

ORDINANCE NO. 2003-1

**AMENDMENT TO AN ORDINANCE TO PROVIDE FOR SOIL EROSION AND
SEDIMENTATION CONTROL WITHIN THE COUNTY OF GRATIOT**

THE COUNTY OF GRATIOT ORDAINS:

Section 1. Purpose.

The Gratiot County Soil Erosion and Sedimentation Control Ordinance is intended to protect the health, safety and welfare of the population by regulating earth change activities which can harm the environment through erosion and the unnatural accumulation of sediment. Plowing and tilling soil for the purpose of crop production, pursuant to MCL 324.0101 (9), is not an earth change, and thus is not subject to enforcement under this ordinance or the act upon which it is promulgated.

Section 2. Enforcing Agency.

The Gratiot County Department of Community Development shall be the county enforcing agency responsible for the administration and enforcement of Part 91, Soil erosion and Sedimentation Control, of the Natural Resources and Environmental Protections Act (NREPA), 1994 PA 451, as amended (hereinafter "Part 91"), and the rules promulgated thereunder within Gratiot County. All rules promulgated under Part 91 are hereby incorporated by reference.

Section 3. Definitions.

The County hereby adopts by reference the definitions contained in Part 91 and the definitions contained in the rules promulgated pursuant to Part 91. In addition, the following definitions shall apply in the interpretation and enforcement of this ordinance:

(A) Stop Work Order. An order that stops all work on a project until any and all violations of this ordinance or Part 91 are corrected, except for remedial measures to correct the violation.

Section 4. Storm Water Permits.

No permit shall be issued under this Ordinance before an applicant demonstrates that they have received an applicable corresponding storm water permit or written waiver from the Gratiot County Drain Commissioner for any proposed activities pursuant to the Gratiot County Administrative Guidelines for Storm Water Management or other guidelines established by the Drain Commissioner.

Section 5. Enforcement.

(A) This ordinance shall be enforced by the Gratiot County Department of Community Development through the Building Official or designee. Said Building Official or designee shall be authorized to issue notices, Stop Work Orders, Cease and Desist Orders, revocation of permits and citations for violation of this ordinance.

(B) The Gratiot County Department of Community Development may issue a Stop Work Order, Cease and Desist Order or revoke a permit upon its finding that there is a violation of Part 91, the rules, or this ordinance, or a finding that there is a violation of a permit or an approved soil erosion and sedimentation control plan.

(C) Notice of Determination.

If the Gratiot County Department of Community Development determines that soil erosion or sedimentation of adjacent properties or the waters of the state has or will reasonably occur from land and violation on this ordinance, the act or rules promulgated pursuant to the act, the Gratiot County Department of Community Development may enforce said violation by notifying the owner of the land by mail, return receipt requested, of its determination. Said notice shall contain a description of the violation and what must be done to remedy the violation and shall specify a time to comply.

(D) These and subsequent measures shall be taken in compliance with procedures provided in Part 91.

(E) With respect to all other property, the lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act. With respect to single family or multi-family residential property, however, the lien for such expenses shall have priority over all liens and encumbrances filed or recorded after the date of such expenditure.

Section 6. Separability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction; such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Ordinances Repealed.

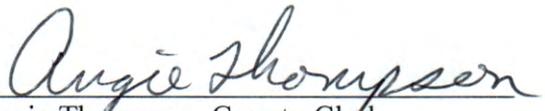
All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 8. Effective Date.

This ordinance shall take effect and be in force 30 days from and after its enactment.

Chuck Murphy, Chair
Gratiot County Board of Commissioners

I hereby certify that the foregoing Ordinance amendment is a true copy adopted by the Gratiot County Board of Commissioners at their regular meeting held on the 16th of November, 2021.


Angie Thompson, County Clerk