

National Pollution Discharge Elimination System

Permit Application for Discharge of
Storm Water to Surface Water of the State from a
Municipal Separate Storm Sewer System



**THE VILLAGE OF
MICHIANA
MICHIGAN**

BERRIEN COUNTY, MICHIGAN

DECEMBER 2015

Table of Contents

Chapter 1 – Storm Water Discharge Permit Application

Chapter 2 – Regulated Area Map

Chapter 3 – Outfalls and Points of Discharge

Chapter 4 – Nested Jurisdictions

Chapter 5 – Enforcement Response Procedure (ERP)

Chapter 6 – Public Participation/Involvement Program (PPP)

Chapter 7 – Public Education Program (PEP)

Chapter 8 – Illicit Discharge Elimination Program (IDEP)

Chapter 9 – Construction Storm Water Runoff Control Program

Chapter 10 – Post-Construction Storm Water Runoff Program

Chapter 11 – Pollution Prevention and Good Housekeeping Program

Chapter 12 – Total Maximum Daily Load (TMDL) Implementation Plan

Chapter 13 – Table 2

Chapter 14 – Storm Water Ordinance

Chapter 15 – Storm Water Management Agreement

Chapter 16 – Zoning Ordinance

Chapter 17 – Application for Building Permit and Plan Review

Chapter 1 – Storm Water Discharge Permit Application

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

State of Michigan

National Pollutant Discharge Elimination System Permit

Application for Discharge of Stormwater to Surface Waters from a Municipal Separate Storm Sewer System

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMITS SECTION
P.O. BOX 30458
LANSING, MICHIGAN 48909-7958
TELEPHONE: 517-241-1346
FAX: 517-241-8133



Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

Do Not Return This Page with the Completed Application

PURPOSE AND AUTHORITY

The National Pollutant Discharge Elimination System (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 shall make application for and obtain a valid NPDES permit prior to the wastewater discharge.

NPDES permits are required under Section 402 of the Federal Clean Water Act (the Federal Act), as amended (33 U.S.C. 1251 et seq., P.L. 92-500, 95-217), and under Part 31, Water Resources Protection, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (the Michigan Act). Part 31 of the Michigan Act also provides authority for the State to issue NPDES permits. The Michigan Department of Environmental Quality (MDEQ) administers the NPDES permit program for the State of Michigan. This application should be used to apply for a stormwater discharge from a regulated Municipal Separate Storm Sewer System (MS4) to the surface waters of the state.

ELIGIBLE PERMITTEES

Except as excluded below, any public body that owns or operates a regulated MS4 may be eligible for permit coverage including, but not limited to, the United States, the State of Michigan, a city, village, township, county, public school district, public college or university, a single purpose governmental agency, or any other governing body which is created by federal or state statute or law.

The DEQ will determine eligibility for permit coverage.

Nongovernmental entities, such as individuals, private schools, private colleges, and private universities, or industrial and commercial entities, are not eligible for permit coverage.

PENALTIES

The information in this Application is required by the Part 21 Rules of the Michigan Act. A municipality, business, or industry that violates the Part 21 Rules may be enjoined by action commenced by the Attorney General in a court of competent jurisdiction. Federal and State laws provide penalties for submitting false application information. The laws imposing those penalties are cited below.

The Federal Act, Section 309(c)(4): "Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this chapter, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both."

The Michigan Act, Section 3115(2): "A person who at the time of the violation knew or should have known that he or she discharged a substance contrary to this part, or contrary to a permit or order issued or rule promulgated under this part, or who intentionally makes a false statement, representation, or certification in an application form pertaining to a permit or in a notice or report required by the terms and conditions of an issued permit, or who intentionally renders inaccurate a monitoring device or record required to be maintained by the department, is guilty of a felony and shall be fined not less than \$2,500.00 or more than \$25,000.00 for each violation. The court may impose an additional fine of not more than \$25,000.00 for each day during which the unlawful discharge occurred. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than \$25,000.00 per day and not more than \$50,000.00 per day of violation. Upon conviction, in addition to a fine, the court, in its discretion may sentence the defendant to imprisonment for not more than 2 years or impose probation upon a person for a violation of this part.

With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. However, the person shall not be subject to the penalties of this subsection if the discharge of the effluent is in conformance with and obedient to a rule, order, or permit of the department. In addition to a fine, the attorney general may file a civil suit in a court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state and the costs of surveillance and enforcement by the state resulting from the violation."

The Michigan Department of Environmental Quality will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the Office of Personnel Services, P.O. Box 30473, Lansing, MI 48909.

