

MECOSTA COUNTY

**SOIL EROSION
AND
SEDIMENTATION CONTROL
ORDINANCE**

REVISED: JULY 6, 2006

MECOSTA COUNTY

SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

SECTION I NAME:

This ordinance shall be known and cited as the Mecosta County Soil Erosion and Sedimentation Control Ordinance.

SECTION II PURPOSE:

The purpose of this Ordinance is to prevent soil erosion and off-site sedimentation within the County of Mecosta by requiring proper provisions for water disposal and the protection of soil surfaces during and after earth change activities to protect adjacent properties and the waters of the State.

SECTION III AUTHORITY:

This Ordinance is passed by authority under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 91). The Administrative Rules promulgated under the authority of Part 91 are hereby incorporated by reference.

SECTION IV VIOLATIONS AND PENALTIES:

- A. Violations: Any person, partnership, limited liability company, corporation or association who violates or fails to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction or other remedies set forth in Part 91. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of the Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this ordinance. The Mecosta County Prosecutor or his appointed agent shall conduct prosecution for violations of the Ordinance.
- B. Penalty for violation of this ordinance:
 1. A person responsible for a municipal civil infraction under this ordinance may be ordered to pay a civil fine of not more than \$2,500.
 2. A person who knowingly violates this ordinance or knowingly makes a false statement in an application for a permit or in a soil erosion and sedimentation control plan is responsible for the payment of a civil fine of not more than \$10,000.00 for each day of violation.
 3. A person who knowingly violates this part after receiving a notice of determination under section 9112 or 9117 of Part 91 is responsible for the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation.
 4. Civil fines collected under this section shall be receipted and deposited with the Mecosta County Treasurer.

SECTION V ENFORCEMENT:

- A. Designation of Enforcing Agency: The Mecosta County Drain Commissioner, is hereby designated the Mecosta County enforcing agency responsible for the administration and enforcement of Part 91, within Mecosta County. The Soil Erosion and Sedimentation Control officer (Drain Commissioner or designee) shall have jurisdiction throughout Mecosta County in administration and enforcement of these regulations including all amendments hereafter adopted except for those earth change activities: 1) Exempted in Part 91 and the Rules Promulgated under Part 91; 2) Permitted by a Municipal enforcing agency pursuant to Section 9106 of Part 91; or 3) undertaken by, an authorized public agency pursuant to Section 9110 of Part 91. The Drain Commissioner, and Chief Deputy, are hereby authorized to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court.
- B. Stop Work Orders: The use of Stop Work Orders is expressly authorized under this ordinance.
- C. Right of entry and inspection: No person shall refuse to permit the Soil Erosion and Sedimentation officer to inspect any premises at any reasonable times, nor shall any person molest or resist the control officer in the discharge of his/her duties.

SECTION VI FEES, PERMITS, EXEMPTIONS AND WAIVERS:

- A. Fees shall be established and periodically revised by resolution of the Mecosta County Board of Commissioners. Fees will be doubled if work is started without a permit.
- B. A landowner or designated agent who contracts for, allows, or engages in an earth change shall obtain a soil erosion and sedimentation control permit in the landowner's name, unless exempted or waived in subsections VI c or VI d, before commencing an earth change that:
 - 1. Disturbs one or more acres; or
 - 2. Is located within 500 feet of the water's edge of a lake or stream; or
 - 3. Is within 500 feet of a regulated wetland.
- C. A soil erosion and sedimentation control permit is not required for the following:
 - 1. Plowing and tilling of land for the purpose of crop production or harvesting of crops.
 - 2. Earth changes associated with the logging and mining industry. However, all earth changes associated with these activities shall conform to the same standards as if they required a permit under Part 91 or the rules. The exemption from obtaining a permit under this subsection DOES NOT apply to the following:
 - a. Access roads to and from the site where active logging and mining is taking place.
 - b. Ancillary activities associated with logging and mining.
 - c. The removal of clay, gravel, sand, peat, or topsoil.
 - 3. Earth changes associated with well locations, surface facilities, flow lines, or access roads relating to oil or gas exploration and development under part 615, supervisor of wells, of the NREPA provided the permit application to drill and operate contains a soil

erosion and sedimentation control plan that is approved by the department under part 615.

4. Normal road and driveway maintenance, such as grading or leveling that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.
 5. An earth change of minor nature that is stabilized within 24 hours of the initial disturbance and that will not contribute sediment to lakes or streams.
- D. The county drain commissioner may grant a permit waiver for an earth change located within 500 ft. of the water's edge of a lake or stream after receiving a signed affidavit from the landowner stating that the earth change will disturb less than 225 square feet and the earth change will not contribute sediment to a lake or stream.

SECTION VII BOARD OF APPEALS:

A Board of Appeals shall be established and appointed by the Mecosta County Board of Commissioners. The appeal board shall consist of a representative of the Mecosta County Conservation District, Soil Erosion and Sedimentation Control officer and at least two other persons. The Board of Appeals has no authority to waive any requirement set forth in Part 91 of the rules promulgated under Part 91.

SECTION VIII SAVING CLAUSE:

If any section, subsection, clause, or phrase of these regulations is for any reason adjudged unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected thereby.

SECTION IX AMENDMENT:

The County Board of Commissioners may from time to time amend, supplement, or change this ordinance.

SECTION X ADOPTION AND PUBLICATION:

This ordinance shall take effect immediately following approval of the ordinance by the Michigan Department of Environmental Quality and publication of a notice of the adoption in a newspaper of general circulation within the County.