FERRYSBURG CITY COUNCIL MEETING

AGENDA

MONDAY, JANUARY 17, 2022
7:00 P.M

FERRYSBURG CITY HALL
17520 RIDGE AVENUE, FERRYSBURG, MI 49409

1. Call to Order: Mayor Blease

2. Roll Call: Blease, O'Donnell, Carlson, Montgomery, Sias, Murdoch, Cate

3. Invocation by Council Member Cate

4. Pledge of Allegiance

5. Public Comments:

This time on the agenda is for any citizen to direct brief comments or questions to the City Council. Time for public comments will be given when an agenda item is discussed. If you have a comment or question, please raise your hand to be recognized by the Mayor, and after being recognized by the Mayor, please give your name, and address for the record, and proceed with your comment or question. Please limit your comments to three (3) minutes.
6. Consideration for Approval of Consent Agenda:
   a. Approve the December 20, 2021, City Council meeting minutes as printed.
   b. Approve the schedule of March Board of Review meetings:
      Tuesday, March 8    6:00 p.m. - organizational, no appeals heard
      Monday, March 14   1:30 p.m.- 4:30 p.m., 7:30 p.m. - 9:30 p.m.
      Tuesday, March 15  1:30 p.m.- 4:30 p.m., 6:30 p.m. - 8:00 p.m.
   c. Approve “Poverty Income Standards for 2022 Assessments” and “Asset Level Guideline for 2022 Assessments”.
   d. Adopt the 2022 Prioritized City Council Goals.
   e. Approve an agreement between the City and Grand Haven Area Public School District regarding the collection of the District’s property taxes, for the calendar year 2022, and to authorize the Mayor and City Clerk to sign the agreement.
   f. Adopt a resolution approving a request by the Grand Haven Area Public Schools for the City to collect all of the School’s 2019 property taxes during the City’s 2022 summer tax collection period, and a request by the Ottawa Area Intermediate School District for the City to collect all of the District’s 2022 property taxes during the City’s 2022 summer tax collection period.

7. New Business:
   a. Discussion, and to take action if appropriate, to approve including the North Shore Road Bike Path as a connector to the Idema Explorers Trail.
   b. Introduction of Ordinance No. 319, an ordinance to provide for the regulation and control of stormwater runoff and to establish stormwater standards.
   c. Discussion, and to take action if appropriate, to approve the Mayor’s appointment of Hannah Barnard to the Beautification Commission for a term ending June 30, 2024.
   d. Work Session: Social Media Policy.

8. Public Comments:

9. Reports: City Manager

   City Council Members

   Mayor

10. Adjournment
CITY OF FERRYSBURG  
CITY COUNCIL MINUTES  
DECEMBER 20, 2021

The meeting was called to order by Mayor Blease at 7:00 PM. Mayor Blease led those present in the pledge of allegiance.

Council Members Present: Scott Blease, Tim O’Donnell, Richard Carlson, Jerry Sias, William Cate, Deborah Murdoch.

Council Members Absent: William Montgomery.

Also present: City Manager Bessinger, Clerk Jessie Wagenmaker, and two citizens.

21-197 Moved by Council Member Carlson, seconded by Council Member O’Donnell, to excuse Council Member Montgomery. The motion passed unanimously.

21-198 Moved by Council Member Carlson, seconded by Council Member Cate, to move item 7g on the Agenda, Work Session: Social Media Policy, to the January 17, 2022, City Council meeting. The motion passed unanimously.

21-199 Moved by Council Member O’Donnell, seconded by Council Member Carlson, to approve the December 6, 2021, City Council meeting minutes as printed. The motion passed unanimously.

21-200 Moved by Council Member O’Donnell, seconded by Council Member Carlson, to approve a Grant of Easement between PV 174 SL, L.L.C and the City for the Dogwood Drive pedestrian path project, and to authorize the Mayor and City Clerk to sign all necessary documents. The motion passed unanimously.

21-201 Moved by Council Member O’Donnell, seconded by Council Member Sias, to adopt Ordinance No. 318, an ordinance to amend City Code, Chapter 154 Zoning, Article 4, Special Land Uses, Section 4.80 and Article 9, District and District Requirements, Section 9.120, to allow and regulate accessory dwelling units in the LI-1 Zone District. The motion passed unanimously.

21-202 Moved by Council Member Sias, seconded by Council Member Carlson, to approve a proposal from PM Blough to prepare a grant application to the Michigan Department of Natural Resources. The motion passed unanimously.

21-203 Moved by Council Member Carlson, seconded by Council Member Sias, to approve a proposal from Van Noord & Associates, Inc., to conduct an appraisal in anticipation of a grant application to the Michigan Department of Natural Resources. The motion passed unanimously.
21-204 Moved by Council Member Sias, seconded by Council Member Carlson, to approve a bid for a 2023 Peterbilt Single Axle Cab and Chassis Straight Truck for $101,919.00 The motion passed unanimously.

21-205 Moved by Council Member O'Donnell, seconded by Council Member Sias, to cancel the Monday, January 3, 2022, City Council meeting. The motion passed unanimously.

21-206 Council Members discussed the 2022 City Council Goals.

The meeting was adjourned at 7:43 PM.

Respectfully submitted,

Scott Blease
Mayor

Jessie Wagenmaker
City Clerk
TO: Assessing Officers and County Equalization Directors

FROM: Michigan State Tax Commission

SUBJECT: Procedural Changes for the 2022 Assessment Year

The purpose of this Bulletin to provide information on statutory changes, procedural changes and reminders for the 2022 assessment year.

A. Inflation Rate Used in the 2022 Capped Value Formula

The inflation rate, expressed as a multiplier, to be used in the 2022 Capped Value Formula is 1.033.

The 2022 Capped Value Formula is as follows:

\[ 2022 \text{ CAPPED VALUE} = (2021 \text{ Taxable Value} - \text{ LOSSES}) \times 1.033 + \text{ ADDITIONS} \]

The formula above does not include 1.05 because the inflation rate multiplier of 1.033 is lower than 1.05.

B. Federal Poverty Guidelines Used in the Determination of Poverty Exemptions for 2022

MCL 211.7u, which deals with poverty exemptions, was significantly altered by PA 390 of 1994 and was further amended by PA 620 of 2002.

Local governing bodies are required to adopt guidelines that set income levels for their poverty exemption guidelines and those income levels shall not be set lower by a city or township than the federal poverty guidelines updated annually by the U.S. Department of Health and Human Services. This means, for example, that the income level for a household of 3 persons shall not be set lower than $21,960 which is the amount shown on the following chart for a family of 3 persons. The income level for a family of 3 persons may be set higher than $21,960. Following are the federal poverty guidelines for use in setting poverty exemption guidelines for 2022 assessments:

<table>
<thead>
<tr>
<th>Size of Family Unit</th>
<th>Poverty Guidelines</th>
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<td>$12,880</td>
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<td>2</td>
<td>$17,420</td>
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<td>$21,960</td>
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<td>$35,580</td>
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<td>$40,120</td>
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<td>$44,660</td>
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<tr>
<td>For each additional person</td>
<td>$4,540</td>
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Note: MCL 211.7u states that the poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test. An asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes. The asset test should calculate a maximum amount permitted and all other assets above that amount should be considered as available. Please see STC Bulletin 3 of 2021 for more information on poverty exemptions.

Note: PA 135 of 2012 changed the requirements for filing documentation in support of a poverty exemption to allow an affidavit (Treasury Form 4988) to be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current year or in the immediately preceding year. This includes the owner of the property who is filing for the exemption.

* Asset level test: $15,000 or less in liquid assets.
January 13, 2022

PROPOSED 2022 CITY COUNCIL GOALS

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Balance Budget</td>
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<tr>
<td>2</td>
<td>City Infrastructure, including, but not limited to, street improvements, drainage, and underground utilities</td>
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<td>Collaboration with other municipalities</td>
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<td>7</td>
<td>Regional Transportation (Mat’s &amp; Harbor Transit)</td>
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# Proposed 2022 City Council Goals

Please prioritize these proposed goals in order of **most important to least important** by writing the number 1 in the space of your highest importance, the number 2 in the space of your second highest importance, and so on to number 11 being of the least importance.

<table>
<thead>
<tr>
<th>Goal</th>
<th>Blease</th>
<th>O'Donnell</th>
<th>Carlson</th>
<th>Sias</th>
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<th>Cate</th>
<th>Murdoch</th>
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December 13, 2021

Jessie Wagenmaker
City of Ferrysburg
408 5th St.
PO Box 38
Ferrysburg, MI 49409

Re: Grand Haven Area Public Schools
2022 Summer Tax Collection

Dear Ms. Wagenmaker:

The Grand Haven Area Public Schools’ Board of Education has, by continuing resolution pursuant to section 1613 of the Revised School Code, determined to impose a summer property tax levy in 2022 in the amount of the total (100%) of the District’s annual school property taxes.

Pursuant to the Board’s “Annual Summer Tax Collection Resolution,” therefore, the District hereby requests that your city or township agree to collect the District’s 2022 Summer levy as it applies to the property in your city or township which is also within our District.

Please promptly contact Michael MacDonald, the District’s Executive Director of Business Services (at (616) 850-5046), with respect to this collection request.

Sincerely,

[Signature]

Michael MacDonald
Executive Director of Business Services
Grand Haven Area Public Schools

www.ghaps.org
Annual Summer Tax Resolution

Grand Haven Area Public Schools, Ottawa and Muskegon Counties, Michigan (the “District”)

A regular meeting of the board of education of the District (the “Board”) was held:

☑ in the Education Service Center, 1415 S Beechtree Street, Grand Haven, MI 49417, within the boundaries of the District,

☐ electronically through ______________ with identification number ____________

on the 9th day of December 2021, at 5:30 o’clock in the p.m. (the “Meeting”)

The Meeting was called to order by __Carl Treutler__, President.

