater management Best Management Practices (BMPs) for: water quality treatment, channel erosion protection, and flood prevention.

### 30-27 Definitions.

- (a) Best Management Practices (BMPs). BMPs include a broad range of physical structures, plantings, or management practices. The common denominator that makes them BMPs is that they either reduce stormwater runoff, reduce pollutants that could reach surface waters, or treat stormwater before it enters a natural water body. Examples of structural BMPs include sedimentation basins and wet ponds (or manufactured wetlands). Vegetated BMPs could include vegetated swales or rain gardens. Management practice BMPs including washing vehicles in commercial car washes (versus in an area where the soapy water could wash into a storm drain), and soil testing before applying fertilizers.
- (b) Owner. The property owner or operator of any stormwater management system or activity subject to this Article.
- (c) Stormwater Management Plan. Drawings and written information prepared by a registered engineer or other certified professional which describe the ways in which stormwater runoff is proposed to be controlled, having as its purpose to ensure that the objectives of this ordinance are met.
- (d) Stormwater System. The system of public stormwater sewers, drains, ditches, and appurtenances which connects with and discharges into the Rummel Drain or other sewer or drain provided by a governmental unit for the purpose of conveying stormwaters away from this city.

### 30-28 Applicability.

- (a) The Oakland County "Engineering Design Standards for Storm Water Facilities" as amended from time to time, are hereby adopted by the City of Lathrup Village in this ordinance for the control and treatment of stormwater runoff with the exception that all developments subject to this ordinance shall provide acceptable water quality treatment BMPs designed to achieve 80% removal efficiency of total suspended solids from the runoff produced by a water quality storm.
- (b) These Standards are developed in accordance of the existing "City of Lathrup Village Engineering Design Standards".
- (c) These Standards shall apply to all new construction, re-development, infill, or site expansions in the City that include an area of disturbance.
- (d) All permanent and temporary stormwater management BMPs, constructed as part of the requirements of this section, are subject to this ordinance.
- (e) This ordinance also applies to any activities which may affect the quantity or quality of a private or stormwater conveyance system or any waterway within the City. Any person(s) engaged in activities that may result in excessive quantities or pollutants entering any stormwater conveyance systems or waterways may be subject to the remedies for violation of this section. Examples of such pollutants may include, but is not limited to: debris, concrete washings, de-icing materials, fertilizers, heavy metals,

automobile fluids, topsoil, yard wastes, and commercial or light industrial wastes.

- (f) Natural swales and channels should be preserved, whenever possible. If channel modification must occur, the physical characteristics of the modified channel will meet the existing channel in length, cross-section, slope, sinuosity, and carrying capacity. Streams and channels will be expected to withstand all events up to the 2-year storm without increased erosion.

### 30-29 Stormwater Drainage/Erosion Control.

All stormwater drainage and erosion control plans shall meet the standards adopted by the City and Oakland County for design and construction and shall, to the maximum extent feasible, utilize nonstructural control techniques, including but not limited to:

- (a) Limitation of land disturbance and grading;
- (b) Installation and maintenance of vegetated buffers and natural vegetation;
- (c) Minimization of impervious surfaces;
- (d) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales;
- (e) Use of infiltration devices.

### 30-30 General

The City recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving, stormwater runoff, and a waste of space which could be left as an open space.

The City Administrator shall have the authority to grant waivers and variances from specific control provisions of the stormwater management standards due to site-specific conditions (see Section 30-35).

Where Low Impact Development, open space preservation, or other site design practices have been used to maintain the pre-development site hydrology.

All requests for waivers or variances must be provided in writing along with jurisdictions. Alternatives that are consistent with the overall intent of stormwater quantity and quality management may be proposed, subject to the approval of both the City and, if applicable, the County.

The City may permit deviations from Ordinance requirements during the site plan review process to reduce impervious surfaces. These deviations can be either prescribed by Ordinance or proposed through creative land development techniques that are permitted by the Ordinance.

### 30-31 Stormwater Management Plan.

- (a) As part of the site plan submittals, three (3) copies of a stormwater management plan shall be submitted to the City for every development subject to this ordinance. The contents of the stormwater management plan shall include the information requirements as outlined in the Oakland County "Engineering Design Standards for Storm Water Facilities, Procedures for Submittal and Review, Part 1 through 5", as amended from time to time, as applicable.
- (b) The City Council shall establish certain fees and escrow requirements by resolution. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City including the costs of on-site inspections.
- (c) An as-built certification for stormwater management BMPs must be provided to the City prior to final approval of the development.
- (d) For sites that store or use chemicals, a spill response plan is required which clearly defines the emergency steps to be taken in the event of an accidental release of harmful substances that may migrate to the stormwater system. Plans shall be submitted and approved by the City.

