

**CITY OF ROCKWOOD**

**ORDINANCE NO. 491**

**AN ORDINANCE TO AMEND SECTIONS §102-1, §102-2, §102-6, §102-7, §102-8, §102-15, AND §102-17 OF THE ROCKWOOD CITY CODE TO SET FORTH GRADING REGULATIONS, PERMITS, PLANS, STANDARDS, PERFORMANCE, REVIEW AND APPROVAL.**

**Section 1.** That Chapter 102: GRADING AND SOIL EROSION CONTROL, Section 102-1 of the Rockwood City Code is hereby amended to provide as follows:

**"Sec. 102-1 Legislative findings.**

Council hereby finds that excessive quantities of soil are eroding from certain areas that are undergoing development for nonagricultural uses, such as housing developments, industrial areas, recreational facilities and roads. Council further finds that it is necessary to control the grading of land to assure adequate drainage course, and to assure protection of trees on sites where grading is to take place. This erosion and improper grading makes necessary costly repairs to gullies, washed out fills, roads and embankments. The resulting sediment clogs storm sewers and road ditches, muddies streams, leaves deposits of silt in lakes and reservoirs and is considered a major water pollutant."

**Section 2.** That Chapter 102: GRADING AND SOIL EROSION CONTROL, Section 102-2 of the Rockwood City Code is hereby amended to provide as follows:

**"Sec. § 102-2 Purposes.**

The purpose of this chapter is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development within the City by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, and to established grading regulations to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place, in order to promote safety, public health, convenience and the general welfare of the community. The regulations set forth herein establish procedures and requirements for permits, plans, inspection of finished operations, and penalties for violation of the regulations."

**Section 3.** That Chapter 102: GRADING AND SOIL EROSION CONTROL, Section 102-6 of the Rockwood City Code is hereby amended to provide as follows:

**“Sec. § 102-6 Permits and fees.**

- A.** Soil erosion permit required. Except as exempted by § 102-16, no person shall do any grading, stripping, excavating or filling, or undertake any earth change, which disturbs one or more acres of land, or if the earth change is within 500 feet of a lake or stream of the state, unless he or she has a valid soil erosion permit issued by the County of Wayne. Anything less than one acre must be referred to the Building Department.
- B.** Grading permit required. A grading permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alteration to the land are proposed on residential and non-residential land. Filling shall include the dumping of soil, sand, clay, gravel, or other material on a site. However, where minor alterations to the land which do not affect the storm drainage pattern or flood plain are proposed, a grading permit shall not be required if determined by the City Engineer
- C.** Application. A separate application shall be required for each grading permit. Plans, specifications and timing schedules shall be submitted with each application for a grading permit. The applicant shall first submit a grading plan for review and approval by the City Engineer and building official. Grading plans may be submitted in conjunction with a site plan review, or may be submitted as a separate plan. Such plans shall be prepared by a registered land surveyor, professional engineer, or architect.
- D.** Plans and specifications. The plans and specifications accompanying the grading permit application shall show grade elevations adjacent to existing and proposed structures and at the nearest side of structures on adjacent properties, and sufficient existing and proposed elevations on the site to be altered and on as much of the adjacent property as is necessary to establish the proposed surface water drainage pattern. Flood elevation shall be shown if applicable. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan. All elevations shall be based on City of Rockwood NAVD 88 datum. Elevations and location of benchmarks used for determining elevations shall be shown on the plan. The plans and specifications shall also contain the following data unless waived by the City based on the extent of the work:
  - (1)** A vicinity sketch indicating the site location as well as the adjacent properties within 500 feet of the site boundaries;
  - (2)** A boundary line survey of the site on which the work is to be performed; and
  - (3)** A plan of the site showing:
    - (a)** The name, address and telephone number of the landowner, developer and petitioner;

- (b) A timing schedule indicating the anticipated starting and completion dates of the development's construction sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures;
  - (c) A certified statement of the quantity of excavation and fill involved;
  - (d) Existing topography at a maximum of one-foot contour intervals or noted elevations on a grid not exceeding 100 feet;
  - (e) Proposed topography at a maximum of one-foot contour intervals or noted elevations on a grid not exceeding 100 feet;
  - (f) The size and location of any structure or natural feature on the site;
  - (g) The location of any structure or natural feature on the land adjacent to the site and within 50 feet of the site boundary line;
  - (h) The location of any proposed additional structures or development on the site;
  - (i) Elevations, dimensions, location, extent and slope of all proposed grading (including building and driveway grades);
  - (j) Topography, based on National Geodetic Vertical Datum (NGVD);
  - (k) The estimated total cost of required temporary and permanent soil erosion control measures;
  - (l) Plans of all drainage provisions, retaining walls, cribbing, planting, erosion control measures or other temporary or permanent soil erosion control measures to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area of land tributary to the site and the estimated runoff of the area served by drains; and
  - (m) Other information or data as may be required by the County of Wayne, such as a soil investigation report which shall include, but not be limited to, data regarding the nature, distribution and supporting ability of existing soils and rock on the site.
- (4) Subdivision grading plans. For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties. Individual grading plans shall be submitted with the permit application for all construction.

