GRAND RAPIDS CHARTER TOWNSHIP
REGULAR TOWNSHIP MEETING
1836 EAST BELTLINE N.E.

September 7, 2021
7:00 p.m.

AGENDA

1. Pledge of Allegiance.
2. Brief Public Comment. (Brief 2-3 minutes per person relating to agenda items).
3.* Approve minutes of the regular Township Board meeting of August 17, 2021.
4.* Consider cash disbursements and bills to be paid.
5.* Consider adoption of the Storm Water Ordinance.
6.* Consider appointment of Meghan Mott to the Grand Rapids Township Election Commission.
7.* Consider resolution to combine precinct location for school election.
8.* Consider road closure request for trail race event.
9.* Discussion and consideration of the polling location/Crahen Valley Park storage building committee recommendation.
10.* Consider authorizing signatures resolution.
11. Board Comments.
12. Public Comments. (Please limit comments to less than 5 minutes and state your name and address for the recording secretary)
13. Adjournment.

GRAND RAPIDS CHARTER TOWNSHIP
REGULAR TOWNSHIP BOARD MEETING
August 17, 2021

A meeting of the Grand Rapids Charter Township Board was called to order at 7:00 pm by Supervisor DeVries. The meeting was held in the Township Hall. The following were present: Supervisor Michael DeVries, Clerk Edward Robinette, Treasurer David Van Dyke, and Trustees Vas Christopoulos, Meghan Mott, Lee Van Popering, and Phil Yeiter. There was no one in the audience.

1. **PLEDGE OF ALLEGIANCE.**

2. **BRIEF PUBLIC COMMENT.** There were none.

3. **APPROVE THE MINUTES OF THE REGULAR TOWNSHIP BOARD MEETING OF AUGUST 3, 2021.**

   Lee Van Popering, seconded by Meghan Mott, moved approval of the minutes as presented. The motion passed unanimously.

4. **CONSIDER CASH DISBURSEMENTS AND BILLS TO BE PAID.**

   Lee Van Popering, seconded by Phil Yeiter, moved to approve the cash disbursements and bills to be paid as presented. The motion passed unanimously.

5. **CONSIDER STATUS OF EMPLOYMENT CHANGE FOR RECEPTIONIST/ADMINISTRATIVE ASSISTANT.**

   Lee Van Popering, seconded by Vas Christopoulos, moved approval of the change of status to Regular part-time as presented. The motion passed unanimously.

6. **CONSIDER CHANGES IN PLANNING & ZONING FEE SCHEDULE.**

   David Van Dyke, seconded by Lee Van Popering, moved adoption of the Planning & Zoning Fee Schedule as presented. The motion passed unanimously.

7. **FIRST READING OF REPLACEMENT STORM WATER ORDINANCE.**

   The Storm Water Ordinance will be considered at the September 7 Board Meeting.

8. **REPORT AND CONSIDERATION OF RECOMMENDATIONS BY THE PERSONNEL COMMITTEE.**

   Committee Chair Christopoulos, seconded by David Van Dyke, moved to adopt the following amendments to the Personnel Policy of the Township as well as revised job descriptions for Fire Chief and Lieutenant:

   a. Life Insurance coverage for all employees, excluding all elected officials, is now $50,000.
   b. There is a new schedule of Total Time Off for employees hired after July 1, 2021
   c. There is a clarification of Total Time Off for Part-Time employees.

   The motion passed unanimously.

9. **BOARD COMMENTS.** There were none.

10. **PUBLIC COMMENTS.** There were none.

11. **ADJOURNMENT.** The meeting was adjourned at 7:33 pm.