### 30-32 Long-term Maintenance of Stormwater Facilities.

- (a) A long-term Maintenance Plan shall be submitted to the City for approval. A Maintenance Agreement shall be signed by the Owner or Operator and shall be included as an obligation in the Master Deed, Easement document, or in another recordable form and recorded with Oakland County Register of Deeds.
- (b) Stormwater facilities shall be maintained by the Owner and shall be repaired and/or replaced by such person when such facilities are no longer functioning as designed. Disposal of waste from maintenance of facilities shall be conducted in accordance with applicable federal, state and local laws and regulations.
- (c) Records of installation and maintenance and repair shall be retained by the Owner and shall be made available to the City upon request.

### 30-33 Maintenance and Guarantee Bond.

The Owner shall provide a Maintenance and Guarantee Bond to the City for inspection and emergency maintenance of stormwater management BMPs for a period of at least five years following final acceptance. The bond amount shall be determined as 10% of the total cost of construction of each stormwater management BMP and drainage facility listed or as determined by the City. The City reserves the right to periodically modify the bonding amounts and requirements by resolution.

### 30-34 Easements.

- (a) Stormwater management easements shall be provided as necessary and recorded as directed by the City to ensure access for: inspections, maintenance, and preservation of primary and secondary drainage ways needed to serve other properties.
- (b) The location and purpose of easements for stormwater management and drainage shall be clearly described in development deed restrictions or condominium master deeds. Easements shall be recorded with the Oakland County Register of Deeds according to City and/or Oakland County requirements.

### 30-35 Superintendent; variances.

- (a) The city administrator shall act as superintendent of the stormwater system, and he/she may and shall appoint such employees or other agents and specify their duties as he/she may require for the proper construction, operation and maintenance of the stormwater system. He/she shall have administrative control of the stormwater system and shall be charged with the enforcement of this article.
- (b) The city administrator shall have administrative discretion to approve, allow, and require minor variances from this article when he/she determines such to be appropriate under the following criteria:
  - (1) Because of unusual topographical or field conditions, there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article.
  - (2) The proposed variance will not adversely affect the purpose or objectives of this article or otherwise impair the public health, safety, comfort and welfare.
  - (3) Reasonable and appropriate conditions may be attached to a grant of a variance to ensure that the stormwater system improvements will continue to meet the criteria in the future.

### 30-36 Appeals.

Any person deeming himself to be aggrieved by an administrative decision under this article may appeal to the Council. The Council shall have all of the powers and authority of a construction board of appeals to review such administrative decisions, in addition to its general powers to control streets, alleys, and other public places within the City.

### 30-37 Permit to connect private underground drains.

No underground stormwater drain on private property shall be installed or connected to either roadside ditches or stormwater sewer pipes of the stormwater system on public property without a permit having been issued by the City Administrator. The fee for such permit shall be as provided in Section 34-206. Opportunity for inspection shall be provided after all pipe is in place and before it is covered, and also at the time that any tap is made into the stormwater sewer pipes. All fees for the permit for such installation shall be paid by the party performing such work before construction is started.

### 30-38 Specifications for connections of private underground drains.

Except as otherwise provided in this article, no connection larger than six inches shall be made to the stormwater sewer pipes of the stormwater system. The underground lines of any private stormwater drain on private or public property connected to the stormwater system shall be constructed of concrete pipe with closed joints, or field tile wrapped and covered with pea gravel so as to effectively exclude all sand from entering the sewer. At the point of tap to the stormwater system pipeline, the pipe shall be tapped using a tight fitting sleeve (Insera Tee or equal) to receive the private stormwater drain and shall be constructed in a manner meeting the approval and subject to the inspection of the City. The cost of all private stormwater drains on or in private property and continuing on or in public property and the cost of all connections to the stormwater system shall be paid by the party installing the private stormwater drain. If the underground stormwater drain from private property in the course of construction crosses a public sidewalk or street, the sidewalk or street shall be reconstructed to its original condition at the expense of the party installing the private stormwater drain.

### 30-39 Drainage into sanitary sewers.

No stormwater shall be drained or permitted to flow into the city sanitary sewer system. All stormwater not permitted to enter into the sanitary sewer system shall be drained into the city stormwater system in accordance with sound engineering practice in such fashion as approved by the City so as not to overload any segment of the stormwater system or permit the accumulation of stormwaters so as to constitute a hazard or nuisance.