Present: Members: Carl Treutler, Seth Holt, Christine Baker, Chris Streng, and Marc Eickholt

Absent: Members: Nichol Stack and Barbara Pietrangelo

The following preamble and resolution were offered by Member __Chris Streng__ and supported by Member __Marc Eickholt__:

WHEREAS, this Board previously adopted a resolution to impose a summer tax levy to collect __100__% of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to the Revised School Code, MCL 380.1 et seq., the Board invokes for 2022 its previously adopted ongoing resolution imposing a summer tax levy of __100__% of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board and requests that each city and/or township in which the District is located collect those summer taxes.

2. The Superintendent or designee is authorized and directed to forward to the governing body of each city and/or township in which the District is located a copy of this Board’s resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 2022 in the amount specified in this resolution. Such forwarding of the resolutions and the request to collect the summer tax levy shall be performed so that they are received by the governing bodies on or before December 31, 2021.

3. Pursuant to and in accordance with Revised School Code Section 1613, the Superintendent or designee is authorized and directed to negotiate on behalf of the District with the governing body of each city and/or township in which the District is located for the reasonable expenses for collection of the District’s summer tax levy that the city and/or township
may bill under Revised School Code Sections 1611 or 1612. Any such proposed agreement shall be brought before this Board for its approval or disapproval.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are rescinded.

Ayes: Members Carl Treutler, Seth Holt, Christine Baker, Chris Streng, and Marc Eickholt

Nays: Members None

Resolution declared adopted.

Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of Grand Haven Area Public Schools, Ottawa and Muskegon Counties, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at the Meeting, the original of which is part of the Board’s minutes. The undersigned further certifies that notice of the Meeting was given to the public pursuant to the provisions of the “Open Meetings Act” (Act 267, Public Acts of Michigan, 1976, as amended).

Secretary, Board of Education

IFK/keh
PROPERTY TAX COLLECTION AGREEMENT

January 17, 2022

BETWEEN the Grand Haven Area Public School District, Counties of Ottawa and Muskegon, Michigan

AND The City of Ferrysburg

The City of Ferrysburg shall collect summer property tax assessments for the Grand Haven Area Public School District for the tax year 2022, on the following basis:

A. Per parcel cost for Summer Tax Collection to be paid by the School District to:

   City of Ferrysburg $3.10 per parcel year

The above costs will be paid by the School District on or about July 1 each year. The City of Ferrysburg will bill the School District on or about July 1. The School district shall be given a list of base costs for collecting taxes at the end of each summer tax collection period.

Base costs consists of postage, printing, blank tax bills, and computer work.

B. Disposition of Interest Earned on Tax Deposits:

The City of Ferrysburg will be entitled to retain any interest earned on tax payments collected.

The School District hereby waives and releases any claims which it might have for interest earned on all tax payments collected by the City of Ferrysburg in prior years, and hereby waives and releases any claims for interest to be earned on tax deposits collected for the years covered by this agreement.

C. Distribution of Tax Payment by the City of Ferrysburg to the School District

In consideration of the School District's Agreement to pay the City of Ferrysburg their respective per parcel costs described above, and in consideration of the School District's waiver and release of its Claims, if any, to interest earned on tax payments collected by the City of Ferrysburg, the City of Ferrysburg promises payments collected for it, as follows:

1) For payments collected from the first of the month through and including the fifteenth of the month; the tax payments collected in this period shall be paid over to the School District not later than ten (10) business days after the fifteenth of the month, regardless of the amount of taxes actually collected; and
2) For payments collected from the 16th of the month through and including the last day of the month; the tax payments collected in this period shall be paid over to the School District not later than ten (10) business days after the last day of the month, regardless of the amount of taxes actually collected.

3) For the tax monies collected on the last day of tax collection before a penalty is assessed, presently during the months of February and September, and on the last tax collection day of each calendar year, the City of Ferrysburg shall distribute the monies collected by the tenth business day thereafter.

4) The City of Ferrysburg agrees to wire monies on the day of payment by 9:30 a.m. to the bank and account selected by the School District. Cost of these wire transfers will be paid by the School District. The City of Ferrysburg will be advised in advance of the bank and account to utilized by the School District.

D. Effective Date of Agreement

The effective date of this Agreement shall be April 1, 2022.

E. The City of Ferrysburg agrees to collect taxes for the Ottawa Area Intermediate School District on the same basis as the Grand Haven Area Public School District. The payment for this collection is included in the per parcel per year amount stated in Section A of this Agreement.

F. In the event the State of Michigan approves a single tax collection, where all school taxes would be levied on one bill, Grand Haven Area Public School District will not be obligated to pay fees for school taxes collected.

G. Approvals:

The undersigned City of Ferrysburg officials acknowledge they are authorized to enter into this Agreement by the Ferrysburg City Council and agrees to the terms of this Agreement.

Dated: ________________________________                     Scott Blease, Mayor

Dated: ________________________________                     Jessie Wagenmaker, City Clerk/Treasurer
ACCEPTANCE by the Grand Haven Area Public School District.

I, the duly appointed official of the Grand Haven Area Public School District, do hereby accept the above agreement in the name of the School District and acknowledge that said Agreement is authorized by the Board of Education.

Dated: _________________________

Lyndsey Fleser
Director of Business Services
Grand Haven Area Public Schools
January 17, 2022

RESOLUTION

COLLECTION OF GRAND HAVEN AREA PUBLIC SCHOOL DISTRICT
AND

OTTAWA AREA INTERMEDIATE SCHOOL DISTRICT
TAXES DURING THE CITY’S 2022 SUMMER TAX COLLECTION

WHEREAS, the City collects its authorized property taxes during the annual summer tax collection period, and

WHEREAS, State statute permits school districts and intermediate school districts to collect one-half or all of their authorized property taxes during a city’s annual summer tax collection period, provided a city agrees to collect their taxes during the summer tax collection period, and

WHEREAS, the Grand Haven Area Public School District and the Ottawa Area Intermediate School District have requested the City of Ferrysburg to collect all of their authorized property taxes during the City’s 2022 summer tax collection period, and

WHEREAS, the City of Ferrysburg and both school districts have previously agreed that Grand Haven Area Public Schools shall pay to the City a per parcel fee to cover the City’s reasonable expenses for collection of the school districts authorized property taxes during the City’s 2022 summer tax collection period,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Ferrysburg hereby agrees to collect all of the Grand Haven Area Public School District’s and all of the Ottawa Area Intermediate School District’s authorized property taxes during the City’s 2022 summer tax collection period, as requested and as directed by the school districts.

Offered by Council Member
Seconded by Council Member

Yea:
Nay:
Absent:
Resolution

Jessie Wagenmaker, City Clerk
January 11, 2022

TO: Mayor and City Council Members

FROM: Craig Bessinger, City Manager

RE: Idema Explorers Trail

Ottawa County Parks is requesting the pedestrian path from Pine Street to Ottawa Sands be signed as a connector path for the Idema Explorers Trail. Attached is information provided by Ottawa County Parks regarding the trail along with proposed timelines.

Also attached is a resolution from 2010 when City Council supported U.S. Bike Route 35 in the City. A number of the U.S. Bike Route 35 signs have been installed along the designated route in the City.

c: Jessie Wagenmaker, City Clerk
Craig, 

We wouldn’t list it as a part of the Explorers Trail proper but as a “connector”. Here is the draft sign we are hoping to use in Grand Haven which could serve as a model for Ferrysburg. Grand Haven is a good example because the route we are proposing now is not the ultimate Explorers Trail either. We would like to follow the riverfront on the north and east sides of GH, but that is not possible now. So we are doing this “connector” through the neighborhoods of Grand Haven.

We would like the Explorers’ trail branding because the route through Ferrysburg is such an important link to the Grand River Greenway facilities that will be at Ottawa Sands.

I hope this helps.

Curt TerHaar, Coordinator of Park Planning & Development

Ottawa County Parks & Recreation Commission
12220 Fillmore Street
West Olive, MI 49460
616.738.4656 (p) 616.738.4812 (f)
cterhaar@miottawa.org

Curt,

My apologies, I hit send to early.

The second paragraph states a continuous trail from Grand Haven...

The third paragraph states from the Grand Haven pier to....

Why list the trail in Ferrysburg as part of the Idema Explorers Trail?

Craig Bessinger
City of Ferrysburg
17520 Ridge Avenue, P.O. Box 38
Ferrysburg, MI 49409-0038
IDEMA EXPLORERS TRAIL

Grand Haven Neighborhood Connector
The planned 36.5-mile Idema Explorers Trail is the culmination of a 30-year vision to protect high quality recreational and natural lands along the Grand River Greenway and connect these lands to each other and to neighboring communities.

Along with multiple partners and the assistance of the Ottawa County Parks Foundation, Ottawa County Parks is in the process of constructing 27 miles of new, multi-use pathway along the south side of the Grand River over the next several years, creating a continuous trail from the City of Grand Haven to the Kent County border.

When the Idema Explorers Trail is integrated with the Grand River Greenway Trail Network in Kent County, the 45-mile route will extend from the Grand Haven pier to downtown Grand Rapids. Between the two cities there is over 12,000 acres of public land to explore including major destination parks such as Millennium Park, the Bend Area Open Space, Grand Ravines, the Bass River Recreation Area, Connor Bayou, Ottawa Sands, and Grand Haven State Park.