Edward J. Robinette, Clerk
GRAND RAPIDS CHARTER TOWNSHIP

CHECK REGISTER FOR GRAND RAPIDS TOWNSHIP
CHECK DATE FROM 08/01/2021 - 08/31/2021

Bank GEN GENERAL CHECKING

Check Date	Bank	Check	Vendor	Vendor Name	Amount	
08/03/2021	GEN	13911	ARROWASTE	ARROWASTE, INC.	264.30	
08/03/2021	GEN	13912	CONSUMERS	CONSUMERS ENERGY	302.35	
08/03/2021	GEN	13913	DTE	DTE ENERGY	38.35	
08/03/2021	GEN	13914	MED MUTUAL	MEDICAL MUTUAL LIFE	247.84	
08/06/2021	GEN	13915	AGILE SAFE	AGILE SAFETY	75.00	
08/06/2021	GEN	13916	APPLIED IM	APPLIED IMAGING	192.24	
08/06/2021	GEN	13917	AQUATIC DO	AQUATIC DOCTORS LAKE MGMT	1,425.00	
08/06/2021	GEN	13918	CARDMEMBER	CARDMEMBER SERVICE	763.60	
08/06/2021	GEN	13919	CRYSTAL HI	CRYSTAL HILL	65.00	
08/06/2021	GEN	13920	DELL	DELL MARKETING LP	7,093.63	
08/06/2021	GEN	13921	K INVEST	K INVESTIGATIONS LLC	750.00	
08/06/2021	GEN	13922	LAKE PLC	LAKESHORE DENTISTRY PLC	926.89	
08/06/2021	GEN	13923	LUSCIOUS L	LUSCIOUS LANDSCAPES	8,038.00	
08/06/2021	GEN	13924	MEEKHOF TI	MEEKHOF TIRE SALES & SERV	2,405.00	
08/06/2021	GEN	13925	MIKA MEYER	MIKA MEYERS	9,230.00	
08/06/2021	GEN	13926	MOORE & BR	MOORE & BRUGGINK INC	6,058.59	
08/06/2021	GEN	13927	NYE UNIFOR	NYE UNIFORM COMPANY	324.95	
08/06/2021	GEN	13928	OFFICE DEP	OFFICE DEPOT	12.64	
08/06/2021	GEN	13929	PLEUNE	PLEUNE SERVICE COMPANY	173.00	
08/06/2021	GEN	13930	PROFESSION	PLM LAKE & LAND MGMT CORP	1,530.00	
08/06/2021	GEN	13931	SHARE CORP	SHARE CORPORATION	111.71	
08/06/2021	GEN	13932	TELE-RAD	TELE-RAD INC	111.98	
08/06/2021	GEN	13933	TROYER	TROYER GROUP	127.91	
08/06/2021	GEN	13934	VERSLUYS R	VERSLUYS, ROBERT	1,500.00	
08/12/2021	GEN	13957	ADVANCE	ADVANCE NEWSPAPERS	479.70	
08/12/2021	GEN	13958	ATT	AT&T	133.58	
08/12/2021	GEN	13959	COMCAST	COMCAST	10.61	
08/12/2021	GEN	13960	DTE	DTE ENERGY	248.71	
08/12/2021	GEN	13961	SPEEDWAY	SPEEDWAY - WEX BANK	836.72	
08/12/2021	GEN	13962	TDS METROC	TDS METROCOM	467.59	
08/17/2021	GEN	13963	CONSUMERS	CONSUMERS ENERGY	9,128.39	
08/17/2021	GEN	13964	CONSUMERS	CONSUMERS ENERGY	1,425.97	
08/17/2021	GEN	13965	CONSUMERS	CONSUMERS ENERGY	31.29	
08/20/2021	GEN	13939	BESCO	BESCO WATER TREATMENT INC	28.00	
08/20/2021	GEN	13940	COVERALL	COVERALL OF WEST MICHIGAN	253.00	
08/20/2021	GEN	13941	FOREMOST P	FOREMOST PROMOTIONS	886.62	
08/20/2021	GEN	13942	GR8SW	GR8SWITCH	391.67	
08/20/2021	GEN	13943	KCI	KCI	307.02	
08/20/2021	GEN	13944	KC ROAD CO	KENT COUNTY ROAD COMMISSION	55.89	
08/20/2021	GEN	13945	K C TREAS	KENT COUNTY TREASURER'S OFFICE	90.00	
08/20/2021	GEN	13946	KLEYN	KLEYN MOBILE REPAIR LLC	319.77	
08/20/2021	GEN	13947	LOWES	LOWE'S	41.16	
08/20/2021	GEN	13948	NYE UNIFOR	NYE UNIFORM COMPANY	234.48	
08/20/2021	GEN	13949	ORKIN	ORKIN INC	86.00	
08/20/2021	GEN	13950	PLEUNE	PLEUNE SERVICE COMPANY	882.65	
08/20/2021	GEN	13951	PROFESSION	PLM LAKE & LAND MGMT CORP	1,154.00	
08/20/2021	GEN	13952	PREIN	PREIN AND NEWHOF INC	100.00	
08/20/2021	GEN	13953	ROCKFORD A	ROCKFORD AMBULANCE	5,000.00	
08/20/2021	GEN	13954	SHELDON	SHELDON CLEANERS	48.74	
08/20/2021	GEN	13955	VANDUINEN	VANDUINEN ELEVATOR CO.	67.00	
08/20/2021	GEN	13956	VRC	VITAL RECORDS CONTROL	246.83	
08/24/2021	GEN	13972	COMCAST	COMCAST	198.40	
08/24/2021	GEN	13973	CONSUMERS	CONSUMERS ENERGY	963.55	
08/24/2021	GEN	13974	ATT	AT&T	289.92	V
08/24/2021	GEN	13975	CARDMEMBER	CARDMEMBER SERVICE	1,147.78	V
08/24/2021	GEN	13976	ATT	AT&T	144.96	
08/24/2021	GEN	13977	CARDMEMBER	CARDMEMBER SERVICE	573.89	
08/30/2021	GEN	13978	BCN	BLUE CARE NETWORK OF MICHIGAN	5,518.27	
08/31/2021	GEN	13979	DTE	DTE ENERGY	38.42	
08/31/2021	GEN	13980	KCI	KCI	213.00	
08/31/2021	GEN	13981	MED MUTUAL	MEDICAL MUTUAL LIFE	259.81	

GEN TOTALS:

Total of 61 Checks:	74,071.37
Less 2 Void Checks:	1,437.70
Total of 59 Disbursements:	72,633.67

INVOICE APPROVAL BY VENDOR REPORT FOR GRAND RAPIDS TOWNSHIP
EXP CHECK RUN DATES 08/12/2021 - 08/12/2021
UNJOURNALIZED
BOTH OPEN AND PAID

	Claimant	Amount Claimed	Amount Owed	Amount Rejected
1.	ADVANCE NEWSPAPERS	479.70		
2.	AT&T	133.58		
3.	COMCAST	10.61		
4.	DTE ENERGY	248.71		
5.	SPEEDWAY - WEX BANK	836.72		
6.	TDS METROCOM	467.59		
	TOTAL ALL CLAIMS	2,176.91		

INVOICE APPROVAL BY VENDOR REPORT FOR GRAND RAPIDS TOWNSHIP
EXP CHECK RUN DATES 08/17/2021 - 08/17/2021
UNJOURNALIZED
BOTH OPEN AND PAID

	Claimant	Amount Claimed	Amount Owed	Amount Rejected
1.	CONSUMERS ENERGY	9,128.39		
2.	CONSUMERS ENERGY	1,425.97		
3.	CONSUMERS ENERGY	31.29		
	TOTAL ALL CLAIMS	10,585.65		

INVOICE APPROVAL BY VENDOR REPORT FOR GRAND RAPIDS TOWNSHIP
EXP CHECK RUN DATES 08/24/2021 - 08/24/2021
UNJOURNALIZED
BOTH OPEN AND PAID

	Claimant	Amount Claimed	Amount Owed	Amount Rejected
1.	AT&T	144.96		
2.	CARDMEMBER SERVICE	573.89		
3.	COMCAST	198.40		
4.	CONSUMERS ENERGY	963.55		
	TOTAL ALL CLAIMS	1,880.80		