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

PLEASE TYPE OR PRINT					
Applicants for either new permit coverage or reissuance of a permit shall include all of the following requested information for Sections I-VIII.					
SECTION I. APPLICANT NAME AND MAILING ADDRESS				Current Permit/COC Number (if applicable)	
Village of Michiana				MIS04000 / COC No. 040077	
Additional Applicant Name Information					
Street Address or P.O. Box				e-mail	
4000 Cherokee Drive				michpublicworks@comcast.net	
City or Village		State		ZIP Code	
Michiana		MI		49117	
Telephone (with area code)			FAX Number (with area code)		
(269)-469-4600			(269)-469-3611		
SECTION II. CONTACTS	<input checked="" type="checkbox"/> Application Contact <input checked="" type="checkbox"/> Stormwater Program Manager <input type="checkbox"/> Stormwater Billing	First Name		Last Name	
		Rick		Reitz	
		Title		Business	
		DPW Supt.			
		Address 1		Address 2	
		4000 Cherokee Drive			
	City		State	ZIP Code	
	Michiana		MI	49117	
	Telephone (with area code)		FAX (with area code)	e-mail	
	(269)-469-4600		(269)-469-3611	michpublicworks@comcast.net	
	<input type="checkbox"/> Application Contact <input type="checkbox"/> Stormwater Program Manager <input checked="" type="checkbox"/> Stormwater Billing	First Name		Last Name	
		Ann		Heywood	
		Title		Business	
		Clerk			
		Address 1		Address 2	
4000 Cherokee Drive					
City		State	ZIP Code		
Michiana		MI	49117		
Telephone (with area code)		FAX (with area code)	e-mail		
(269)-469-4600		(269)469-3611	michianaclerk@comcast.net		
<input type="checkbox"/> Application Contact <input type="checkbox"/> Stormwater Program Manager <input type="checkbox"/> Stormwater Billing	First Name		Last Name		
	Title		Business		
	Address 1		Address 2		
City		State	Zip Code		
Telephone (with area code)		FAX (with area code)	e-mail		
SECTION III.					
PERMIT ACTION REQUESTED:					
<input type="checkbox"/> NEW AUTHORIZATION					
<input checked="" type="checkbox"/> REISSUANCE OF PREVIOUS AUTHORIZATION					
<input type="checkbox"/> MODIFICATION OF CURRENT PERMIT					
SECTION IV. REGULATED AREA					
Provide a map identifying the urbanized area within the applicant's jurisdictional boundary as defined by the 2000 Census. The regulated municipal separate storm sewer system (MS4) means an MS4 owned or operated by a city, village, township, county,					

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

district, association, or other public body created by or pursuant to state law and the nested MS4 identified in Section VI. that is located in an urbanized area and discharges stormwater into surface waters of the state. The 2000 Census maps are located at http://www.michigan.gov/documents/deq/wrd-stormwater-urbanizedareas_374344_7.pdf

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

SECTION V. OUTFALLS AND POINTS OF DISCHARGE

Identify and provide the surface water of the state that receives the discharge from each of the applicant's outfalls and points of discharge in Table 1 or an alternative format. Please note that an MS4 is not a surface water of the state. For example, an open county drain that is a surface water of the state is not an MS4.

SECTION VI. NESTED JURISDICTIONS

Submit the name and general description of each nested MS4 for which a cooperative agreement has been reached to carry out the terms and conditions of the permit for the nested jurisdiction. The applicant shall be responsible for assuring compliance with the permit for those nested jurisdictions with which they have entered into an agreement and listed as part of the Application. If the primary jurisdiction and the nested jurisdiction agree to cooperate so that the terms and conditions of the permit are met for the nested MS4, the nested jurisdiction does not need to apply for a separate permit. A city, village, or township shall not be a nested jurisdiction.

NESTED JURISDICTION NAME AND GENERAL DESCRIPTION:

N/A - SEE CHAPTER 4

SECTION VII. STORMWATER MANAGEMENT PROGRAM

This application requires a description of the Best Management Practices (BMPs) the applicant will implement for each minimum control measure and the applicable water quality requirements during this permit cycle. The applicant shall incorporate the BMPs to develop a Stormwater Management Program (SWMP) as part of the application. The SWMP shall be developed, implemented, and enforced to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable and protect water quality in accordance with the appropriate water quality requirements of Michigan Act 451, Public Acts of 1994, Part 31, and the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 *et seq.*). The Maximum Extent Practicable may be met by implementing the BMPs identified in the SWMP and demonstrating the effectiveness of the BMPs. The applicant shall attach any appropriate and necessary documentation to demonstrate compliance with the six minimum control measures and applicable water quality requirements as part of the application.

The applicant shall complete this application to the best of its knowledge and ensure that it is true, accurate, and meets the minimum requirements for a SWMP to the Maximum Extent Practicable.