In conjunction with the main trail route, Ottawa County Parks is looking to create connections to other regional and local trails with appropriate wayfinding signage and amenities to create a network of trails that benefit local residents and visitors.
Project Area

PROPOSED PROJECT AREA
SEE ENLARGEMENT

miOTTAWA SANDS PARK
DECEMBER 2, 2020

Idema Explorers Camp Access & Improvement Project at Ottawa Sands
September 20, 2021
October 19, 2010

Josh DeBruyn
Michigan Department of Transportation
425 W. Ottawa Street
PO Box 30050
Lansing, MI 48909

RE: U.S. Bike Route 35

Dear Mr. DeBruyn:

At their meeting on Monday, October 18, the Ferrysburg City Council adopted a Resolution in support of the U.S. Bike Route 35.

Enclosed is the signed resolution.

If you have any questions please call me.

Sincerely,
CITY OF FERRYSBURG

Debbie Wierenga
City Clerk/Treasurer

c: Craig Bessinger, City Manager
   Paul Vandenbosch, City of South Haven
RESOLUTION IN SUPPORT OF U.S. BIKE ROUTE 35

WHEREAS bicycle tourism is a growing industry in North America, contributing $47 billion a year to the economies of communities that provide facilities for such tourists; and:

WHEREAS the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor along the western shore of the lower peninsula of Michigan connecting to Sault Ste. Marie to be developed as United States Bicycle Route 35 (USBR 35), and;

WHEREAS a coalition of planning organizations, the League of Michigan Bicyclists, the Michigan Trails and Greenways Alliance, and the Adventure Cycling Association, with the cooperation of the Michigan Department of Transportation (MDOT) and other stakeholders, have proposed a specific route to be designated as USBR 35, a map of which is herein incorporated into this resolution by reference, and;

WHEREAS the proposed route for USBR 35 comes through Ferrysburg and can therefore provide a benefit to our residents and businesses, and;

WHEREAS we have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped, thereby promoting bicycle tourism in our area;

THEREFORE, BE IT RESOLVED that the City of Ferrysburg hereby expresses its approval and support for the development of USBR 35, and requests that the appropriate officials see to it that the route is officially designated by AASHTO as soon as this can be achieved.
Offered by Council Member Spelman.
Seconded by Council Member Sjoberg.

Yea: 6
Nay: 0
Absent: 1
Resolution: Adopted

I, Debbie Wierenga, duly appointed Clerk of the City of Ferrysburg, do hereby certify that the above resolution was adopted by the Ferrysburg City Council at its regular meeting held on Monday, October 18, 2010, at or after 7:30 p.m.

Debbie Wierenga, City Clerk
January 11, 2022

TO: Mayor and City Council Members

FROM: Craig Bessinger, City Manager

RE: Storm Water Ordinance

To comply with the National Pollutant Discharge Elimination System (NPDES) Phase II, in 2006, the City adopted a storm water ordinance as part of the Storm Water Pollution Prevention Initiative (SWIPPI).

In 2016, communities were notified the State recommend all communities adopt the same Stormwater Ordinance Stormwater Standards. Steve Groenenboom, Moore & Bruggink reviewed the draft ordinance and stormwater standards in 2016 and his comments were incorporated into the ordinance. Minor changes were made to the draft. Also, the draft ordinance has been reviewed by the City Attorney.

- First inch of stormwater needs to be treated for water quality.
- Two-year, 24-hour event has to remain on site.
- Pertains to development of new sites or redevelopment of sites larger than 1 acre.
- Appeals of the regulations of the ordinance can be appealed to City Council.
- Allows for off-site mitigation and payment-on-lieu. The City could construct a detention basin and charge developers to buy into the system.

There is additional guidance for development and redevelopment in a Stormwater Standards Manual (133 pages) with rules and calculations for developers and engineers when designing a development or redevelopment. The manual does permit for an alternate approach. If a developer cannot meet the requirements, this will allow some leeway on retention requirements for the developer if they can prove it makes sense.

The City’s recently approved and issued NPDES Permit requires the City to adopt a new stormwater ordinance by April 1, 2022.

c: Jessie Wagenmaker, City Clerk
STORMWATER ORDINANCE
FOR LOCAL GOVERNMENTS
WITHIN THE LOWER GRAND RIVER WATERSHED

2022

CITY OF FERRYSBURG

Prepared by the Stormwater Ordinance Committee of the Lower Grand River Organization of Watersheds

GVMC
ACKNOWLEDGEMENTS

This version of the Model Ordinance was based on the 2001 Kent County Model Ordinance, which was created through a collaboration of municipal officials, engineers, attorneys, and stormwater management experts led by the Kent county Drain Office. The Municipal Stormwater Permit Applications submitted by the communities in the Lower Grand River Watershed in 2019 included a commitment by all permittees to develop and submit a revised ordinance or regulatory process, which required numerous adjustments and modifications to the 2001 version to meet the new requirements. A Stormwater Ordinance (SWOrd) committee was formed in June 2014 to fulfill that commitment.

The committee members, with support of their community, contributed their time, efforts, and talent toward the preparation of this document. The Grand Valley Metro Council (GVMC) would like to acknowledge the assistance provided from all the members to the completion of this Model Ordinance and to thank them for their efforts toward creating a coordinated approach to storm water management and regulations among the Lower Grand River CITY OF FERRYSBURGs.

As written, this model ordinance is not intended to repeal or replace any other related ordinances previously adopted by the municipality (i.e., Illicit discharge ordinance, soil erosion and sedimentation control ordinance).
STORMWATER ORDINANCE
FOR
CITY OF FERRYBURGS
WITHIN THE LOWER GRAND RIVER WATERSHED

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CITY OF FERRYSBURG

COUNTY OF KENT MICHIGAN

AN ORDINANCE to provide for the regulation and control of stormwater runoff; to provide for stormwater permits and the procedures and standards for the issuance thereof; to provide for payment or reimbursement of costs and expense incurred by CITY OF FERRYSBURG associated with stormwater permits and the consideration thereof; to establish standards and requirements for the protection of floodways and for the control of soil erosion and sedimentation; to adopt other provisions for the establishing, maintaining and protection of drains and drainageways; to provide regulations for the inspection, sampling and monitoring of stormwater and other discharges; to establish performance and design standards for stormwater management in CITY OF FERRYSBURG; and to provide penalties for violations of the ordinance.

[LOCAL GOVERNMENT] ORDAINS:

Article I - General

Sec. 1.01 Statutory Authority and Title

This ordinance is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended; being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

This ordinance shall be known and may be cited as the CITY OF FERRYSBURG Stormwater Management Ordinance.

Sec. 1.02 Findings

CITY OF FERRYSBURG finds that:

(1) Water bodies, roadways, structures, and other property within, and downstream of CITY OF FERRYSBURG 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 CITY OF FERRYSBURG and the region;
(3) Land developed 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 water-borne pollutants;

(5) Increases of stormwater runoff, soil erosion, and non-point sources pollution have occurred as a result of land development, and cause deterioration of the water resources of CITY OF FERRYSBURG and downstream municipalities;

(6) Stormwater runoff, soil erosion, and non-point source pollution, due to land development within CITY OF FERRYSBURG, have resulted in a deterioration of the water resources of CITY OF FERRYSBURG and downstream municipalities;

(7) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within CITY OF FERRYSBURG will, absent reasonable regulation and control, adversely affect CITY OF FERRYSBURG water bodies and water resources, and those of downstream municipalities;

(8) Stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of stormwater runoff from development;

(9) Post-construction stormwater runoff program requirements for new development and redevelopment within CITY OF FERRYSBURG are set forth in the 2013 Michigan Department of Environment, Great Lakes, and Energy (formerly Michigan Department of Environmental Quality) Permit Application for Discharge of Storm Water to Surface Waters of the State from a Municipal Separate Storm Sewer System (MS4) under the National Pollution Discharge Elimination System (NPDES) program (Rev 10/2014).

(10) Adopting the standards, criteria and procedures contained in this ordinance and implementing the same will address many of the deleterious effects of stormwater runoff.

(11) Adopting these standards is necessary for the preservation of the public health, safety, and welfare;

(12) Adopting these standards is necessary to comply with the NPDES MS4 permit;

(13) Illicit discharges contain pollutants that will significantly degrade the CITY OF FERRYSBURG's water bodies and water resources;
(14) Illicit discharges enter CITY OF FERRYSBURG’s MS4 through either direct connections (e.g. sanitary sewer laterals mistakenly or deliberately connected to the storm sewers) or indirect connections (e.g. infiltration, or spills conveyed by surface flow into the storm sewer system); and,

(15) Establishing and implanting measures for controlling illicit discharges and connections will address many of their deleterious effects.

Sec. 1.03 Purpose

It is the purpose of this ordinance 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 non-point 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 streambed 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 non-point source pollution, wherever practicable, form lands that were developed without stormwater management controls meeting the purposes and stands of this ordinance;

(11) To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes 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 MS4 from stormwater discharges;

(13) To prohibit illicit discharges and connections to the MS4; and,

(14) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

**Sec. 1.04 Applicability, Exemptions and General Provisions**

(1) This ordinance shall apply to all new development and all redevelopment projects, including private, commercial and public projects that disturb one (1) acre or more, and projects less than one (1) acre that are part of a larger common plan of development or sale that would disturb one (1) acre or more.

(2) This ordinance 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) Construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling;

   (c) Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to greenhouses and other similar structures; and,

   (d) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this ordinance, where such approvals remain in effect.