### 30-40 New buildings or land improvements.

No new buildings or land improvements shall be constructed which increase or accelerate stormwater flows into the stormwater system unless and until the stormwater system is either (i) already in place with sufficient capacity to accommodate such or (ii) is constructed, modified, or enlarged to provide the ditches, sewers, drains and appurtenances necessary to service and

accommodate the increased flows. All system improvements made necessary by new building and improvements shall be made at the expense of the owner of the land being developed, by special assessment or otherwise. No building permit shall be issued unless all needed system improvements will be constructed as part of the project.

All new buildings or land improvements shall be designed in accordance with the latest edition/revisions of the Oakland County Water Resources Commissioner's "Engineering Design Standards for Storm Water Facilities" as amended from time to time.

#### 30-41 Maintenance of ditches and culverts.

It shall be the duty of every property owner to maintain all stormwater ditches and culverts constructed or installed in the area between his property line and the centerline of any street or alley abutting upon his property in a condition free of waste, dirt, plant growth, and other obstructions which block or obstruct the designed flow of stormwater in the ditch or culvert. All ditches and culverts which are so obstructed as to allow the unreasonable accumulation or impounding of stormwaters are declared to be public nuisances and are subject to the abatement and special assessment provisions as provided in this Code.

#### 30-42 Building construction standards.

(a) Under this article, all machinery, trucks and equipment shall proceed to and all material shall be delivered to any building site by means of a completed culvert and approach, and under no circumstances shall machinery, trucks or other equipment be driven, moved or transported through unprotected ditches to gain access to any new building construction site. However, if the earth is frozen or saturated with moisture to such an extent that it is impractical or impossible to properly install permanent culverts, temporary timber bridges may be installed and utilized, but only in such manner as not to impair or interfere with the property runoff or drainage of water in such ditches and in such manner as not to disturb or destroy the depth or sides of the ditches. As soon as permanent culverts may be properly installed, such temporary bridges shall be removed.

(b) In all cases ditches must be kept, during construction, and left, at completion of construction, in good condition, free of obstruction and at proper grade by the owners of the private property abutting the public right-of-way nearest to the ditch. No refuse from construction, materials used in construction, containers, yard trimmings, ashes or other debris shall be placed in or allowed to accumulate in the ditches.

(c) No machinery, trucks, equipment or materials may be stored, stacked or piled on public sidewalks; streets, including the full width of the right-of-way; alleys; or other public property.

### 30-43 General standards for culverts.

Under this article, culverts shall be aligned to conform to the centerline of the ditch in which they are installed.

- (1) Culverts shall be county standard gauge corrugated galvanized steel (hot dipped), reinforced concrete pipe or as approved by Section 401 of the M.D.O.T. 2003 Standard Specifications for Construction, as amended from time to time, of not less than 12 inches in diameter or as otherwise determined by the City to be necessary or appropriate under the conditions where installed.
- (2) For a culvert under a sidewalk, the length shall be as determined by the City to be appropriate according to the conditions existing where installed.
- (3) Culvert pipe must be installed in such a manner that the bottom flow line is a minimum of 1.5 feet below the edge of the travelled portion of the adjoining road or street but in no case higher than the flow line of the ditch in which the culvert is installed.
- (4) Fill for culverts may be an approved grade of road gravel, slag or crushed stone.
- (5) The City may authorize a city agency to install culverts for public purposes without any permit or fee.

### 30-44 Driveway culverts.

- (a) Culverts for driveway purposes may be installed in the stormwater system ditches only after obtaining a permit from the City. They shall be inspected for proper installation and shall be approved in writing by the City before being put to use. The City shall be given at least 24 hours' advance notice of the request for culvert inspection.
- (b) A driveway culvert permit shall be obtained for every new building constructed in the City before construction commences.
- (c) Fees for driveway culvert permits shall be as provided in Section 34-207.
- (d) Driveway culverts shall be so located so that the centerline of the driveway bisects the culverts.
- (e) Driveway culverts shall be not less than 18 feet or more than 30 feet long and not less than 8" in diameter.



### 30-45 Restricting flow or filling of ditches.

(a) Except as otherwise provided in this article, it shall be unlawful to cover over or fill any roadside drainage ditch or to restrict the flow of any roadside drainage ditch within the City limits. However, the City Administrator, upon receipt of a petition from the owners of the property adjoining and on the same side of the street of the section of the roadside drainage ditch proposed to be covered or filled or of flow to be restricted and the processing fee prescribed in Section 34-208 may authorize the filling of the ditch and the installation of and the covering of a culvert in the exercise of his sound discretion under the following conditions:

(1) The petition must be accompanied by a sketch of the construction plan proposing a system modification which conforms to sound engineering practice and which meets the following requirements:

i. All culverts shall connect to a storm sewer either directly or via a ditch, shall be of 12- to 15-inch diameter culvert pipe, and shall be placed at least three feet below the top of the finished grade surface.

ii. In residential zones, the stormwater system shall have at least one storm inlet each 100 feet and an eight-inch minimum depth ditch to collect stormwater and convey it to the storm inlets.

iii. In nonresidential zones, the stormwater system shall have at least one storm inlet at each low point, and inlets shall be spaced not more than 300 feet apart. The area in and about each covered culvert must be graded to drain to the storm inlets.