When answering the questions in this section of the application, the applicant's MS4 encompasses what the applicant identified in Sections IV, V, and VI, above. The applicant shall include a measurable goal for each BMP. Each measurable goal shall include, as appropriate, a schedule for BMP implementation (months and years), including interim milestones and the frequency of the action. Each measurable goal shall have a measure of assessment to measure progress towards achieving the measurable goal. A United States Environmental Protection Agency (USEPA) guidance document on measurable goals available at <http://www.epa.gov/hpdes/pubs/measurablegoals.pdf>.

Several minimum control measures include a statement requesting the applicant to indicate in the response if you are, or will be, working collaboratively with watershed or regional partners on any or all activities to meet the minimum control measure requirements. If the applicant chooses to work collaboratively with watershed or regional partners to implement parts of the SWMP, each applicant will be responsible for complying with the minimum permit requirements.

For purposes of this application a procedure means a written process, policy or other mechanism describing how the applicant will implement minimum requirements. It may be helpful to read all questions in each section first.

Enforcement Response Procedure (ERP)

The applicant shall describe the current and proposed enforcement responses to address violations of the applicant's ordinances and regulatory mechanisms identified in the SWMP. The following question represents the minimum requirement for the ERP. Please complete the question below.

1. Provide the ERP. The ERP shall include the applicant's expected response to violations to compel compliance with an ordinance or regulatory mechanism implemented by the applicant in the SWMP (e.g., written notices, citations, and fines). The ERP shall contain a method for tracking instances of non-compliance, including, as appropriate, the name of the person responsible for violating the applicant's ordinance or regulatory mechanism, the date and location of the violation, a description of the violation, a description of the enforcement response used, a schedule for returning to compliance, and the date the violation was resolved. The applicant may keep an electronic file or hard copy file of the enforcement tracking.

ERP Reference (page and paragraph of attachments): SEE CHAPTER 5 - ENFORCED THRU POST CONSTRUCTION & STORM WATER AGREEMENT

Public Participation/Involvement Program (PPP)

The applicant shall describe the current and proposed BMPs to meet the minimum control measure requirements for the PPP to the maximum extent practicable, which shall be incorporated into the SWMP. Please indicate in your response if you are, or will be, working collaboratively with watershed or regional partners on any or all activities in the PPP during the permit cycle (i.e., identify collaborative efforts in the procedures). The following questions represent the minimum control measure requirements for the PPP. Please complete all the questions below. A measurable goal with a measure of assessment shall be included for each BMP, and, as appropriate, a schedule for implementation (months and years), including interim milestones and the frequency of the BMP.

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

2. Provide the procedure for making the SWMP available for public inspection and comment. The procedure shall include a process for notifying the public when and where the SWMP is available and of opportunities to provide comment. The procedure shall also include a process for complying with local public notice requirements, as appropriate.

Procedure Reference (Page and Paragraph of Attachments): SEE CHAPTER 6, Section "Stormwater Management Plan available for Public Inspection and Comment"

3. Provide the procedure for inviting public involvement and participation in the implementation and periodic review of the SWMP.

Procedure Reference (Page and Paragraph of Attachments): SEE CHAPTER 6, Section "Public Involvement and Participation in the Implementation"

Public Education Program (PEP)

The applicant shall describe the current and proposed BMPs to meet the minimum control measure requirements for the PEP to the maximum extent practicable, which shall be incorporated into the SWMP. Please indicate in your response if you are, or will be, working collaboratively with watershed or regional partners on any or all activities in the PEP during the permit cycle. The following questions represent the minimum requirements for the PEP. Please complete all the questions below. A measurable goal with a measure of assessment shall be included for each BMP, and, as appropriate, a schedule for implementation (months and years), including interim milestones and the frequency of the BMP. The responses shall reflect the nested MS4s identified in Section VI.

4. Provide the procedure with the assessment of high priority community-wide issues and targeted issues to reduce pollutants in stormwater runoff as part of the PEP.

Procedure Reference (Page and Paragraph of Attachments): NA - PEP topics will not be prioritized

5. The applicant shall identify applicable PEP topics below and prioritize based on the assessment in Question 4. For each applicable topic, identify the target audience; key message; delivery mechanism; year and frequency the BMP will be implemented; and the responsible party.

For each topic below, complete one or more of the following

- Fill out Table 2 for each applicable PEP topic.
- Reference the page number in your existing PEP document.
- Explain why the PEP activity is not applicable or a priority issue.

- A. Promote public responsibility and stewardship in the applicant's watershed(s).