INVOICE APPROVAL BY VENDOR REPORT FOR GRAND RAPIDS TOWNSHIP
EXP CHECK RUN DATES 08/30/2021 - 08/30/2021
UNJOURNALIZED
BOTH OPEN AND PAID

	Claimant	Amount Claimed	Amount Owed	Amount Rejected
1.	BLUE CARE NETWORK OF MICHIGAN	5,518.27		
	TOTAL ALL CLAIMS	5,518.27		

INVOICE APPROVAL BY VENDOR REPORT FOR GRAND RAPIDS TOWNSHIP
EXP CHECK RUN DATES 08/31/2021 - 08/31/2021
UNJOURNALIZED
BOTH OPEN AND PAID

	Claimant	Amount Claimed	Amount Owed	Amount Rejected
1.	DTE ENERGY	38.42		
2.	KCI	213.00		
3.	MEDICAL MUTUAL LIFE	259.81		
	TOTAL ALL CLAIMS	511.23		

INVOICE APPROVAL BY VENDOR REPORT FOR GRAND RAPIDS TOWNSHIP
EXP CHECK RUN DATES 09/10/2021 - 09/10/2021
UNJOURNALIZED
OPEN
BILLS TO BE PAID

	Claimant	Amount Claimed	Amount Owed	Amount Rejected
1.	ABSOPURE WATER CO	52.50		
2.	ADDORIO TECHNOLOGIES LLC	1,515.31		
3.	ALLEGRA	50.00		
4.	ANA SINGH	250.00		
5.	APPLIED IMAGING	264.71		
6.	AQUATIC DOCTORS LAKE MGMT	795.00		
7.	BDR EXECUTIVE CUSTOM HOMES INC	3,240.00		
8.	COVERALL OF WEST MICHIGAN	253.00		
9.	FOREST HILLS PUBLIC SCHOOLS	6,878.29		
10.	GRAND RAPIDS CITY TREAS.	1,896.25		
11.	GRAND RAPIDS COMMUNITY COLLEGE	768.70		
12.	GREAT LAKES PAVING	89,835.00		
13.	JFL WINDOW CLEANING LLC	550.00		
14.	K INVESTIGATIONS LLC	750.00		
15.	KENT COUNTY HEALTH DEPT	32.00		
16.	KENT COUNTY SET	2,627.67		
17.	KENT COUNTY TREASURER DEPARTMENT	31,964.63		
18.	KENT COUNTY TREASURER	2,965.69		
19.	KENT COUNTY TREASURER'S OFFICE	90.00		
20.	KENT DISTRICT LIBRARY	716.55		
21.	KENT INTERMEDIATE SCHOOL DISTRICT	2,422.59		
22.	LOWE'S	141.11		
23.	LUSCIOUS LANDSCAPES	6,818.00		
24.	MICHIGAN MUNICIPAL LEAGUE	26,122.00		
25.	MIKA MEYERS	15,415.00		
26.	OFFICE DEPOT	123.15		
27.	PLEUNE SERVICE COMPANY	1,042.58		
28.	PLM LAKE & LAND MGMT CORP	1,002.00		
29.	PRECISION DATA PRODUCTS INC	51.10		
30.	SAHALE LLC	1,780.53		
31.	VERSLUYS, ROBERT	1,500.00		
	TOTAL ALL CLAIMS	201,913.36		

MICHAEL J. DEVRIES
SUPERVISOR

EDWARD J. ROBINETTE
CLERK

DAVID A. VAN DYKE
TREASURER

GRAND RAPIDS
CHARTER TOWNSHIP
EST. 1834

LEE VANPOPERING
TRUSTEE

PHIL YEITER
TRUSTEE

VASILIKI CHRISTOPOULOS
TRUSTEE

MEGHAN MOTT
TRUSTEE

Item # 5

September 7, 2021

TO: Grand Rapids Charter Township Board of Trustees

FROM: Michael J. DeVries
Township Supervisor

RE: Adoption of the Grand Rapids Township Storm Water Ordinance

RECOMMENDATION

Consider adoption of the replacement Storm Water Ordinance.

BACKGROUND

See attached ordinance.

1836 EAST BELTLINE N.E. • GRAND RAPIDS, MI 49525-4514
PHONE: (616) 361-7391 • FAX: (616) 361-6620 • WEB SITE: WWW.GRANDRAPIDSTWP.ORG

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Also Admitted in
[1] Delaware
[2] Illinois
[3] New York
[4] Ohio
[5] Wisconsin

August 2, 2021

Mr. Michael DeVries
Supervisor
Charter Township of Grand Rapids
1836 East Beltline Avenue, NE
Grand Rapids, MI 49525

Re: Replacement Storm Water Ordinance

Dear Mike:

Enclosed is an ordinance to adopt a new Township storm water ordinance in the form recommended by the Lower Grand River Organization of Watersheds. The ordinance has been reviewed by the Planning Commission and Township engineer, and we have made a few minor adjustments and corrections in the attached ordinance.

The major changes from the Township's existing storm water ordinance concern the standards for treatment of storm water runoff, and for the maintenance of the flow, rate and volume of flow as sites are developed or redeveloped. These performance standards include:

- The requirement for increasing the "first flush" treatment to 1 inch from ½ inch.
- A requirement of maintaining post-development runoff volume and peak flow at or below pre-development levels for storms up to a 2-year, 24 hour event.
- An increase in the level of detention to a 100 year storm, as opposed to the existing ordinance which allowed for detention for a 25 year storm in some situations.

The new ordinance also does not include provisions for grant of a variance as in the current ordinance. Such provisions have been strongly objected to by EGLE and we understand would not be approvable. There are some mechanisms for flexibility and alternatives built into the standards in Article 8 of the ordinance.

This ordinance could be considered for a first reading at the Board meeting on August 17, 2021, and adopted at the first meeting in September, 2021. Please let us know if it will be on that schedule and we can prepare the appropriate notice of posting for publication.