**Sect. 1.05 Definitions**

For the purpose of this ordinance, 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) **Base Flood** – A flood having a one (1) percent chance of being equaled or exceeded in any given year

(2) **Base Flood Elevation** – The high-water elevation of the base flood, commonly referred to as the “100-year flood elevation”

(3) **Base Flood Plain** – The area inundated by the base flood
(4) Best Management Practices (BMPs) – A practices, or combination of practices and design criteria that accomplish the purposes of this ordinance (including, but not limited to reducing stormwater runoff rates, reducing stormwater runoff volume, and reducing the amount of pollutants in stormwater) as determined by CITY OF FERRYSBURG and, where appropriate, the standards of the Ottawa County Water Resources Commissioner.

(5) Building Opening – Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.

(6) Clean Water Act – The Federal Water Pollution Control Act, 33 USC Sec. 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

(7) Construction Site Stormwater Runoff – Stormwater runoff from a development site following an earth change and before final site stabilization.

(8) 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.

(9) Development – The installation or construction of buildings, structures or other impervious surfaces on a site that disturbs one (1) acre of land or more, including projects less than one (1) acre that are part of a larger common plan or sale that would disturb one (1) acre or more. A development may include a land division, plat, site condominium, planned unit development, mobile home park, private road or other special land use requiring land use or other review and approval by CITY OF FERRYSBURG.

(10) Developer – Any person or entity proposing or implementing the development of land.

(11) Development Site – Any land that is being or has been developed, or that a developer proposed for development.

(12) Discharger – Any person or entity who directly or indirectly discharges stormwater from any property.

(13) Drain – Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq.

(14) Drainage – The collection or conveyance of stormwater, ground water, and/or surface water.

(15) Drainageway – The area within which surface water or ground water is conveyed from one part of a lot or parcel to another part of the lot or parcel or to adjacent land or to a watercourse.
(16) Earth Change – Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

(17) EGLE - Michigan Department of Environment, Great Lakes and Energy

(18) EPA – The United States Environmental Protection Agency

(19) Erosion – The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof

(20) Federal Emergency Management Agency (FEMA) – The agency of the federal government charged with emergency management

(21) 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

(22) Flood-Proofing – Any structural and/or non-structural additions, changes, or adjustments to structures or property that reduce or eliminate flood damage to land, improvements, utilities, or structures

(23) Flood Protection Elevation (FPE) – The base flood elevation plus one (1) foot at any given location

(24) Floodway – The channel of a river or stream and the portions of the floodplain adjoining the channel that are reasonably required to carry and discharge a 100-year flood

(25) Grading – Any stripping, excavating, filling, and stockpiling of soil or any combination thereof, and the land in its excavated or filled condition

(26) Groundwater – Water below the land surface in the zone of saturation as defined by EGLE Part 213

(27) Hazardous Material(s) – 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) High Groundwater – A groundwater elevation which does not meet minimum distance from the bottom of proposed practice as defined in the Stormwater Standards Manual.

(29) Illicit Connection – Any method or means for conveying an illicit discharge into water bodies or CITY OF FERRYSBURG’s stormwater system.

(30) Illicit Discharge – Any discharge to water bodies or stormwater systems that does not consist entirely of stormwater, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this ordinance.

(31) Impervious Surface -- Any surface that does not allow stormwater to percolate into the ground.

(32) Local Floodplain – Any land area subject to periodic flooding as determined by CITY OF FERRYSBURG.

(33) CITY OF FERRYSBURG – The CITY OF FERRYSBURG, or a properly delegated official.

(34) Lowest Floor – The lowest floor or the lowest enclosed area (including a basement), but not including an unfinished or flood-resistant enclosure which is usable solely for parking of vehicles or building access.

(35) MS4 – Municipal Separate Storm Sewer System is a system of drainage (including roads, storm drains, pipes and ditches, etc.) that is not a combined sewer or part of a sewage treatment plant. During wet weather, pollutants are transported through MS4s to local water bodies.

(36) MS4 Permit – Regulated communities with MS4s that discharge to waters of the state are required to obtain a permit under Section 402 of the Federal Clean Water Act, as amended, and under the Water Resources Protection (Part 31, Act 451, PA 1994) of the Michigan Natural Resources and Environmental Protection Act (NREPA), as amended.

(37) NPDES – National Pollution Discharge Elimination System. The NPDES program protects the surface waters of the state by assuring that discharges of wastewater comply with state and federal regulations. Anyone discharging or proposing to discharge wastewater to the surface waters of the state are required to make application for and obtain a valid NPDES permit prior to wastewater discharge.

(38) Overland Flow-Way – Surface area that conveys a concentrated flow of stormwater runoff.
(39) Person – An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity

(40) Plan – Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these

(41) 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 defines as a pollutant under the Clean Water Act

(42) Project Site – Area of earth change or disturbance

(43) Property Owner – Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property

(44) Retention – A system which is designed to capture stormwater and contain it until it infiltrates the soil or evaporates

(45) Riparian Property Owner – A property owner whose land is adjacent to a waterbody

(46) Sewershed – A catchment defined by storm drain infrastructure emptying into a common outlet

(47) Soil Erosion – The stripping of soil and weather rock from land creating sediment for transportation by water, wind, or ice, and enabling formation of new sedimentary deposits

(48) State of Michigan Water Quality Standards – All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Par 31 of 1994 PA 451, as amended

(49) State-Regulated Floodplain – Any area of land adjoining a river or stream that will be inundated by a base flood that has a drainage area of two (2) square miles or more when measured at the downstream limits of the proposed development site

(50) Storm Drain – A system of open or enclosed conduits and appurtenant structures intended to convey or manage stormwater runoff, ground water and drainage

(51) Stormwater Permit – A permit issued pursuant to this ordinance
(52) Stormwater Runoff – Water that originates during precipitation events or with snowmelt. Stormwater that does not soak into the ground or evaporates becomes stormwater runoff, which either flows directly into surface waters or is channeled into storm drainage systems.

(53) Stormwater Management Facility – The method, structure, area, system, plantings, trees, or other equipment or measures which are designed to receive, control, store, convey, infiltrate, or treat stormwater.

(54) Stormwater Standards Manual – Establishes a uniform set of minimum stormwater design standards necessary to provide for public safety, the protection of property, and to comply with the NPDES MS4 individual permit.

(55) 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.

(56) Substantial Improvement – A repair, reconstruction, or improvement of an existing structure, such that the cost equals or exceeds fifty percent (50%) of the true cash value of the structure either:

(a) Before the improvement is started, or

(b) Before the damage occurred if the structure has been damaged and is being restored, or

(c) Substantial improvement is started when the first alteration of any structural part of the building commences

(57) Uncontaminated Pumped Groundwater – Pumped groundwater from dewatering wells at sites where no known soil or groundwater contamination exists.

(58) Wastewater – Any water or other liquid other than uncontaminated stormwater discharged from a facility.

(59) Water Body – A river, lake, stream, creek or other watercourse or wetlands.

(60) Watershed – A land area draining into a water body.

(61) Wetlands – Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation and aquatic life.
Article II – Stormwater Permits

Sec. 2.01 Permit Required

(1) No person shall engage in any development activity without first receiving a stormwater permit from CITY OF FERRYSBURG pursuant to Section 2.02.

(2) The granting of a stormwater permit only authorizes the discharge of stormwater from the development for which the permit is required, subject to the terms of the permit. It shall not be deemed to approve other development, other land use activities, or replace other required permits.

Sec. 2.02 Stormwater Permit Review Procedures

CITY OF FERRYSBURG shall grant a stormwater permit, which may impose terms and conditions in accordance with Section 2.09, only upon compliance with each of the following requirements:

(1) The developer has submitted a site (drainage) plan complying with Section 2.03.

(2) The developer has paid or deposited the stormwater permit review fee pursuant to Section 2.04.

(3) The developer has paid or posted an applicable performance guarantee pursuant to Section 2.06.

(4) The developer agrees to provide all easements necessary to implement the approved drainage plan and to otherwise comply with this ordinance including, but not limited to, Section 7.02. All easements shall be acceptable to CITY OF FERRYSBURG in form and substance and shall be recorded with the County Register of Deeds. At the discretion of CITY OF FERRYSBURG the final easement may be required to be recorded prior to permit issuance.

(5) The developer provides the required maintenance agreement for routine, emergency, and long-term maintenance of all structural and vegetative BMPs installed and implemented to meet the performance standards, and to comply with the approved drainage plan and this ordinance including, but not limited to, Section 7.03. The maintenance agreement shall be acceptable to CITY OF FERRYSBURG in form and substance, may not be amended without the approval of CITY OF FERRYSBURG, shall be binding on all future property owners, and shall be recorded with the county Register of Deeds.

Sec. 2.03 Drainage Plan

The developer shall provide adequate stormwater management facilities for the Development site. Adequate facilities reduce the exposure of people to drainage-related
adverse impacts and to health and safety hazards. They reduce the exposure of real and personal property to damage through stormwater inundation. The stormwater management system and stormwater best management practices (BMPs) shall be designed in accordance with the latest version of the document "Stormwater Standards Manual" of CITY OF FERRYsburg.

The Developer shall provide a drainage Plan to CITY OF FERRYsburg for review and approval by CITY OF FERRYsburg. The drainage Plan shall identify and contain all the information required in the "Stormwater Standards" manual, including an implementation Plan relative to the Development site.

The implementation Plan for construction and inspection of all stormwater management facilities necessary to the overall drainage Plan shall include a schedule of the estimated dates of completing construction of the stormwater management 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.