Priority # _____

- See Table 2
 Attach existing approved PEP (page and paragraph of attachments): _____
 Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 1

- B. Inform and educate the public about the connection of the MS4 to area waterbodies and the potential impacts discharges could have on surface waters of the state.

Priority # _____

- See Table 2
 Attach existing approved PEP (page and paragraph of attachments): _____
 Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 2

- C. Educate the public on illicit discharges and promote public reporting of illicit discharges and improper disposal of materials into the MS4.

Priority # _____

- See Table 2
 Attach existing approved PEP (page and paragraph of attachments): _____
 Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 3

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

D. Promote preferred cleaning materials and procedures for car, pavement, and power washing.

Priority # _____

See Table 2

Attach existing approved PEP (page and paragraph of attachments): _____

Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 4

E. Inform and educate the public on proper application and disposal of pesticides, herbicides, and fertilizers.

Priority # _____

See Table 2

Attach existing approved PEP (page and paragraph of attachments): _____

Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 4

F. Promote proper disposal practices for grass clippings, leaf litter, and animal wastes that may enter into the MS4.

Priority # _____

See Table 2

Attach existing approved PEP (page and paragraph of attachments): _____

Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 4

G. Identify and promote the availability, location, and requirements of facilities for collection or disposal of household hazardous wastes, travel trailer sanitary wastes, chemicals, yard wastes, and motor vehicle fluids.

Priority # _____

See Table 2

Attach existing approved PEP (page and paragraph of attachments): Page 4

Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 5

H. Inform and educate the public on proper septic system care and maintenance, and how to recognize system failure.

Priority # _____

See Table 2

Attach existing approved PEP (page and paragraph of attachments): _____

Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 5

I. Educate the public on, and promote the benefits of, green infrastructure and Low Impact Development.

Priority # _____

See Table 2

Attach existing approved PEP (page and paragraph of attachments): _____

Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 4

J. Promote methods for managing riparian lands to protect water quality.

Priority # _____

See Table 2

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

- Attach existing approved PEP (page and paragraph of attachments): _____
 Not applicable. Provide explanation on the next page.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 6

- K. Identify and educate commercial, industrial, and institutional entities likely to contribute pollutants to stormwater runoff.
Priority # _____
 See Table 2
 Attach existing approved PEP (page and paragraph of attachments): _____
 Not applicable. Provide explanation below.

See Chapter 7 "PEP EDUCATION COMPONENTS" on pages 1 and 2, and also Table 2, PEP objective 2

6. Provide the procedure for evaluating and determining the effectiveness of the overall PEP. The procedure shall include a method for assessing changes in public awareness and behavior resulting from the implementation of the PEP and the process for modifying the PEP to address ineffective implementation.

Procedure Reference (page and paragraph of attachments): See Chapter 7, page 2, and Table 2 - PEP - "Measurable Goals / Effectiveness"

Illicit Discharge Elimination Program (IDEP)

The applicant shall describe the current and proposed BMPs to meet the minimum control measure requirements for the IDEP to the Maximum Extent Practicable, which shall be incorporated into the SWMP. Please indicate in your response if you are or will be working collaboratively with watershed or regional partners on any or all BMPs in the IDEP during the permit cycle (e.g., identify collaborative efforts in the procedures). The following questions represent the minimum control measure requirements for the IDEP. Please complete all the questions below. If the "No" response is selected but a date is requested for the minimum requirement to be available, please provide a date to meet the minimum requirement. All dates provided by the applicant in this application should be on or before May 1, 2013 for fiscal year 2013 applicants and October 1, 2013 for fiscal year 2014 applicants. A measurable goal with a measure of assessment shall be included for each BMP, and, as appropriate, a schedule for implementation (months and years), including interim milestones and the frequency of the BMP. The responses shall reflect the nested MS4s identified in Section VI.

The following definitions apply to the terms used below:

- Illicit Discharge: Any discharge to, or seepage into, an MS4 that is not composed entirely of stormwater or uncontaminated groundwater except discharges pursuant to an NPDES permit.
- Illicit Connection: A physical connection to an MS4 that primarily conveys non-stormwater discharges other than uncontaminated groundwater into the MS4; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

The Center for Watershed Protection has a guide on developing and implementing an IDEP available at http://www.epa.gov/npdess/pubs/idde_manualwithappendices.pdf. This guide is a useful tool to assist with completing the application.

Storm Sewer System Map

7. Provide the location where an up-to-date storm sewer system map(s) is available. The map(s) shall identify the following: the storm sewer system, the location of all outfalls and points of discharge, and the names and location of the surface waters of the state that receive discharges from the permittee's MS4 (for both outfalls and points of discharge). A separate storm sewer system includes: roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, and man-made channels. A storm sewer system map(s) may include available diagrams, such as certification maps, road maps showing rights-of-way, as-built drawings, or other hard copy or digital representation of the storm sewer system.