Thank you.

Very truly yours,

James F. Scales

pjr
Enclosure
cc: James R. Brown

CHARTER TOWNSHIP OF GRAND RAPIDS

COUNTY OF KENT, MICHIGAN

GRAND RAPIDS CHARTER TOWNSHIP

STORM WATER ORDINANCE

ORDINANCE NO. _____

ADOPTED BY THE GRAND RAPIDS CHARTER TOWNSHIP BOARD

_____, 2021

GRAND RAPIDS CHARTER TOWNSHIP STORMWATER ORDINANCE

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CHARTER TOWNSHIP OF GRAND RAPIDS

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 the Township 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 the Township; and to provide penalties for violations of the ordinance.

Article I - General

Sec. 1.01 Statutory Authority and Title

This ordinance is adopted in accordance with the Charter Township Act, as amended, being MCL 42.1, et seq.; the Township and Village Public Improvement Act, as amended, being MCL 41.721, 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.; and 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 Township Stormwater Management Ordinance.

Sec. 1.02 Findings

The Township finds that:

(1) Water bodies, roadways, structures, and other property within, and downstream of the Township are at times subjected to flooding;

(2) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the Township and the region;

(3) Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding,

increased stream channel erosion, and increased sediment transport and deposition;

(4) Stormwater runoff produced by land development contributes to increased quantities of 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 the Township and downstream municipalities;

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

(7) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the Township will, absent reasonable regulation and control, adversely affect the Township 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 the Township 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, revised October 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 Township's NPDES MS4 permit;

(13) Illicit discharges contain pollutants that will significantly degrade the Township's water bodies and water resources;

(14) Illicit discharges enter the Township'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, from 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) Articles II, III (except Section 3.01), V and VIII of this ordinance shall not apply to the following:

(a) The installation or removal of individual mobile homes within a mobile home park, 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, not including 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. Such developments shall be subject to the requirements of the Grand Rapids Charter Township Storm Water Ordinance No. 426, and all conditions of review and approval.

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 practice, 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 the Township and, where appropriate, the standards of the Kent County Drain 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 the Township.

(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, or successor State agency with like responsibility.

(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 Part 213 of the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, or successor law of like import.

(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 the Township'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 the Township.

(33) [Reserved].

(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 – A Municipal Separate Storm Sewer System, which 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, Public Act 451 of 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, limited liability company, 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 Part 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 – A manual which establishes a uniform set of minimum stormwater design standards necessary to comply with this ordinance and 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 the Township 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

The Township 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 the Township in form and substance and shall be recorded with the County Register of Deeds. At the discretion of the Township 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 the Township in form and substance, may not be amended without the approval of the Township, 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 the Township.

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

(a) Services of the Township attorney directly related to the application

(b) Services of the Township engineer directly related to the application

(c) Services of other independent contractors or consultants working for the Township 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 Township clerk an escrow deposit, an initial amount as determined by resolution of the Township Board or Zoning Administrator in consideration of the scope of the project for such matters and shall provide additional amounts as requested by the Township 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 the Township approval and acceptance of the development has occurred will be refunded to the developer with no interest to be paid on those funds. At no time prior to the Township's final decision on an application shall the balance in the escrow account fall below the amount as designated by the Township. 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 the Township Board 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 the Township 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 Public Act 451 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, the Township may inspect the Development site to ensure compliance with the approved construction site runoff controls

Sec. 2.06 Performance Guarantee

(1) The Township shall not approve a stormwater permit until developer submits to the Township a letter of credit or other performance guarantee in a form and amount satisfactory to the Township, 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 the Township or the County Drain Commissioner, and 3) payment of all required escrow and other fees, the Township may release the letter of credit, or other performance guarantee subject to final the Township acceptance and approval.

(2) Except as provided in subsection (3), the amount of the performance guarantee shall be $10,000, unless the Township reasonably determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the developer in writing. In determining whether an amount greater than $10,000 is appropriate, the Township shall consider the size and type of the development, the size and type of the on-site stormwater system, and the nature of the off-site stormwater management facilities the development will utilize.

(3) The Township Supervisor or Engineer 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 or for any building within a development until stormwater management facilities have been completed in accordance with the approved drainage plan; provided, however, the Township may issue a certificate of occupancy if an acceptable letter of credit or other performance guarantee has been submitted to the Township, 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, the Township 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, and failure to do so shall constitute a violation of this ordinance.

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

Sec. 3.01 Management of and Responsibility for Stormwater System

the Township 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

The Township minimum design standards the Township 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 listed in the Stormwater Standards Manual are hereby incorporated by reference.

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 the Township, 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 regulatory 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 the Township or any officer, agent, or employee of the Township for any flood or flood related damage, or in any way diminish the Township's governmental immunity.

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 all of 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 conditions of approval 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 the Township.

Sec. 3.06 Building Openings

(1) No building opening shall be constructed below either of 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 Township.

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

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

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

(3) [Reserved].

(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 Township 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 the Township. 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.

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) The Township is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs as necessary, to prevent or reduce the discharge of pollutants into the Township's stormwater drainage system.

(3) No person shall discharge or cause to be discharged into the Township storm drain system, drain, drainageway, floodway, overland flow-way, storm drain, stormwater management facility, 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 the Township 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, drainageway, floodway, overland flow way, storm drain or stormwater management facility, ditch, swale, culvert, water body, floodplain, or flood prone area without first submitting a drainage plan to the Township 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 drainageway, floodway, overland flow-way, storm drain or stormwater management facility.

(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 the Township determines that the fence will not obstruct or divert the flow of water.