Sec. 2.04 Stormwater Permit Review Fees

(1) All expenses and cost incurred by CITY OF FERRYsburg directly associated with processing, reviewing and approving or denying a stormwater permit application shall be paid to CITY OF FERRYsburg from the funds in a separate escrow account established by the developer, as provided in subsection (2). CITY OF FERRYsburg shall draw funds from a developer's escrow account to reimburse CITY OF FERRYsburg for out-of-pocket expenses incurred by CITY OF FERRYsburg relating to the application. Such reimbursable expenses include, but are not limited to the following:

(a) Services of CITY OF FERRYsburg attorney directly related to the application

(b) Services of CITY OF FERRYsburg engineer directly related to the application

(c) Services of other independent contractors or consultants working for CITY OF FERRYsburg 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 they may be required to deposit with the CITY OF FERRYsburg clerk an escrow deposit, an initial amount as determined by resolution of the City Council for such matters, and shall provide additional amounts as requested by CITY OF FERRYsburg in 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 OF FERRYsburg 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 CITY OF FERRYSBURG’s final decision on an application shall the balance in the escrow account fall below the amount as designated by CITY OF FERRYSBURG. If the funds in the account are reduced to less than the required amount, the developer shall deposit into the account an additional amount as determined by City Council resolution, before the application review process will be continued. Additional amounts necessary to process the application may be required to be placed in the escrow account by the developer, at the discretion of CITY OF FERRYSBURG and based upon the criteria set forth in this ordinance.

Sec. 2.05 Construction Site Runoff Controls

Prior to making any earth change on a Development site regulated by this ordinance, the Developer shall first obtain a Soil Erosion Permit issued in accordance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, if otherwise required by law. The Developer shall install stormwater management facilities and shall phase the Development activities to prevent construction site stormwater runoff and off-site sedimentation. During all construction activities on the Development site, CITY OF FERRYSBURG may inspect the Development site to ensure compliance with the approved construction site runoff controls.

Sec. 2.06 Performance Guarantee

(1) CITY OF FERRYSBURG shall not approve a stormwater permit until developer submits to CITY OF FERRYSBURG a letter of credit or other performance guarantee in a form and amount satisfactory to CITY OF FERRYSBURG, a letter of credit or other performance guarantee to ensure the timely and satisfactory construction of all approved stormwater management facilities and to complete site grading in accordance with the approved drainage plan. Upon 1) 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 implementation plan required to be submitted in Section 2.03, and 2) receipt of construction record drawings meeting the minimum requirements of CITY OF FERRYSBURG or the Water Resources Commissioner, CITY OF FERRYSBURG may release the letter of credit, or other performance guarantee subject to final CITY OF FERRYSBURG acceptance and approval.

(2) Except as provided in subsection (3), the amount of the performance guarantee shall be an amount determined by the City Engineer and approved by City Council.

(3) The City Manager or designee may reduce or waive the amount of the performance guarantee for a development that will not increase the percentage of impervious surface of the development site by more than ten percent (10%) and in accordance with those factors set forth in subsection (2).
(4) This ordinance shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private stormwater management 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.

Sec. 2.07 Certificate of Occupancy

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

Sec. 2.08 No Change in Approved Facilities

Stormwater management facilities, after construction and approval, shall be maintained in good operational 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 to that plan.

Sec. 2.09 Terms and Conditions of Permits

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

Article III – Stormwater System, Floodplain and Other Standards, Soil Erosion Control

Sec. 3.01 Management of and Responsibility for Stormwater System

CITY OF FERRYSBURG 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 management facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body or the functioning of such drainage.

Sec. 3.02 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.
Sec. 3.03 Stormwater Discharge Rates and Volumes

CITY OF FERRYSBURG minimum design standards CITY OF FERRYSBURG set forth in Article VIII of this ordinance shall apply to all new development and redevelopment projects, including preventing or minimizing water quality impacts. Specific exemptions are listed in the Stormwater Standards Manual.

Sec. 3.04 Floodplain Standards

(1) All new buildings and substantial improvements to existing buildings shall be protected from flood damage up to the flood protection elevation (FPE) and shall be in accordance with all applicable federal, state, and local ordinances, and rules and regulation. Floodway alteration in a local floodplain shall be permitted only upon review and approval by CITY OF FERRYSBURG, in accordance with an approved drainage plan.

(2) A drainage plan providing for the filling or alteration of a floodway within a local floodplain shall include provisions for maintaining stability of banks of streams or other water bodies. Establishing buffer zones is one means of providing protection of the slopes and banks or water bodies.

(3) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan. Such a plan may also include provisions for the replacement of local flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

(4) Any earth change with a state-regulated floodplain shall only be undertaken in accordance with any required state or federal permit.

(a) Advisability of additional flood protection. The degree of flood protection required by this ordinance is hereby found to be the minimum necessary and reasonable for regulator purposes. Larger floods may occur, and higher floodwater heights may occur than will be mitigated or controlled by compliance with these requirements. This ordinance shall not be interpreted to imply or guarantee that areas outside the floodway or the state-regulated floodplain or uses permitted within such areas, shall remain free from flooding or flood damage. Compliance with the terms of this ordinance will not guarantee freedom from damage, injury or loss of life. This ordinance shall not be interpreted or applied to create liability for CITY OF FERRYSBURG or any officer, agent, or employee of CITY OF FERRYSBURG for any flood or flood related damage.

Sec. 3.05 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 all applicable federal, state, and local ordinances, rules and regulations.

(2) During any earth change which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other persons causing or participating in the earth change shall do the following:

(a) Comply with the stormwater management standards of this ordinance

(b) Obtain and comply with the terms of a soil erosion and sedimentation control permit if required by law.

(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 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 ordinance and the Stormwater Standards Manual

(h) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this ordinance

(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, as directed by the regulatory agency issuing the soil erosion and sediment control permit. 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

(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 as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage

(k) The property owner shall have the soil erosion and sediment control measure inspected weekly and within twenty-four (24) hours of a rain event of sufficient quantity to cause runoff. The inspection for sites one (1) acre or greater shall be
conducted by a EGLE certified construction site stormwater operator who shall maintain written inspection logs. Logs shall be made available to CITY OF FERRYsburg.

Sec. 3.06 Building Openings

(1) No building opening shall be constructed below the following elevations:

(a) One foot above the base flood elevation

(b) One foot above the 100-year water surface hydraulic grade line of the stormwater system

(c) The building opening established at the time of plat or development approval and on file with the CITY OF FERRYsburg

(2) No lowest floor shall be constructed below the following elevations:

(a) Two (2) feet above the highest known ground water elevation

(3) The lowest allowable floor established at the time of plat or redevelopment approval and on file with the CITY OF FERRYsburg. A waiver from elevations stated in Section 3.05 (1) may be granted by CITY OF FERRYsburg following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.

(4) Upon completion of construction of the structure’s foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening or lowest floor elevation specified by this ordinance. This certificate shall attest that the building opening or lowest floor elevation complies with the standards of this ordinance. The permittee for the building permit shall submit the certificate to the CITY OF FERRYsburg building inspections official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening or lowest floor elevation is below the elevation specified in Section 3.06 (1) (a) through (c), that opening must be raised using a method that meets with the approval of CITY OF FERRYsburg. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum building opening or lowest floor elevation complies with the standards of this ordinance prior to the commencement of framing and/or structural steel placement.

Sec. 3.07 Sump Pump Discharge [ ]

(1) Whenever building footing drains are required or utilized, a direct connection between the footing drains and the storm sewer through a sump pump-check valve system, or a gravity pipe with a double flap gate valve for backflow prevention is required. The check valve system shall be installed on private property and maintained by the property owner.
(2) A stormwater lateral shall be provided for each parcel at the time of storm sewer construction. If no lateral is provided, the property owner shall discharge said water in such a manner as to not impact neighboring land or public streets. If a stormwater lateral does not exist, and if it is technically feasible to construct one, the property owner may install one at their expense. Any work to be conducted within the right-of-way must be expressly authorized by CITY OF FERRYSBURG.

(3) The property owner assumes all risks associated with connecting directly into the storm sewer system. The requirements outlined in subsection (1) of this section (3.07) are the minimum required for CITY OF FERRYSBURG to allow a property owner to connect a foundation drain to the storm sewer system. Additional measures may be considered to reduce the risk of storm sewer backups, such as the inclusion of a physical air gap between the residential stormwater discharge line and the public storm sewer system. All backflow prevention devices shall be installed on private property and maintained by the property owner. Stormwater runoff shall not be redirected or infiltrated within the influence of footing drains.

(4) None of the requirements of this section (3.07) shall be interpreted to require a property owner to connect into the storm sewer system.

(5) If a storm sewer connection is not utilized, foundation drain outlets shall comply with CITY OF FERRYSBURG code of ordinances.

Article IV – Prohibitions and Exemptions

Sec. 4.01 Prohibited Discharges

(1) No person shall discharge to a water body, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively prevent pollutants from being discharged with the stormwater, except in accordance with BMPs.

(2) CITY OF FERRYSBURG is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs as necessary, to prevent or reduce the discharge of pollutants into CITY OF FERRYSBURG’s stormwater drainage system.

(3) No person shall discharge or cause to be discharged into CITY OF FERRYSBURG storm drain system or watercourse any materials, including, but not limited to, pollutants, or water 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 illicit discharge to the storm drain system is prohibited except for discharges authorized by CITY OF FERRYSBURG as being necessary to protect public health and safety.
(4) Prohibition of illicit connections

(a) The construction, use, maintenance, or continued existence of illicit connections to the MS4 is prohibited.

(b) 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.

(c) Without limitation, a person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the MS4 or allows such a connection to continue.