The map (or maps) is available at the following location: Village Hall

Illicit Discharge Identification and Investigation

8. Provide the procedure for prioritizing the applicant's MS4 for detecting non-stormwater discharges. The goal of the prioritization process is to target areas with high illicit discharge potential. The procedure shall document the process for selecting each priority area using the list below.
- Areas with older infrastructure
 - Industrial, commercial, or mixed use areas
 - Areas with a history of past illicit discharges
 - Areas with a history of illegal dumping

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

- Areas with onsite sewage disposal systems
- Areas with older sewer lines or with a history of sewer overflows or cross-connections
- Areas with sewer conversions or historic combined sewer systems
- Areas with poor dry-weather water quality
- Areas with water quality impacts, including waterbodies identified in a Total Maximum Daily Load
- Priority areas applicable to the applicant not identified above

Procedure Reference (page and paragraph of attachments): _____

Not applicable – The applicant will perform illicit discharge identification and investigation throughout the entire MS4. Skip to Question 10.

9. Provide the geographical location of each prioritized area using either a narrative description or map and identify the prioritized areas that will be targeted during the permit cycle.

IDEP Prioritized Areas (page and paragraph of attachments): _____

10. Provide the procedure for performing field observations at all outfalls and points of discharge in the priority areas, as identified in the procedure above, or for the entire MS4 during dry-weather at least once during the permit cycle. The procedure shall include a schedule for completing the field observations during the permit cycle or more expeditiously if the applicant becomes aware of a non-stormwater discharge. *As part of the procedure, the applicant may submit an interagency agreement with the owner or operator of the downstream MS4 identifying responsibilities for ensuring an illicit discharge is eliminated if originating from the applicant's point(s) of discharge. The interagency agreement would eliminate the requirement for performing a field observation at that point(s) of discharge.*

The focus of the field observation shall be to observe the following:

- Presence/absence of flow
- Deposits/stains on the discharge structure or bank
- Vegetation condition
- Structural condition
- Biology, such as bacterial sheens, algae, and slimes
- Water clarity
- Color
- Odor
- Floatable materials

Procedure Reference (page and paragraph of attachments): See Chapter 8, Dry Weather Screening and Inspection Form

11. Provide the procedure for performing field screening if flow is observed at an outfall or point of discharge and the source of an illicit discharge is not identified during the field observation. Field screening shall include analyzing the discharge for indicator parameters (e.g., ammonia, fluoride, detergents, and pH). The procedure shall include a schedule for performing field screening.

Procedure Reference (page and paragraph of attachments): See Chapter 8, section "outfall screen program"

12. Provide the procedure for performing a source investigation if the source of an illicit discharge is not identified by field screening. The procedure shall include a schedule for performing a source investigation.

Procedure Reference (page and paragraph of attachments): See Chapter 8, section "outfall screen program"

13. Provide the procedure for responding to illegal dumping/spills. The procedure shall include a schedule for responding to complaints, performing field observations, and follow-up field screening and source investigations as appropriate.

Procedure Reference (page and paragraph of attachments): See Chapter 8, section "Indirect Connections (dumping, spills and surface sources)"

14. Provide the procedure for responding to illicit discharges outside of the priority areas. The procedure shall include a schedule for performing field observations, and follow-up field screening and source investigations as appropriate.

Procedure Reference (page and paragraph of attachments): _____

Not applicable – Field observations will be conducted at all outfalls and points of discharge

15. Provide the procedure that includes a requirement to immediately report any release of any polluting materials from the MS4 to the surface waters or groundwaters of the state, unless a determination is made that the release is not in excess of the threshold reporting quantities in the [Part 5 Rules](#), by calling the appropriate MDEQ District Office, or if the notice is provided after regular working hours call the MDEQ's 24-Hour Pollution Emergency Alerting System telephone number: 800-292-4706.

Procedure Reference (page and paragraph of attachments): See Chapter 8, page 4, section "Spill or release procedure"

16. If the procedures requested in Questions 8 through 14 do not accurately reflect the permittee's procedure(s), describe the alternative approach to meet the minimum requirements.

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

Not applicable

17. Provide the procedure for responding to illicit discharges once the source is identified. The procedure shall specify the corrective action, and a schedule to eliminate the illicit discharge and pursue enforcement actions. The procedure shall also address illegal spills/dumping.