(c) If a fence is removed by the Township for drain access or drain maintenance, the fence shell 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 a drain, drainageway, floodway, storm drain, stormwater management facility, 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 the Township 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, the Township 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 the Township'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. The Township 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. As a condition of the issuance of any permit in accordance with this ordinance, a permittee is deemed to consent to the Township'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 the Township. The Township 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 accidently discharges into a water body any substance other than stormwater or an exempted discharge shall immediately inform the Township concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the Township 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 an 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 or a condition of approval of a permit or drainage plan shall be responsible for a municipal civil infraction and subject to a fine of not less than $100 nor more than $500 for a first offense, and not less than $250 nor more than $1,000 for a subsequent offense, 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.

The Township Supervisor or Zoning Administrator are 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.

(4) Ownership of property upon which a violation occurs shall be *prima facia* evidence that the owner has violated this ordinance, in addition to any other party who may have committed a violation.

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, the Township Supervisor or Zoning Administrator are 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, the Township, after giving reasonable notice and an opportunity for compliance, may, but is not required to, have the necessary work done, and the owner shall be obligated to promptly reimburse the Township 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, the Township is authorized, but not required, to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this ordinance and shall promptly reimburse the Township 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 the Township 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 MDEQ 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, any fee or expense of any nature incurred by the Township or the Kent County Drain Commissioner may be recovered from the person violating this ordinance 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 the Township 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 Township Board the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Township Board shall consider the appeal and may affirm, reject, or modify the action being appealed based on the standards set forth in this ordinance. The Township Board may impose reasonable conditions on an affirmative decision in an appeal. The Township Board 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 Township Board may consider the recommendations of the Township engineer and the comments of other persons having knowledge of the matter.

Sec. 6.08 Suspension of MS4 Access

(1) The Township 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, the Township 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 the Township 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. the Township 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 the Township.

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 the Township 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 the Township and shall record such easements as directed by the Township. The easements shall assure access for proper inspection and maintenance of stormwater management facilities and shall provide adequate emergency overland flow-ways. The easements shall be binding on all future owners, including, if applicable, associations of owners.

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 the Township and shall record such agreements as directed by the Township. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance or corrective actions of stormwater corrective management plans, 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 the Township 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 the Township, 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, the Township 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, Chapter 18 of the Michigan Drain Code (Public Act 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 the Township.

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 the Township.

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 the Township. 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 for Redevelopment Projects

(1) 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 may be approved by the Township. Offsite mitigation will only be considered if there is a planned or constructed private mitigation bank or project immediately downstream.

Consideration of off-site mitigation will be entirely the discretion of the Township.

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

The location for offsite mitigation projects shall be within the same watershed and Sewershed as the original project, and within the Township'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.

(2) The determination to approve offsite mitigation 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 allow off-site mitigation would become available may include:

(a) Limited size of the lot outside of the building footprint to create the necessary infiltration capacity even with amended soils.

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

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

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

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

(3) The Township may approve offsite mitigation if the developer demonstrates that site constraints preclude sufficient treatment and restoration of hydrology onsite. At a minimum the Township requires:

(a) 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 will be made as follows:

(i) 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.

(ii) 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.

(b) Schedule. Offsite mitigation projects shall be completed within twenty-four (24) months after the start of the original site construction.

(c) Assurances. Offset projects shall be preserved and maintained in perpetuity through the procedures and tracking system administered by the Township.

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

The Township 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 the Township must be granted to use this alternative approach.

Sec. 8.05 Resolution to Implement Performance and Design Standards

The Township Board may adopt a resolution or ordinance amendment 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 30 days following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

Sec. 9.05 Repeal

Ordinance No. 426, titled Grand Rapids Township Storm Water Ordinance, is hereby repealed, as of the effective date of this ordinance; provided, however, ordinance 426 shall remain effective as to those projects described in Section 1.04(2)(d) of this ordinance.

This ordinance was adopted and _____, by the [Township Board], made effective _____.

_____

Edward J. Robinette
Township Clerk

MICHAEL J. DEVRIES
SUPERVISOR

EDWARD J. ROBINETTE
CLERK

DAVID A. VAN DYKE
TREASURER

GRAND RAPIDS
CHARTER TOWNSHIP
EST. 1834

LEE VANPOPERING
TRUSTEE

PHIL YEITER
TRUSTEE

VASILIKI CHRISTOPOULOS
TRUSTEE

MEGHAN MOTT
TRUSTEE

Item # 6

September 7, 2021

TO: Grand Rapids Charter Township Board of Trustees

FROM: Michael J. DeVries
Township Supervisor

RE: Appointment to the Grand Rapids Township Election Commission

RECOMMENDATION

Consider approval of the appointment of Meghan Mott to the Election Commission.

BACKGROUND

Meghan will fill the position vacated by Vas Christopoulos. See attached request from the Grand Rapids Township Clerk.

1836 EAST BELTLINE N.E. • GRAND RAPIDS, MI 49525-4514
PHONE: (616) 361-7391 • FAX: (616) 361-6620 • WEB SITE: WWW.GRANDRAPIDSTWP.ORG

Mike DeVries

From: Ed Robinette <erobinette@grandrapidstwp.org> on behalf of Ed Robinette
Sent: Tuesday, August 24, 2021 4:03 PM
To: Mike DeVries
Subject: Election commission

Mike, I spoke with Vas today. With the workload of the Personnel Committee, she would be glad to step down from the Election Commission. We could nominate Meghan Mott to fill the vacancy.

Ed Robinette

MICHAEL J. DEVRIES
SUPERVISOR

EDWARD J. ROBINETTE
CLERK

DAVID A. VAN DYKE
TREASURER

GRAND RAPIDS
CHARTER TOWNSHIP
EST. 1834

LEE VANPOPERING
TRUSTEE

PHIL YEITER
TRUSTEE

VASILIKI CHRISTOPOULOS
TRUSTEE

MEGHAN MOTT
TRUSTEE

Item # 7

September 7, 2021

TO: Grand Rapids Charter Township Board of Trustees

FROM: Michael J. DeVries
Township Supervisor

RE: Resolution to combine a polling location for school election

RECOMMENDATION

Consider approval of the resolution to combine a Grand Rapids Township precinct with a City of East Grand Rapids precinct for the East Grand Rapids School election.