(5) The prohibitions of this section shall not apply to any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided, that the discharge is in full compliance with all 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 MS4.

Sec. 4.02 Exempted Discharges

(1) The following non-stormwater discharges shall be exempted from the requirement of this article, provided that they do not result in a violation of State of Michigan water quality standards:

(a) Water supply line flushing

(b) Landscape irrigation

(c) Diverted stream flows

(d) Rising ground water

(e) Uncontaminated ground water infiltration to storm drains

(f) Uncontaminated pumped ground water

(g) Discharges from potable water sources

(h) Foundation drains

(i) Air conditioning condensate

(j) Individual residential car washing
(k) Dechlorinated swimming pool water

(l) Street wash water

(m) Discharges or flows from emergency firefighting activities

(n) Discharges for which a specific federal or state permit has been issued

(2) None of the above exemptions eliminate the need to provide appropriate pollution control or pollution prevention measures required under this ordinance or under any other Federal or State law, rule or regulation.

Sec. 4.03 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, ditch, swale, culvert, water body, floodplain, or flood prone area without first submitting a drainage plan to CITY OF FERRYSBURG and receiving approval of that plan. Any deviation from the approved plan is a violation of this ordinance. 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.

(2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodway.

(3) No shrubs or trees shall be planted below the top of the bank of a water body.

(4) For an overland flow-way:

(a) Silt screen fences shall not be permitted below the top of the bank of a water body.

(b) Chain link fences shall be permitted if CITY OF FERRYSBURG determines that the fence will not obstruct or divert the flow of water.

(c) If a fence is removed by CITY OF FERRYSBURG for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner’s expense.

(5) Shrubs, trees or other above-ground 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.
Sec. 4.04 Storage of Materials in Drainageway

It shall be unlawful for any person to store, stockpile or dispose of any hazardous, toxic, or non-toxic material including, but not limited to, chemicals, explosives, buoyant materials, yard wastes, log and brush piles, unsecured landscaping materials, play or work sheds, animal wastes, fertilizers, flammable liquids and pollutants within an overland flow-way, drainage system or a floodplain unless adequate protection and or containment has been provided to prevent such materials from entering, diverting or blocking CITY OF FERRYSBURG drainage system, except as specifically permitted by State and Federal law.

Article V – Inspection, Monitoring, Reporting, and Recordkeeping

Sec. 5.01 Inspection and Sampling

To assure compliance with the standards outlined in Article VIII, CITY OF FERRYSBURG may inspect and or obtain stormwater samples from stormwater management facilities of any discharger to determine compliance with the requirements of this ordinance. Upon request, the discharger shall allow CITY OF FERRYSBURG’s properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling absent exigent circumstances. CITY OF FERRYSBURG shall make a reasonable effort to provide the discharger with advance notice of such inspection and/or sampling. Unreasonable delays in allowing access to a discharger’s facility is a violation of this ordinance. CITY OF FERRYSBURG as a condition of the issuance of any permit in accordance with this ordinance, a permittee is deemed to consent to CITY OF FERRYSBURG’s exercise of its right to place on the discharger’s property the equipment or devices used for such sampling or inspection.

Sec. 5.02 Stormwater Monitoring Facilities

A discharger of stormwater runoff shall install and operate equipment or devices for the monitoring of stormwater runoff, at its own expense, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a stormwater management facility, when directed in writing to do so by CITY OF FERRYSBURG. CITY OF FERRYSBURG may require a discharger to provide an 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.

Sec. 5.03 Accidental Discharges

(1) Any discharger who accidentally discharges into a water body any substance other than stormwater or an exempted discharge shall immediately inform CITY OF FERRYSBURG concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with CITY OF FERRYSBURG within five (5) days. The written report shall specify:
(a) The composition of the discharge and the cause thereof;

(b) The exact date, time, and estimated volume of the discharge;

(c) All measures taken to date 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 a civil infraction proceeding brought under this ordinance 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 Section 5.03 (1).

Sec. 5.04 Record Keeping Requirement

Any person subject to this ordinance 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.

Article VI – Enforcement

Sec. 6.01 Sanctions for Violation

(1) Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction and subject to a fine, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in Section 6.01 (2) 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 for compliance with the requirements of this ordinance.

For purposes of this section, “subsequent offense” means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

CITY OF FERRYSBURG enforcement officer is authorized to issue municipal civil infraction citations for a violation of any provision of this ordinance.
(2) Any person who neglects or fails to comply with a stop work order issued under Section 6.02 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of no more than five hundred (500) dollars or imprisonment for no more than ninety three (93) days, or both such fine and imprisonment, and such person shall also pay such costs of prosecution and other charges as may be imposed in the discretion of the court.

(3) Any person who aids or abets a person in a violation of this ordinance shall be subject to the sanctions provided in this section.

Sec. 6.02 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 ordinance, CITY OF FERRYsburg is authorized to issue a stop work order to prevent further or continuing violations or adverse effects. All persons to whom a stop work order is directed, or who are involved in any way with the work or matter described in a stop work order shall fully and promptly comply therewith.

Sec. 6.03 Failure to comply; Completion

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, CITY OF FERRYsburg may, after giving reasonable notice and an opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse CITY OF FERRYsburg for all costs of such work. Without limiting the foregoing, a failure to comply or otherwise bring property into compliance with this ordinance is deemed a public nuisance and shall be subject to abatement.

Sec. 6.04 Emergency Measures

When emergency measures are necessary to protect public safety, health and welfare, and/or to prevent loss of life, injury, or damage to property, CITY OF FERRYsburg 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 ordinance and shall promptly reimburse CITY OF FERRYsburg for all such costs.

Sec. 6.05 Cost Recovery for Damage to Storm Drain System

A discharger shall be liable for all costs incurred by CITY OF FERRYsburg 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 ordinance. Costs include, but are not limited to, those penalties levied by the EPA or MEDQ for violation of a NPDES permit, attorney fees, and other costs and expenses.

Sec. 6.06 Collection of Costs; Lien

To the extent permitted by law, service charge incurred by CITY OF FERRYsburg and the Ottawa County Water Resources Commissioner in any manner authorized by law
including, but not limited to, all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended. When applicable, said costs shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time or as otherwise authorized by law with any such charges which are delinquent for six (6) months or more may be certified annually to CITY OF FERRYBURG 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 of taxes.

Sec. 6.07 Appeals

Any person as to whom any provision of this ordinance has been applied may appeal in writing, no later than thirty (30) days after the action or decision being appealed from, to the CITY OF FERRYBURG City Council the action or decision whereby any such provision was so applied. Such appeal shall identify the manner being appealed, and the basis for the appeal. The CITY OF FERRYBURG shall consider the appeal and may affirm, reject, or modify the action being appealed based on the standards set forth in this ordinance. The CITY OF FERRYBURG City Council may impose reasonable conditions on an affirmative decision in an appeal. CITY OF FERRYBURG City Council shall make its decision in writing and shall furnish a copy of the decision to the person making the appeal. In considering any such appeal, the CITY OF FERRYBURG City Council may consider the recommendations of CITY OF FERRYBURG engineer and the comments of other persons having knowledge of the matter.

Sec. 6.08 Suspension of MS4 Access

(1) CITY OF FERRYBURG may, without prior notice, suspend a person's discharge access to the MS4 when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of person or the MS4. If the person fails to comply with a suspension order issued herein, CITY OF FERRYBURG may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons. A person failing to comply with a suspension order pursuant to this section shall be liable for all cost incurred by CITY OF FERRYBURG as the result of such failure to comply and a violation shall constitute a public nuisance.

(2) Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated in such termination would abate or reduce an illicit discharge. CITY OF FERRYBURG will notify a violator of the proposed termination of its MS4. A person violates this ordinance if the person reinstates MS4 access to a premise terminated pursuant to this section, without the prior approval of CITY OF FERRYBURG.
Article VII – Stormwater Easements and Maintenance Agreements

Sec. 7.01 Applicability of Requirements

The requirements of this article concerning stormwater easements and maintenance agreements shall apply to all person required to submit a drainage plan to CITY OF FERRYSBURG for review and approval.

Sec. 7.02 Stormwater Management Easements

The property owner shall provide all stormwater management easements necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance required by CITY OF FERRYSBURG and shall record such easements as directed by CITY OF FERRYSBURG. The easements shall assure access for proper inspection and maintenance of stormwater management facilities and shall provide adequate emergency overland flow-ways.

Sec. 7.03 Maintenance Agreements

(1) Maintenance agreement required. The developer shall provide all stormwater maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance as required by CITY OF FERRYSBURG and shall record such agreements as directed by CITY OF FERRYSBURG. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance or corrective actions of stormwater BMPs, including emergency overland flow-ways, and include provisions for tracking the transfer of operation and maintenance responsibility to ensure the performance standards are met in perpetuity.

(2) Maintenance agreement provisions:

(a) The maintenance agreement shall include a maintenance plan and schedule for routine, emergency and long-term maintenance of all structural and vegetative stormwater BMPs installed and implemented to meet the performance standards, with a detailed annual estimated budget for the initial three years, and a clear statement that only future maintenance activities in accordance with the maintenance agreement plan shall be permitted without the necessity of securing new permits.

(b) Written notice and submittal of maintenance documentation shall be provided to CITY OF FERRYSBURG by the property owner at the interval set forth in the maintenance agreement and subject to the provisions of Sections 5.01 through 6.07.