Procedure Reference (page and paragraph of attachments): See Chapter 8, page 3 (h)

IDEP Training and Evaluation

18. Provide the program to train staff employed by the applicant on identifying an illicit discharge or connection and the proper procedure for reporting and responding to an illicit discharge or connection. At a minimum, existing staff shall be trained at least once during the permit cycle and new hires within the first year of their hire date. The program shall include a training schedule for the permit cycle. *It is recommended that staff is trained more than once per permit cycle.*

Program Reference (page and paragraph of attachments): See Chapter 8, page 4

19. Provide the procedure for evaluating and determining the overall effectiveness of the IDEP.

Procedure Reference (page and paragraph of attachments): See Chapter 8, Table 2

Illicit Discharge Ordinance

20. Is an ordinance or regulatory mechanism in effect that prohibits non-stormwater discharges into the applicant's MS4 (except the non-stormwater discharges addressed in Questions 21 and 22)?

Yes, ordinance number(s) or regulatory mechanism title(s) (attach a copy): See Chapter 14
 No, an ordinance or regulatory mechanism will be available on _____

21. Does the ordinance or other regulatory mechanism exclude prohibiting the discharges or flows from firefighting activities to the applicant's MS4 and require that these discharges or flows only be addressed if they are identified as significant sources of pollutants to waters of the State?

Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments): See Chapter 14, Ordinance #2006-03 Section 2.03
 No, the ordinance or regulatory mechanism will be available on _____

22. Does the ordinance or other regulatory mechanism prohibit the following categories of non-stormwater discharges or flows if identified as significant contributors of pollutants to the applicant's MS4?

- a. Water line flushing and discharges from potable water sources
- b. Landscape irrigation runoff, lawn watering runoff, and irrigation waters
- c. Diverted stream flows and flows from riparian habitats and wetlands
- d. Rising groundwaters and springs
- e. Uncontaminated groundwater infiltration and seepage
- f. Uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits
- g. Foundation drains, water from crawl space pumps, footing drains, and basement sump pumps
- h. Air conditioning condensation
- i. Waters from noncommercial car washing
- j. Street wash water
- k. Dechlorinated swimming pool water from single, two, or three family residences. (A swimming pool operated by the permittee shall not be discharged to a separate storm sewer or to surface waters of the state without NPDES permit authorization from the MDEQ.)

Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments): See Chapter 14, Ordinance #2006-03 Section 2.03
 No, the ordinance or regulatory mechanism will be available on _____

23. Does the ordinance or regulatory mechanism regulate the contribution of pollutants to the applicant's MS4?

Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments): See Ch. 14, Ordinance #2006-03
 No, the ordinance or regulatory mechanism will be available on _____

24. Does the ordinance or regulatory mechanism prohibit illicit discharges, including illicit connections and the direct dumping or disposal of materials into the applicant's MS4?

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

- Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments): See Chapter 14, Ordinance #2006-03
 No, the ordinance or regulatory mechanism will be available on _____

25. Does the ordinance or regulatory mechanism establish the authority to inspect, investigate, and monitor suspected illicit discharges into the applicant's MS4?

- Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments): See Chapter 14, Ordinance #2006-03
 No, the ordinance or regulatory mechanism will be available on _____

26. Does the ordinance or regulatory mechanism require and enforce elimination of illicit discharges into the applicant's MS4, including providing the applicant the authority to eliminate the illicit discharge?

- Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments): See Chapter 14, Ordinance #2006-03
 No, the ordinance or regulatory mechanism will be available on _____

27. Does the ordinance or regulatory mechanism include a schedule for eliminating illicit discharge into the applicant's MS4?

- Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments): See Chapter 14, Page 2 and also Chapter 15, 5th paragraph
 No, the ordinance or regulatory mechanism will be available on _____

Construction Stormwater Runoff Control Program

The applicant shall describe the current and proposed BMPs to meet the minimum control measure requirements for the construction stormwater runoff control program to the maximum extent practicable, which shall be incorporated into the SWMP. Please indicate in your response if you are or will be working collaboratively with watershed or regional partners on any or all requirements of this program during the permit cycle. The following questions represent the minimum control measure requirements for the construction stormwater runoff control program. Please complete all the questions below. A measurable goal with a measure of assessment shall be included for each BMP, and, as appropriate, a schedule for implementation (months and years), including interim milestones and the frequency of the BMP. The responses shall reflect the nested MS4s identified in Section VI.

Qualifying Local Soil Erosion and Sedimentation Control Programs

28. Is the applicant a Part 91 Agency? A list of Part 91 agencies is available at http://www.michigan.gov/deq/0,4561,7-135-3311_4113-8870--00.html.

