

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND
DAMMING AND DIVERSION OF NATURAL DRAINS

2015-06-108
THETFORD TOWNSHIP NATURAL DRAIN DIVERSION ORDINANCE
THETFORD TOWNSHIP ORDINANCE NUMBER 108

THE TOWNSHIP OF THETFORD ORDAINS:

Section 1. Permit Requirement.

It shall be unlawful for any person, firm or corporation to damm, block, fill in, divert, or in any other way interfere or effect the flow of storm water through a natural water drain without first obtaining a permit therefor in compliance with the provisions of this Ordinance.

Section 2. Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. *Natural water drain:* A channel or defined bed formed or determined by the general conformation of the surrounding country in which a flow of water occurs, either continuously or intermittently.
- B. *Township Building Inspector:* The person appointed by the Township Board to enforce the Zoning Ordinances of the Township.
- C. *Township Board:* Thetford Township Board of Trustees.
- D. *Township:* Thetford Township.
- E. *Township Clerk:* The duly elected Clerk for Thetford Township.

Section 3. Application for Permit; contents.

Applicants for a permit under this Ordinance, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, and by an authorized officer if a firm or corporation, with the Township Building Inspector, showing:

- A. The name and address of the applicant.
- B. The name and address of the record owner of the land upon which the flow of storm water is proposed to be effected or interfered with.
- C. The reason for the permit to interfere with or affect the flow of stormwater water.
- D. A detailed description of what the applicant proposes to do which will affect or interfere with the flow of storm water.

Section 4. Application for Permit; accompanying material.

The following must accompany the application when it is filed with the Township Building Inspector, to wit:

- A. A drawing prepared by a registered engineer showing the location of:
 - 1. The natural water drain upon the particular parcel of land for which the permit is required.
 - 2. The location of the land adjacent upstream and the location of the land adjacent downstream to the land for which the permit is requested.
 - 3. The location of any lands under the jurisdiction of the Board of Road Commissioners of Genesee County and the location of any lands under the jurisdiction of the Genesee County Drain Commissioner which are contiguous to the land for which the permit is requested.
- B. An opinion of a registered engineer as to the effect of the proposal on the:

1. Land upon which the request is requested.
 2. Land adjacent upstream.
 3. Land adjacent downstream.
 4. Land under the jurisdiction of the Board of Road Commissioners of Genesee County.
 5. Land under the jurisdiction of the Genesee County Drain Commissioner.
- C. The written consent of the record owner of the premises for which the permit is requested.
- D. The written consent of the Board of County Road Commissioners of Genesee County.
- E. The written consent of the Genesee County Drain Commissioner.

Section 5. Review of Application.

Upon receipt of the application, the Township Building Inspector shall review the application and the accompanying drawing and consents and submit them to the Township Board with his written opinion and recommendations.

Section 6. Public Hearing on Application.

Upon receipt of the Building Inspector's recommendations, the Township Board shall set the time and place for a special public hearing on the application. The Township Clerk shall give written notice of the special hearing to the applicant, the record owner of the premises for which the permit is requested, the record owner of the land adjacent upstream, the record owner of the land adjacent downstream, the Board of County Road Commissioners of Genesee County, and the Genesee County Drain Commission at least ten days prior to the hearing by first class mail.

Section 7.

Following the special public hearing, if the Township Board finds that the proposal will not substantially adversely effect the adjacent land upstream and downstream and will not create any unsafe or hazardous health or safety

conditions or create a nuisance condition to the detriment of adjoining land users or the general public, the application shall be approved and the Township Building Inspector directed to issue the permit.

Section 8. Filing Fee.

A filing fee of \$250 shall be paid to the Township at the time of filing the application. The filing fee may be changed from time to time by Township resolution.

Section 9. Nuisance Declared Upon Violation; abatement required.

Any damming, blocking, filling in, diverting or in any other way interfering with or affecting the flow of stormwater through a natural water drain in violation of the Ordinance is hereby declared to be a nuisance per se. The court shall order such nuisance abated.

Section 10. Violation; penalties.

Violation of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than 90 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township from taking any other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

Section 11. Short Title.

This Ordinance shall be known as the Thetford Township Natural Drain Diversion Ordinance.

Section 12. Severable.

In the event any part of this Ordinance shall be found to be unconstitutional or unlawful, such part shall be considered severable, and shall not affect the validity of the remainder of such Ordinance.

Section 13. Repeal.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

The effective date of this ordinance shall be September 21, 2005.

Luther M. Hatchett
Luther Hatchett, Supervisor

Myra J. Hobson
Myra Hobson, Clerk

First reading: August 22, 2005

Second reading: September 12, 2005

Township Board adoption: September 12, 2005

Publication: September 21, 2005

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