BACKGROUND

See attached resolution.

1836 EAST BELTLINE N.E. • GRAND RAPIDS, MI 49525-4514
PHONE: (616) 361-7391 • FAX: (616) 361-6620 • WEB SITE: WWW.GRANDRAPIDSTWP.ORG

RESOLUTION

GRAND RAPIDS CHARTER TOWNSHIP

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Grand Rapids Township Election Commission, Kent County, Michigan, held at the Township Hall on Tuesday the 31st day of August at 1:00 pm.
PRESENT: Members: Christopoulos, Robinette, Van Popering
ABSENT: Members: None

The following Resolution was offered by Member Van Popering and supported by Member Chrsitopoulos.

Resolution 2021-EC1

COMBINE PRECINCT 3 WITH EAST GRAND RAPIDS PRECINCT 6 FOR THE NOVEMBER 2, 2021 SCHOOL ELECTION

WHEREAS, Michigan Election Law 168.659, consolidation of election precincts, allows the Election Commission to consolidate precincts for certain elections as long as the consolidated precincts shall not exceed 5,000 registered electors; and

WHEREAS, the electors in Grand Rapids Township precinct 3 will be combined with Precinct 6 of the City of East Grand Rapids; and

WHEREAS, the number of registered voters in precinct 3 is 600, and when combined with East Grand Rapids precinct 6 will be less than 5000 voters; and

WHEREAS, the polling location will be East Grand Rapids High School Performing Arts Center; and

NOW THEREFORE BE IT RESOLVED, that Grand Rapids Township Election Commission approved the combination of precinct 3 with East Grand Rapids Precinct 6 for the November 2, 2021 Election.

BE IT FURTHER RESOLVED that a certified copy of this Resolution is forwarded to the Director of Elections for Kent County.

Ayes Christopoulos, Robinette, Van Popering
Nays None
Absent None

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I, Edward J. Robinette, Clerk of Grand Rapids Charter Township, certify that the foregoing is a true and complete copy of the Resolution approved at a Special Meeting of the Grand Rapids Township Election Commission on August 31, 2021.

Edward J. Robinette, Clerk
Grand Rapids Charter Township

MICHAEL J. DEVRIES
SUPERVISOR

EDWARD J. ROBINETTE
CLERK

DAVID A. VAN DYKE
TREASURER

GRAND RAPIDS
CHARTER TOWNSHIP
EST. 1834

LEE VANPOPERING
TRUSTEE

PHIL YEITER
TRUSTEE

VASILIKI CHRISTOPOULOS
TRUSTEE

MEGHAN MOTT
TRUSTEE

Item # 8

September 7, 2021

TO: Grand Rapids Charter Township Board of Trustees

FROM: Lindsey Thiel
Planning Assistant

RE: Temporary Road Closure Request

RECOMMENDATION

Consider the approval of the road closure request for the "Dirty Duel" Trail Race on November 13, 2021.

BACKGROUND

Michigan Adventure Racing has submitted a request for temporary road closures for their annual "Dirty Duel Trail Race" on November 13, 2019, 8:30 am to 11:00 am. The start/finish will be located at Robinette's Apple Haus and the temporary road closures will be: at the intersection of 4 Mile & Bird Avenue; on 4 Mile at Robinette's; and on Bird Avenue 100 meters south of 4 Mile. All necessary items have been submitted including: a map of the race route, Hold Harmless Agreement, Liability Insurance Certificate and written approval from the Kent County Sheriff Department acknowledging their assistance with the requested road closures.

Hi Lindsey,

Like previous years, here are the documents/info for the Dirty Duel 5K event and temporary traffic stoppage on Nov. 13. Plainfield Township can request the resolution/permit for the temporary road stoppage from Kent County Road Commission.

1 – As your start/finish line will be from private property so you will need to provide a Letter of Permission from that property owner acknowledging their acceptance. Ed Robinette approves (same event every year since 2012).
2 – Provide a map of the race route, proposed start and end times, and show the placement of for traffic control personnel. Temporary stoppages (no closed roads) are at 4 Mile at Robinette's, 4 Mile at Bird, and on Bird 100 meters south of 4 Mile (4 deputies). See below for location of crossings. The full course is shown online here: https://dirtyduel.com/course/

3 – A letter, or email, from the Kent County Sheriff's Department acknowledging their participation for road closure and traffic control. Pasted in below and will confirm details with Lt. Roon as usual.
"Thank you for your request, your reference number is 186099. Lt. Joel Roon is your contact for this event. He can be reached at (616) 632-6204 or specialevents@kentcountymi.gov."

4 – A certificate of Liability Insurance in the amount of $2,000,000.00 naming Grand Rapids Township as an additional insured. Attached (along with endorsement for additionally insured).

5 – Completion of the attached Hold Harmless Agreement. Attached.

6 -- We are using Kerkstra Services for portajons. If you need a receipt of purchase, please let me know.

7 – When you have all of the listed you may submit to Grand Rapids Township, along with a $125.00 permit fee. Once the permit has been issued you will need to contact the Kent County Road Commission for temporary road closure authorization. Please remind me of payment options and if $125.00 is still the fee.

Other details if needed:

- Start time is 9:00 am on Nov. 13. Race is completed by 10:45 am.
- Expected number of attendees: 500
- Emergency services: Rockford Ambulance, Metro Health Sports Medicine, Kent County Sheriff
- Sound system: low volume music and announcements

Thanks!

Mark VanTongeren
Michigan Adventure Racing/Dirty Duel

Summit
Long & Difficult
3.5 miles
Saint Lukes Lut
4 Mile Road
Short & Brutal
3.2 miles
Start/Finish

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 02/07/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: CL Grand Rapids CT	
Lighthouse Insurance Group, Inc. 877 E 16th Street Holland MI 49423	PHONE (A/C, No, Ext): (616) 392-6900	FAX (A/C, No): (616) 396-2486
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : West Bend Mutual	15350
INSURED Michigan Adventure Racing, LLC 562 Hartfield Dr SE Ada MI 49301-7704	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** 21-22 Master **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:	Y		2061411	02/08/2021	02/08/2022	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
							Additional Insured	$
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A						[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

If Special Provisions Apply, Endorsements Will Be Attached.