Yes. Choose type: County Enforcing Agency Municipal Enforcing Agency Authorized Public Agency

- No, the applicant relies on the following Qualifying Local Soil Erosion and Sedimentation Control Program (Part 91 Agency)
Berrien County Drain Commission

Construction Stormwater Runoff Control

29. Provide the procedure with the process for notifying the Part 91 Agency or appropriate staff when soil or sediment is discharged to the applicant's MS4 from a construction activity. The procedure shall allow for the receipt and consideration of complaints or other information submitted by the public or identified internally as it relates to construction stormwater runoff control. For non-Part 91 agencies, consideration of complaints may include referring the complaint to the qualifying local Soil Erosion and Sedimentation Control Program as appropriate. Construction activity is defined pursuant to Part 21, Wastewater Discharge Permits, Rule 323.2102 (K). The applicant may consider as part of their procedure when and under what circumstances the Part 91 Agency or appropriate staff will be contacted.

Procedure Reference (page and paragraph of attachments): See Chapter 9, page 1 "Proceedure"

30. Provide the procedure for when to notify the MDEQ when soil, sediment, or other pollutants are discharged to the applicant's MS4 from a construction activity. Other pollutants include pesticides, petroleum derivatives, construction chemicals, and solid wastes that may become mobilized when land surfaces are disturbed. The applicant may consider as part of their procedure when and under what circumstances the MDEQ will be contacted.

Procedure Reference (page and paragraph of attachments): See Chapter 9, page 1 "Proceedure"

31. Provide the procedure for ensuring that construction activity one acre or greater in total earth disturbance with the potential to discharge to the applicant's MS4 obtains a Part 91 permit, or is conducted by an approved Authorized Public Agency as appropriate. Note: For applicants that conduct site plan review, the procedure must be triggered at the site plan review stage.

Procedure Reference (page and paragraph of attachments): See Chapter 9, page 1 "Proceedure"

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

32. Provide the procedure to advise the landowner or recorded easement holder of the State of Michigan Permit by Rule (Rule 323.2190).

Procedure Reference (page and paragraph of attachments): See Chapter 9, page 1 "Proceedure"

Post-Construction Stormwater Runoff Program

Post-construction stormwater runoff controls are necessary to maintain or restore stable hydrology in receiving waters by limiting surface runoff rates and volumes and reducing pollutant loadings from sites that undergo development or significant redevelopment.

The applicant shall describe the current and proposed BMPs to meet the minimum control measure requirements for the post-construction stormwater runoff program to the maximum extent practicable, which shall be incorporated into the SWMP. Please complete the questions below as appropriate. If the "No" response is selected but a date is requested for the minimum requirement to be available, please provide a date to meet the minimum requirement. All dates provided by the applicant in this application should be on or before May 1, 2013 for fiscal year 2013 applicants and October 1, 2013 for fiscal year 2014 applicants. Some questions are set up to allow for additional responses to meet the minimum requirements. If space is not available for an additional response, then the minimum requirement must be met in accordance with the question. A measurable goal with a measure of assessment shall be included for each BMP, and, as appropriate, a schedule for implementation (months and years), including interim milestones and the frequency of the BMP. The responses shall reflect the nested MS4s identified in Section VI.

An applicant may reference in its ordinance or regulatory mechanism other technical documents used to implement the post-construction stormwater runoff program. For example, an applicant may answer a question with a reference to a performance or technical standards document in the ordinance **and** the reference in the technical document. When referencing the ordinance, regulatory mechanism, or other technical documents, attach the document and provide the page and paragraph reference.

The MDEQ has a manual with information on post-construction stormwater runoff control available at <http://www.semcoq.org/LowImpactDevelopment.aspx>. Chapter 9 of the *Low Impact Development Manual for Michigan* provides a methodology for addressing post-construction stormwater runoff.

Ordinance or Other Regulatory Mechanism

33. Is an ordinance or other regulatory mechanism in effect to address post-construction stormwater runoff from new development and redevelopment projects, including preventing or minimizing water quality impacts? The ordinance or other regulatory mechanism shall apply to private, commercial, and public projects, including projects where the applicant is the developer. This requirement may be met using a single ordinance or regulatory mechanism or a combination of ordinances and regulatory mechanisms.

Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments) See Chapter 15 - STORM WATER AGREEMENT

No, the ordinance or regulatory mechanism will be available on _____

34. Does the ordinance or other regulatory mechanism apply to projects that disturb at least one or more acres, including projects less than an acre that are part of a larger common plan of development or sale and discharge into the applicant's MS4?

Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments) See Chapter 10, 14 and 15

No, the ordinance or regulatory mechanism will be available on _____

Federal Facilities

Federal facilities are subject to the Energy Independence and Security Act of 2007. Section 438 of this legislation establishes post-construction stormwater runoff requirements for federal development and redevelopment projects.