- D. Fees. Fees shall be established, as part of the building permit fee, from time to time by resolution of Council.”

**Section 4.** That Chapter 102: GRADING AND SOIL EROSION CONTROL, Section 102-7 of the Rockwood City Code is hereby amended to provide as follows:

**“Sec. § 102-7 Bond and surety.**

- A. A grading permit shall not be issued unless the permittee posts any bonds required according to the Wayne County soil erosion permit requirements. Any bond required by the Wayne County soil erosion permit shall be executed by the landowner and a corporate surety with authority to do business in the state as a surety.
- B. A grading permit shall not be issued unless the permittee posts any bonds required by the City. The amount and necessity of the bond will be determined by the City upon review based on the grading work to be undertaken. Any bond required by the City grading permit shall be executed by the landowner and a corporate surety with authority to do business in the state as a surety.”

**Section 5.** That Chapter 102: GRADING AND SOIL EROSION CONTROL, Section 102-8 of the Rockwood City Code is hereby amended to provide as follows:

**“Sec. § 102-8 Extension of time.**

- A. If a soil erosion permittee is unable to complete the work authorized by this chapter within the specified time, he or she must adhere to Wayne County requirements pertaining to extension of time for the soil erosion permit.
- B. If a grading permittee is unable to complete the work within the 12 month permit period, he **must** present in writing to the City a request for an extension of the permit. Requests for extension shall be made at least ten (10) days before permit expiration. If, in the opinion of the City such an extension is warranted, additional time may be granted for the completion of the work. An additional permit and inspection fee is required to extend the permit.”

**Section 6.** That Chapter 102: GRADING AND SOIL EROSION CONTROL, Section 102-15 of the Rockwood City Code is hereby amended to provide as follows:

**“Sec. § 102-15 Minimum design standards.**

- A. All grading plans and specifications, including extensions of previously approved plans, shall include provisions for erosion and sediment control in accordance with, but not

limited to, the standards contained in the County Soil District Standards for Soil Erosion and Sedimentation Control. Copies of such standards shall be available for inspection in the offices of the City Clerk and the City Engineer.

- B.** Slope away from buildings. All buildings and structures shall be constructed at an elevation which provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum five (5) percent slope away from all sides of a building or structure shall be provided for a minimum distance of ten (10) feet.
- C.** Runoff onto adjacent properties. New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through established drainage courses.”

**Section 7.** That Chapter 102: GRADING AND SOIL EROSION CONTROL, Section 102-17 of the Rockwood City Code is hereby amended to provide as follows:

**“Sec. § 102-17 Review, inspection, enforcement and approval procedures.**

- A.** Grading plans shall be reviewed by the city engineer and building official with final approval by the building official. In the event that the grading plan is submitted in conjunction with a site plan submission, the planning commission shall review the grading plan as a part of normal site plan review. The building official shall issue a grading permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.
- B.** This chapter shall be enforced by the City designee. The City Engineer shall inspect the work and shall require adequate inspection or compaction by a soil engineer or by a soil testing agency, approved by the City Engineer, unless he or she determines that such inspection requirements may be waived due to the nonhazardous nature of the grading.
- C.** Upon satisfactory execution of all approved grading plans and other requirements, the City Engineer shall issue a certification of completion. If the City Engineer finds any existing conditions not as stated in any application, grading permit or approved plan, he or she may refuse to approve further work until approval of a revised grading plan, which will conform to the existing conditions, has been granted.
- D.** For residential properties an “As Built” survey by an engineer or surveyor licensed in the State of Michigan shall be submitted for review and approval. Compliance with a grading plan and permit shall be verified by the City Engineer or other City designee. The City Engineer or other City designee shall be responsible for verifying compliance with grading plans and permits for non-residential uses. An “As Built” survey by an engineer

or surveyor licensed in the State of Michigan shall be submitted for review and approval before final inspection and issuance of a Certificate of Occupancy.”

**Section 8.**     **Saving Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 9.**     **Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**Section 10.**    **Conflicting Ordinances.** All prior existing ordinances adopted by the City of Rockwood inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

**Section 11.**    **Repealed.** All ordinances or parts of ordinances in conflict herewith are hereby determined to be repealed.

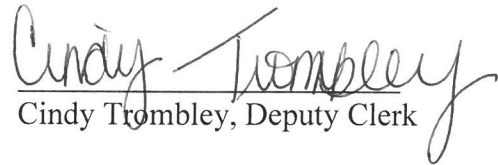
This ordinance has been approved by the City of Rockwood City Council in a regular meeting held on April 3, 2019, at City Hall at a properly noticed meeting.

AYES: Mayor Guzzi and Council members Bennett, Farmer, Scafidi, Wasner and Yanca-Laura

NAYS: None

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF WAYNE     )

I, the undersigned, the duly qualified Clerk of the City of Rockwood, Wayne County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution and Ordinance adopted by the Rockwood City Council on the 3<sup>rd</sup> day of April, 2019, the original of which is in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of PA 1976, as amended and that the minutes of said meeting will be or have been made available as required by said Act.

  
Cindy Trombley, Deputy Clerk

Dated April 3, 2019

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