CERTIFICATE HOLDER

Grand Rapids Township
1836 East Beltline Ave NE
Grand Rapids MI 49525

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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GRAND RAPIDS
CHARTER TOWNSHIP
EST. 1834

HOLD HARMLESS AGREEMENT
GRAND RAPIDS CHARTER TOWNSHIP

I/We agree to indemnify and hold harmless; Grand Rapids Charter Township, its elected officials, administrators, employees and agents from all liability and responsibility which may arise from the issuance of an **OUTDOOR ASSEMBLY LICENSE** because of any negligence and/or omissions while conducting the (*event*) Dirty Duel trail race, scheduled for (*dates, include any rain dates that apply*) Nov. 13, 2021, at (*location & address*) Robinette's Apple Haus & Winery, 3142 Four Mile Rd. NE, Grand Rapids, MI 49525 which may cause in part or whole, injury or death to any individual, or damage to the property.

We further agree to indemnify the same parties from any judgement, settlement, Court costs, litigation expenses or attorney fees which may arise as the result of claims made from the issuance of this **OUTDOOR ASSEMBLY LICENSE** due to our negligence or omissions from same said event on stated dates and location, which may cause in part or whole injury or death to any individual, or damage to the property.

Mark VanTongeren - Michigan Adventure Racing
Signature

8/9/21
Date

Linda S. VanTongeren
Witness

8/9/2021
Date

MICHAEL J. DEVRIES
SUPERVISOR

EDWARD J. ROBINETTE
CLERK

DAVID A. VAN DYKE
TREASURER

GRAND RAPIDS
CHARTER TOWNSHIP
EST. 1834

LEE VANPOPERING
TRUSTEE

PHIL YEITER
TRUSTEE

VASILIKI CHRISTOPOULOS
TRUSTEE

MEGHAN MOTT
TRUSTEE

Item # 9

September 7, 2021

TO: Grand Rapids Charter Township Board of Trustees

FROM: Michael J. DeVries
Township Supervisor

RE: Report and recommendation for the Polling location building at Crahen Valley Park

RECOMMENDATION

Consider recommendation from the Polling/Crahen Valley Park storage building committee.

BACKGROUND

The committee will report their findings and recommend a course of action.

1836 EAST BELTLINE N.E. • GRAND RAPIDS, MI 49525-4514
PHONE: (616) 361-7391 • FAX: (616) 361-6620 • WEB SITE: WWW.GRANDRAPIDSTWP.ORG

MICHAEL J. DEVRIES
SUPERVISOR

EDWARD J. ROBINETTE
CLERK

DAVID A. VAN DYKE
TREASURER

GRAND RAPIDS
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Item # 10

September 7, 2021

TO: Grand Rapids Charter Township Board of Trustees

FROM: Michael J. DeVries
Township Supervisor

RE: Authorizing signatures resolution

RECOMMENDATION

Consider approval of signatures resolution for MDOT project 21-5213.

BACKGROUND

See attached resolution.

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CHARTER TOWNSHIP OF GRAND RAPIDS

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Grand Rapids, held at the Grand Rapids Charter Township Hall, 1836 E. Beltline Avenue, N.E., Grand Rapids, Michigan on the 7th day of September, 2021, at 7:00 p.m.

PRESENT:

ABSENT:

The following preamble and resolution were offered by and seconded by .

RESOLUTION TO AUTHORIZE GRAND RAPIDS CHARTER TOWNSHIP SIGNATORIES FOR MDOT CONTRACT 21-5213

WHEREAS, the Grand Rapids Charter Township is entering into agreement with the Michigan Department of Transportation (MDOT) for the construction of a non-motorize trail within Highway M-44 right of way; and,

WHEREAS, that agreement is also known as MDOT Contract No. 21-5213; and

WHEREAS, MDOT requires specific authorization of signatories for each contract it enters with a local municipality.

NOW, THEREFORE, RESOLVED that Grand Rapids Charter Township Supervisor and Clerk is hereby authorized by the Township Board of Trustees to act as signatories for this agreement, MDOT Contract 21.5213.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Edward J. Robinette, Clerk
Charter Township of Grand Rapids

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board of the Charter Township of Grand Rapids at a regular meeting thereof held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Edward J. Robinette, Township Clerk

NON-MOTORIZED PATH
MAINTENANCE
PERMIT

DA
Control Section 41051
Permit Ref. Number 76656
Contract 21-5213

THIS Contract is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the GRAND RAPIDS CHARTER TOWNSHIP, hereinafter referred to as the "AGENCY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the maintenance and operation a non-motorized path to be constructed to be constructed by the AGENCY along Highway M-44.

WITNESSETH:

WHEREAS, the AGENCY is proposing the construction of a non-motorized facility along Highway M-44, within DEPARTMENT right of way (ROW); and

WHEREAS, the DEPARTMENT has determined it to be acceptable to have the AGENCY construct of the non-motorized facility are hereinafter referred to as the "PROJECT" and are further described and located as follows:

Non-motorized path construction work along the east side Highway M-44 from 3 Mile Road northerly to Evergreen Drive; together with necessary related work, located in Grand Rapids Charter Township, Kent County, Michigan; and

WHEREAS, the AGENCY will be responsible for the entire cost of the PROJECT; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and the maintenance and operation of the facility to be constructed as the PROJECT and desire to set forth this understanding in the form of a written Contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The AGENCY will construct the PROJECT at no cost to the DEPARTMENT.

2. The AGENCY shall cause to be performed all the PROJECT work. It is understood that portions or all the PROJECT work will be placed under contract by the AGENCY. The performance of the construction of the PROJECT work will be subject to the conditions established in PERMIT REFERENCE NUMBER 76656.