(c) If it has been found by CITY OF FERRYSBURG, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this ordinance and/or as required in the approved maintenance agreement as required here
under, CITY OF FERRYSBURG shall then be authorized, but not required, to hire an entity with qualifications and experience in the subject matter to undertake the monitoring and maintenance required, in which event the property owner shall be obligated to advance or reimburse payment for all costs and expense associated with such monitoring and maintenance, together with a reasonable administrative fee. The maintenance agreement required under this ordinance shall contain a provision spelling out the requirements and, if the applicant objects in any respect to such provision or the underlying rights and obligations, such objection shall be resolved prior to the commencement of construction of the proposed development of the property.

Sec. 7.04 Establishment of County Drains

Prior to final approval of a platted subdivision, all stormwater management facilities for platted subdivisions shall be established as county drains, as authorized in Section 433, Ordinance 18 of the Michigan Drain Code (P.A. 40 of 1956, as amended) for long-term maintenance.

Article VII – Performance and Design Standards

Sec. 8.01 Design Standards

Stormwater BMPs shall be designed to manage stormwater flow within the available capacity of the downstream conveyance system as determined by CITY OF FERRYSBURG.

In addition, stormwater BMPs shall be designed to meet performance standards as described in Section 8.02. Stormwater system design shall be in accordance with the latest version of the Stormwater Standards manual published by CITY OF FERRYSBURG.

Sec. 8.02 Performance Standards

In order to achieve the goals and purposes of this ordinance, the following stormwater management performance standards are hereby established;

(1) Water Quality Treatment: Treat the calculated site runoff for the entire project site from the ninety percent (90%) annual non-exceedance storm, which is approximately equal to one (1) inch of rain (i.e. on average, ninety percent (90%) of the storm in a given year, produces one (1) inch or less). The treatment volume specified is based on capturing and treating the volume of stormwater that is the first to runoff in a storm and expected to contain the majority of pollutants. This volume of runoff is often referred to as the “first flush”. The water quality treatment standard is required for all sites.

(a) Total Suspended Solids (TSS). The methods selected to treat the volume of water calculated for the water quality treatment performance standard shall be designed on a site-specific basis to achieve either a minimum of eighty percent (80%) removal of TSS, as compared with uncontrolled runoff, or discharge concentration of TSS that does not exceed eighty (80) milligrams per liter (mg/l).
This performance standard is based on TSS as a surrogate for other pollutants normally found in stormwater runoff. Control of TSS to meet this standard is expected to achieve control of other pollutants to an acceptable level that protects water quality.

(2) Channel Protection: Maintain the post-development project site runoff volume and peak flow rate at or below pre-development levels for all storms up to the two (2) year, twenty-four (24) hour event. At a minimum, pre-development is defined as the last land use prior to the planned new development or redevelopment. The channel protection standard is required for stormwater discharges to surface waters or the MS4.

(3) Flood Control: Control the volume of site runoff from the flood control rainfall event with a maximum allowable release rate to reduce the potential for property damage for overbank flooding and preserve existing floodplains. The flood control event and maximum allowable release rate shall be determined by CITY OF FERRYBURG. The flood control standard is required for all sites.

(a) Overflow Routes: Acceptable overflow routes for the one hundred (100) year flood shall be identified for the site and for downstream areas between the site and the nearest acceptable floodway or outlet. Stormwater conveyance systems are usually designed to handle flows generated by the ten (10) year storm. When larger storms generate higher flows, the conveyance system is expected to surcharge resulting in stormwater accumulating on the surface of the ground. Gravity will cause such stormwater to flow overland to lower elevations. By carefully managing the shape of the land surface such overland stormwater flow can be directed to locations that will not cause property damage. Adequate emergency overland flow-ways will direct stormwater flows generated by the one hundred (100) year storm to avoid damage to structures and facilities.

(4) Site-Specific Requirements:

(a) Pretreatment: Pretreatment of site runoff is required on a site-specific basis prior to discharging to certain stormwater BMPs. Pretreatment provides for the removal of fine sediment, trash and debris, and preserves the longevity and function of the BMP.

(b) Hot Spots and Groundwater Contamination: Some land use activities have a potentially greater risk of polluted runoff than others. Project sites with these types of activities are referred to as “hot spots” and include uses such as gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards. Hot spots also include areas with the potential for contaminating public water supply intakes. Pretreatment of stormwater runoff to address pollutants associated with hot spots is required for the site. Stormwater management strategies and BMPs that reduce the potential to mobilize existing soil and groundwater contaminants, or that capture and treat stormwater runoff
and/or accidental spills to protect groundwater or nearby surface waters are required.

(c) Coldwater Streams: Stormwater management strategies and BMPs that minimize thermal impacts from site runoff and maximize groundwater recharge are required for sites with a surface water discharge to a coldwater stream as determined by the Michigan Department of Natural Resources (MDNR).

Sec. 8.03 Off-site Mitigation and Payment-in-Lieu Programs for Redevelopment Projects

The water quality treatment and channel protection performance standards focus on maintaining or restoring stable hydrology. However, potential physical constraints may limit the ability to fully meet the post-construction requirement at the project site. When physical constraints limit the feasibility of maintaining or restoring hydrology, offsite mitigation and/or payment-in-lieu may be approved by CITY OF FERRYSBURG. Offsite mitigation will only be considered if there is a planned or constructed private mitigation bank or project immediately downstream. CITY OF FERRYSBURG will only consider payment-in-lieu if CITY OF FERRYSBURG has a planned or constructed water quality improvement project immediately downstream. The cost of payment-in-lieu will be considered on a case to case basis and will represent the actual cost of implementing public downstream water quality enhancements. Any request for payment-in-lieu shall be accompanied by a development agreement that clearly states a public/private partnership has been formed for the site development. Payment-in-lieu will be considered, at the discretion of CITY OF FERRYSBURG, when reviewing a project of regional significance.

Consideration of either off-site mitigation or payment-in-lieu will be entirely the discretion of CITY OF FERRYSBURG.

Offsite mitigation refers to BMPs implemented at a location different from the original project site.

Payment-in-lieu refers to the developer paying a fee to CITY OF FERRYSBURG that is applied to a public stormwater management project. The stormwater management project may be either a new BMP or a retrofit to an existing BMP and developed in accordance with the Stormwater Standards Manual.

The location for offsite mitigation and payment-in-lieu projects shall be within the same watershed and Sewershed as the original project, and within CITY OF FERRYSBURG’s jurisdictional boundaries. The watershed is the area represented by the State of Michigan, EGLE, ten (10) digit Hydrologic Unit Code (HUC). The Sewershed is the area where stormwater is conveyed by an MS4 to a common outfall or point of discharge.

The determination to approve offsite mitigation or payment-in-lieu will be based on multiple criteria and not solely on the difficulty of cost of implanting BMPs on site. Conditions under which the option to move off site would become available may include:
(1) Limited size of the lot outside of the building footprint to create the necessary infiltration capacity even with amended soils.

(2) Soil instability as documents by a thorough geotechnical analysis.

(3) A site use that is inconsistent with capture and reuse of stormwater.

(4) Too much shade or other physical conditions that preclude adequate use of plants.

(5) The potential water quality impact from the original project site and the benefits realized at the offsite location.

CITY OF FERRYSBURG may approve offsite mitigation or payment-in-lieu if the developer demonstrates that site constraints preclude sufficient treatment and restoration of hydrology onsite. At a minimum CITY OF FERRYSBURG requires:

(1) Offsite ratio. The offset ratio for the amount of stormwater not managed onsite in relation to the amount of stormwater required to be mitigated at another site, or for which in-lieu payments will be made as follows:

   (a) First Tier: Manage a minimum of zero point four (0.4) inches of stormwater runoff onsite and provide a one (1) to one point five (1.5) offset ratio for the remaining amount of stormwater managed offsite.

   (b) Second Tier: If it completely infeasible to manage the minimum onsite, provide a one to two (1:2) offset ratio for the amount of stormwater managed onsite.

(2) Schedule. Offsite mitigation and payment-in-lieu projects shall be completed within twenty-four (24) months after the start of the original site construction.

(3) Assurances. Offset and in-lieu projects shall be preserved and maintained in perpetuity through the procedures and tracking system administered by CITY OF FERRYSBURG.

Sec. 8.04 Alternative Approach for Channel Protection

In many cases, infiltration will likely be used as the primary means of retention. It is not, however, the sole means of providing onsite retention, and the developer must include consideration of stormwater reuse, interception, evapotranspiration, and other vegetative (non-structural) BMPs at the project site. Site constraints that limit the use of infiltration may include:

(1) Poorly draining soils (<0.24 inches per hour; typically, hydrologic soil groups C and D)
(2) Bedrock

(3) High groundwater, or the potential of mounded groundwater to impair other uses

(4) Wellhead protection areas

(5) Stormwater hot spots

(6) Part 201 and 213 sites, and areas of soil or groundwater contamination

CITY OF FERRYSBURG may grant a waiver of the onsite retention criteria for channel protection described in Section 8.02 and allow an alternative approach to meet the channel protection performance standard if the developer demonstrates that site constraints preclude sufficient retention onsite. If a waiver is granted, the developer must meet the following extended detention criteria:

(1) Extended Detention: Detain the portion of the channel protection volume unable to be retained onsite for a minimum of twenty-four (24) hours with a maximum release rate no greater than the existing one (1) year peak discharge, and a drawdown time no greater than seventy two (72) hours. A waiver from CITY OF FERRYSBURG must be granted to use this alternative approach.

Sec. 8.05 Resolution to Implement Performance and Design Standards

The City Council of CITY OF FERRYSBURG may adopt a resolution establishing more detailed design and performance standards for stormwater management facilities, consistent with the terms of this ordinance, and in order to further implement its goals and purposes.