(2) The proposed system modification must be in the best interests of the petitioners, neighboring properties and the City at large and cause no additional current or future cost or expense to the City or neighboring property owners. The City Administrator may attach reasonable and appropriate conditions to his authorization to ensure that the modification will continue to meet the criteria of this subsection.

(b) If the City Administrator shall have any reasonable doubt that the proposed system modification meets the conditions and criteria specified, he shall deny the petition and direct the petitioner to appeal to the Council.

### 30-46 Prohibited discharge; prohibited connections.

(a) No liquid or waste of any kind shall be discharged or permitted to be discharged into the City stormwater system contrary to this Code or other article governing such. The unauthorized discharge of any liquid or waste into the City

stormwater system is declared to be a public nuisance and is subject to the abatement and special assessment provisions as provided in this Code.

(b) No connection shall be made to the City stormwater system contrary to this Code or other article governing such. Any unauthorized connection to the City stormwater system is declared to be a public nuisance and is subject to the abatement and special assessment provisions as provided in this Code.

#### 30-47 Severability.

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

#### 30-48 Violations.

- (a) If the stormwater management BMPs have not been adequately maintained, the City may notify the Owner(s) in writing and require the necessary maintenance or repairs within 90 days of the written notice. Should the Owner fail to comply with the provisions of this Article, the City may, after giving reasonable notice and opportunity for compliance, have the necessary work done and the Owner shall be obligated to promptly reimburse the City for all such costs incurred. If said costs are not paid by the Owner, the City may pursue the collection of same through appropriate court actions or as lien on property taxes.
- (b) When emergency measures are necessary to mediate a nuisance, to protect public safety, health, welfare, and/or to prevent loss of life, injury or damage to property, the City is authorized to, but not required 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 violation of this Article and shall promptly reimburse the City for all such costs. If said costs are not paid by the Owner, the City may pursue the collection of same through appropriate court actions or as lien on property taxes.

#### 30-49 Exemptions and Variances.

- (a) Activities contained entirely within federal, state, or county lands and that do not impact adjacent property within the City are exempt from the requirements of this ordinance.
- (b) Routine single family landscaping and/or gardening that does not alter the existing stormwater management facilities or require a Grading Plan as determined by the City.

- (c) Any person performing construction work in the City shall maintain compliance with the county and state requirements for Soil Erosion and Sediment Control.
- (d) The prohibition of discharges shall not apply to any discharge regulated under a NPDES point source permit issued and administered by the State, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations. Compliance with an applicable NPDES permit governing discharges into a stormwater conveyance system shall be considered compliance with this ordinance. NPDES permitted stormwater discharges are still subject to the County design criteria.

#### 30-50 Disclaimer of Liability.

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and this Ordinance does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This Ordinance shall not create liability on the part of the City, any agent, consultant or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

### **PART III. SAVINGS CLAUSE.**

The amendments referenced herein do not affect or impair any act done, offense committed, or right accruing or acquired, or liability, penalty or forfeiture or punishment pending or incurred prior to the effective date of this amendment.

### **PART IV. SEVERABILITY**

This Ordinance and its various parts, sentences, paragraph, sections, clauses and rules promulgated hereunder are hereby declared to be severable. If any part, sentence, paragraph, section, clause, or rule promulgated hereunder is adjudged to be unconstitutional or invalid for any reason, such holdings shall not affect the remaining portions of this Ordinance.

### **PART V. EFFECTIVE DATE; PUBLICATION.**

This Ordinance shall become effective after publication of a brief notice in the newspaper circulated in the City, stating the date of the enactment and the effective date of the Ordinance, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk, and such other facts as the City Clerk shall deem pertinent.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL, CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN THIS 18th DAY OF OCTOBER, 2010.

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Gloria Harris-Ford, City Clerk

Date of Adoption: October 18, 2010  
Date of Publication of  
Notice of Adoption: October 28, 2010

**CERTIFICATE OF ADOPTION**

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the 18th day of October, 2010.

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Gloria Harris-Ford, City Clerk