3. The AGENCY hereby agrees that immediately upon execution of this Contract, it will:

A. Enact, and keep in full force and effect, such ordinances or regulations as may be necessary to assure that no motorized vehicles (except those for maintenance purposes, and, where snow conditions and state and local regulations permit, snowmobiles) shall be permitted on the facility being constructed as the PROJECT.

B. Determine if any existing ordinances restrict use of the facility by bicycles, and, if so, that it will amend such ordinances and keep it in full force and effect to allow use by bicycles.

C. Enact no ordinance which prohibits the use of bicycles on the facility constructed as the PROJECT.

D. Enforce Act 300 P.A. 1949 (MCLA 257.660) with respect to bicycles on the roadway portion of highway.

4. The AGENCY agrees not to rent or sublease the facility constructed as the PROJECT.

5. Upon completion of the PROJECT, the AGENCY will, at its sole cost and expense, inspect, maintain and operate the facility constructed as the PROJECT as a non-motorized facility. The AGENCY shall conform with all DEPARTMENT permit requirements for any work to be performed within the state trunkline right of way. As built plans will be provided to the Grand Rapids Transportation Service Center.

A. The AGENCY agrees that the PROJECT location will be maintained so as to assure that any Trunkline facilities, structures and the area within the Trunkline right of way boundaries will be kept in good condition, both as to safety and appearance, and that maintenance of the facilities by the AGENCY will be accomplished in a manner so as not to cause interference with the reconstruction, maintenance or operation of the Trunkline facility and right of way. The AGENCY will obtain a permit from the DEPARTMENT for any future maintenance work within the trunkline right-of-way.

B. In the event that the AGENCY fails in its maintenance obligations, the DEPARTMENT at its discretion, at the AGENCY'S sole cost, may enter said ROW and perform such work as may be necessary to assure compliance with the above or terminate this Contract.

C. The DEPARTMENT reserves the right to enter the PROJECT location for the purpose of inspection, maintenance or reconstruction of the Trunkline facility when necessary. Additionally, the DEPARTMENT reserves the right to access the PROJECT location as deemed necessary for inspection relating to the DEPARTMENT'S interests. Such inspections are made for the DEPARTMENT'S own purposes and shall not relieve the AGENCY of its duties and obligations under the terms of this Contract. Any deficiencies discovered will be corrected or repaired by the AGENCY at no cost to the DEPARTMENT.

D. Prior to occupancy and/or use of the PROJECT location, the DEPARTMENT will inspect and approve the construction of the PROJECT.

E. The AGENCY shall be responsible for ensuring the safety and security of the users of the PROJECT location, and to maintain the PROJECT location in a safe operating condition.

6. The parties hereto agree to comply with all applicable requirements of the Natural Resources and Environmental Protection Act, 1994 P.A., 451, MCL 324.01 et. Seq. for all PROJECT work performed under this Contract and future maintenance work, and the AGENCY shall require its contractors and subcontractors to comply with the same.

7. The AGENCY will not store, allow the storage of or discharge of any radioactive, toxic, flammable, poisonous, explosive or other dangerous, hazardous materials, or waste on the said premises. In addition, the AGENCY will not permit objectionable smoke, fumes, vapors, or odors to rise above the grade line of the Trunkline. No signs, displays or devices may be erected on the right of way for the PROJECT unless specified herein or approved by the DEPARTMENT.

8. It is expressly understood and agreed that in case of non-performance of any of the covenants herein made by the AGENCY and after said AGENCY has been furnished written notice of same by the DEPARTMENT and has been granted a reasonable period of time as determined by the DEPARTMENT for performance or correction thereof, this Contract shall be terminated and said AGENCY shall lose and be barred from all rights, remedies, and actions both at law and in equity upon or under this Contract.

9. It is expressly understood that use of the Trunkline right of way is subject to the paramount right of the DEPARTMENT and that upon a determination by the DEPARTMENT that such right of way is required for the construction, operation, and/or maintenance of any present or proposed Trunkline or Trunkline use, this Contract may be terminated at the discretion of the DEPARTMENT and the facility constructed as the PROJECT can be removed without reimbursement to the AGENCY.

10. Upon termination of this Contract, the AGENCY will peacefully yield up said PROJECT in as good order and condition as when delivered to the AGENCY at no cost to the DEPARTMENT. In the event this Contract is terminated and if the DEPARTMENT deems it necessary to request the removal of any facility occupying the premises, such removal shall be accomplished by the AGENCY in a manner as prescribed by the DEPARTMENT, at no cost to the DEPARTMENT or the Federal Highway Administration.

11. The AGENCY recognizes and acknowledges that private and/or public utility companies may require the modification of the AGENCY'S facilities and it shall cooperate with the utility companies when requested by the DEPARTMENT at no cost to the DEPARTMENT, or interference with the Trunkline right of way and Trunkline facility.

12. It is understood that if the AGENCY discontinues, abandons or changes the usage of the PROJECT right of way, other than as a non-motorized pedestrian facility, then this Contract shall be terminated and the DEPARTMENT shall have the right to immediately remove the facility constructed as the PROJECT without reimbursement to the AGENCY.

13. Each party to this Contract shall remain responsible for any claims arising out of their own acts and/or performance of this Contract, as provided by law. This Contract is not intended to increase either party's liability for, or immunity from, tort claims. This Contract is not intended nor shall it be interpreted as giving either party a right of indemnification, either by contract or at law, for claims arising out of the performance of the Contract.

14. This Contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the AGENCY and for the DEPARTMENT and upon the adoption of a resolution approving said Contract and authorizing the signatures thereto of the respective officials of the AGENCY, a certified copy of which resolution shall be attached to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

GRAND RAPIDS
CHARTER TOWNSHIP

By Michael J. DeVries
Title: SUPERVISOR

By
Title: Clerk

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By_____
Department Director, MDOT