Article IX – Other Matters

Sec. 9.01 Interpretation

Words and phrases in this ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this ordinance, but which have acquired particular meanings in law or in technical usage, shall be construed according to such meanings.

Sec. 9.02 Catch-Line Headings

The catch-line headings of the articles and sections of this ordinance are intended for convenience only and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.
Sec. 9.03 Severability

The provisions of this ordinance are hereby declared to be severable, and if any part or provision of this ordinance 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 ordinance.

Sec. 9.04 Effective Date

This ordinance shall become effective [date], following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

Sec. 9.05 Repeal [IF APPLICABLE]

Ordinance No. 233, titled Storm Water Runoff, is hereby repealed, as of the effective date of this ordinance.

This Ordinance was approved and adopted by the City Council on the ___ day of ____________, 2022 and shall take effect upon publication in the Grand Haven Tribune, a newspaper of general circulation in the City of Ferrysburg.

________________________________________
Scott Blease, Mayor

______________________________
Jessie Wagenmaker, City Clerk
CITY OF FERRYSBURG
P.O. BOX 38
FERRYSBURG, MI 49409-0038

APPLICATION FOR APPOINTMENT

Board/Commission Appointment you are seeking: **RECREATION & BEAUTIFICATION**

Name: **HANNAH BARNARD**

Street Address: **10181 HARBOR POINT DR.**

City/State/Zip: **SPRING LAKE, MI 49456**

E-mail address: **HBARNARD0805@GMAIL.COM**

Telephone (Day): **616.414.2981**

Telephone (Evening): ________________________

Best Time to Call: **MORNING, EARLY AFTERNOON**

Are you a Registered Voter in the City: **YES**

How Many Years Have You Been A City Resident: **5**

Occupation: **REALTOR**

Background/Experience/Interests: **MEMBER OF M.O.M.S CLUB OF GRAND HAVEN, REALTORS WHO CARE, ADVOCACY COMMITTEE, I ENJOY ATTENDING LOCAL EVENTS (MERCHANTS & MAKERS) AND IN MY FREE TIME, READING AND SPENDING TIME OUTDOORS.**

State why you are applying to be appointed, indicate any special qualifications and experience you have which would be beneficial to the appointment you are seeking. Also indicate any special concerns or issues which you perceive to be important regarding the appointment you are seeking (attach additional sheets if necessary):

**AS A MOM TO TWO YOUNG CHILDREN, I AM A FREQUENT VISITOR TO THE PARKS/FACILITIES IN FERRYSBURG. I APPRECIATE THE INFRASTRUCTURE THAT HAS BEEN BUILT AND WOULD LOVE TO BE INVOLVED IN THE MAINTAINING AND IMPROVING.**

Your Signature: ________________________ Date: **11.04.2021**

(Return to: Ferrysburg City Clerk, 17520 Ridge Avenue, P.O. Box 38, Ferrysburg, MI 49409)
OF THESE AREAS. I LOOK FORWARD TO BECOMING MORE INVOLVED IN THIS GREAT COMMUNITY!
Mayor and City Council Members:

I spoke with City Attorney Brook Bisonet and his opinion going by the language in the Social Media Policy, the use of the City logo or using the title of Government Official would be a violation of the policy. This may be considered creating an appearance of representing the City and could be construed as such.

Mr. Bisonet commented he was not sure that was the intent, however, that is how the policy reads.

Craig Bessinger
City of Ferrysburg
17290 Roosevelt Road, P.O. Box 38
Ferrysburg, MI 49409-0038
P: 616-842-5803
C: 616-843-5028

From: W Montgomery <WMontgomery@ferrysburg.org>
Sent: Monday, January 11, 2021 8:43 PM
To: Rebecca Hopp <rhaps@ferrysburg.org>
Cc: Timothy O'Donnell <todonnell@ferrysburg.org>; miketricities@gmail.com; SCOTT BLEASE <sbleasesm@gmail.com>; Richard Carlson <rcarlson@ferrysburg.org>; J Sias <jsias@ferrysburg.org>; Craig Bessinger <cbessinger@ferrysburg.org>
Subject: Re: City of Ferrysburg's Social Media Policy

Based on your concern, I will consult legal council to establish clarity on if I am able to list my title as a City Council Member.

William Montgomery, Councilman
City of Ferrysburg
17290 Roosevelt Road, P.O. Box 38
Ferrysburg, MI 49409-0038
Mobile: (616) 717-8466

Get Outlook for iOS

From: W Montgomery <WMontgomery@ferrysburg.org>
Sent: Monday, January 11, 2021 8:42:51 PM
To: Rebecca Hopp <rhaps@ferrysburg.org>
Cc: Timothy O'Donnell <todonnell@ferrysburg.org>; miketricities@gmail.com <miketricities@gmail.com>; SCOTT BLEASE <sbleasesm@gmail.com>; Richard Carlson <rcarlson@ferrysburg.org>; J Sias <jsias@ferrysburg.org>; Craig Bessinger <cbessinger@ferrysburg.org>
Subject: Re: City of Ferrysburg's Social Media Policy

Mayor Hopp,
SOCIAL MEDIA POLICY
City of Ferrysburg

I. Purpose

To prohibit the inappropriate use of electronic communication systems, media imaging systems, networks, devices, and equipment and dissemination of inappropriate information, images, recordings, photographs or other materials by City personnel. This includes the use of social media. Social media is broadly defined as internet-based communications technology that provides immediacy, interactivity and the sharing of information across multiple platforms. The City allows the use of social media, where appropriate, to further the goals and missions of the City. However, the City has an overriding interest and expectation in deciding what is "spoken" on behalf of the City through social media. This policy establishes guidelines for the use of social media by City Employees.

II. Applicability

This policy applies to all City Employees and approved volunteers, consultants, service providers and contractors performing business on behalf of the City ("Employees").

III. Policy

It is the policy of the City that all individuals identified in paragraph II abide by the policy set forth herein when using City information systems, which are defined as: computers and the services of both internal and external databases and information exchange networks, the internet, email, voice mail, mobile data terminals, facsimile machines, mobile telephones, laptop computers and social media ("Information Systems"). Communications sent by email may be subject to disclosure under the Freedom of Information Act or in litigation. No Employee shall have any expectation of privacy with regard to any information transmitted or stored on the City’s Information Systems.

IV. Procedure
A. Transmission of electronic messages and information on communications media provided for Employees of the City shall be treated with the same degree of propriety, professionalism and confidentiality as official written correspondence or public records.

B. The City allows City Employees with access to City Information Systems to utilize these devices whenever necessary. However, all Information Systems are the property of the City and use of any of these Information Systems is a privilege that is subject to revocation. Information Systems are intended for use in conducting official City business with limited exceptions noted in this policy.

C. Employees are advised that they do not maintain any right to privacy or ownership in Information Systems equipment of its contents or to include or install personally owned software.
D. The City’s administration reserves the right to access any of the records within the Information Systems at any time and to retain or dispose of those records in accordance with current law, and may require employees to provide passwords to files that have been encrypted or password protected.

E. The City reserves the right to access, for quality control purposes and/or for violations of this policy, date, electronic and voice transmissions of Employees conducting business in the City.

F. Personal and/or private use of City Information Systems to access social media sites is prohibited. However, City Information Systems may be used by Employees to check personal emails so long as it does not interfere with the Employee’s duties.

G. Accessing or transmitting materials from City Information Systems that involve the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage or threaten the City, any person, group, or classification of individuals is prohibited regardless of whether the recipient has consented to or requested such materials.

H. Confidential, proprietary or sensitive information may be disseminated or made available through shared directories or networked systems only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. The dissemination of confidential, proprietary or sensitive information, including photographs, on social media sites or personal web pages is prohibited.

I. No Employee shall access or allow others to access any file or database of the City unless that person has a need and a right to such information. Personal identification and access codes shall not be revealed to any unauthorized source.

J. Employees are not to open email messages unless they are certain of the trustworthiness of the source.

K. Employees may not utilize email messages as a secure and confidential means of communication since subsequent direction of the message cannot be controlled.

L. Employees may not knowingly accept messages with inappropriate content as described in the policy and will immediately report it to their supervisor and then completely delete any such message inadvertently received when directed to do so.

M. Creating a web site or social media page that has any appearance of officially representing the City is prohibited without the express written approval of the City Council or designee. Any information added to the official City web page(s) or site(s) must have the written approval of the City Manager or designee prior to being accessible by the general public. Any Facebook, Instagram, Twitter or other similar social media page/account created on behalf of the City shall be for governmental information dissemination only and not in any way create a traditional public forum.
N. Using images of any official City logo, patch, badge or sign on personal web pages is prohibited without the express written approval of the City Council or designee.

O. Employees shall not utilize Information Systems to spoof, masquerade or assume any identity or credentials of another individual.

P. The use of social media shall conform to all City policies prohibiting discrimination, retaliation and harassment of co-workers.

Q. Employees shall not disclose the content of discussions and deliberations of a public body that took place during a session that was closed pursuant to the Michigan Open Meetings Act.

R. Employees shall not disclose information that is exempt from disclosure by the Michigan Freedom of Information Act.

S. Employees shall not disclose matters pertaining to strategy, positions, offers, and the like regarding pending litigation or negotiations regarding claims to which the City is a party.

T. Employees shall not disclose disciplinary proceedings regarding other employees.

U. Employees shall not disclose information that is subject to the privacy standards of HIPAA and of HIPAA policies adopted by the City.

V. **Discipline**

Any violation of this policy may result in disciplinary action up to and including termination.