35. Is the applicant the owner or operator of a federal facility with a stormwater discharge?

Yes

No, skip to Question 37

36. Is the applicant implementing the post-construction stormwater runoff control requirements in Section 438 of the Energy Independence and Security Act? A guidance document is available at http://www.epa.gov/greeningepa/documents/epa_swm_guidance.pdf

Yes, regulatory mechanism reference (page and paragraph of attachments) _____

No, the regulatory mechanism will be available on _____

The following performance standards questions are intended to establish the minimum post-construction stormwater runoff program requirements. Applicants may be implementing alternative performance standards that may meet the minimum requirements for a post-construction stormwater runoff program. Space is provided below the applicable questions for submitting alternatives. Applicants in fiscal years 2013 and 2014 who submit an alternative that is less restrictive than the water quality treatment and channel protection performance standards included below will be required to submit a demonstration showing that the alternative standard provides equivalent or a greater level of protection as the standards identified below no later than one year prior to permit reissuance. Applicants in fiscal year 2015 and later will be required to submit the demonstration with the application.

Water Quality Treatment Performance Standard

37. Does the ordinance or other regulatory mechanism include one of the following water quality treatment standards?

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

- Treat the first one inch of runoff from the entire site. Ordinance or other regulatory mechanism reference (page and paragraph of attachments) See Chapter 10 Skip to Question 39.
- Treat the runoff generated from 90 percent of all runoff-producing storms. Ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
- No, the ordinance or other regulatory mechanism will be available on _____
- The ordinance or other regulatory mechanism is/will be available on _____ and includes the following water quality treatment standard. Provide an explanation as to how the water quality treatment standard will prevent or minimize water quality impacts.

NO WATER RUN OFF DO TO ALL BEACH SAND

38. What is the source of the rainfall data if the applicant has chosen the water quality treatment standard of requiring the treatment of the runoff generated from 90 percent of all runoff-producing storms?
- The MDEQ's memo dated March 24, 2006 providing the 90 percent annual non-exceedance storm statistics. The memo is available at http://www.michigan.gov/documents/deq/lwm-hsu-nps-ninety-percent_198401_7.pdf.
 - An analysis of at least ten years of local published rain gauge data following the method in the March 25, 2006, MDEQ memo titled *90 Percent Annual Non-Exceedance Storms* cited above.
 - Other rainfall data source (page and paragraph of attachments) _____
39. Does the ordinance or other regulatory mechanism require that BMPs be **designed** on a site-specific basis to reduce post-development total suspended solids loadings by 80 percent or achieve a discharge concentration of total suspended solids not to exceed 80 milligram per liter?
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) See Chapter 10, 14 and 15
 - No, the ordinance or other regulatory mechanism will be available on _____
 - The ordinance or other regulatory mechanism defines treatment as follows:

Channel Protection Performance Standard

40. Does the ordinance or other regulatory mechanism require that the post-construction runoff rate and volume of discharges not exceed the pre-development rate and volume for all storms up to the two-year, 24-hour storm at the site? At a minimum, pre-development is the last land use prior to the planned new development or redevelopment.
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 - No, the ordinance or other regulatory mechanism will be available on _____
 - The ordinance or other regulatory mechanism is/will be available on _____ and includes the following channel protection standard. Provide an explanation as to how the channel protection standard will prevent or minimize water quality impacts.

See Chapter 10 - NO WATER RUN OFF DO TO ALL BEACH SAND

41. Does the ordinance or other regulatory mechanism exclude any waterbodies from the channel protection performance standard? The channel protection performance standard is not required for the following waterbodies: the Great Lakes or connecting channels of the Great Lakes; Rouge River downstream of the Turning Basin; Saginaw River; Mona Lake and Muskegon Lake (Muskegon County); and Lake Macatawa and Spring Lake (Ottawa County).
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 - No, the ordinance or other regulatory mechanism will be available on _____
 - Not applicable

Site-Specific Requirements

42. Provide the procedure for reviewing the use of infiltration BMPs to meet the water quality treatment and channel protection standards for new development or redevelopment projects in areas of soil or groundwater contamination in a manner that does not exacerbate existing conditions. The procedure shall include the process for coordinating with MDEQ staff as appropriate.

Procedure Reference (page and paragraph of attachments) N/A - See Chapter 10, page 2

43. Does the ordinance or other regulatory mechanism require BMPs to address the associated pollutants in potential hot spots as part of meeting the water quality treatment and channel protection standards for new development or redevelopment projects? Hot spots include areas with the potential for significant pollutant loading 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

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

water supply intakes.

- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on N/A - See Chapter 10, page 2

Off-Site Mitigation and Payment in Lieu Programs

44. Does the ordinance or other regulatory mechanism allow for the approval of off-site mitigation for redevelopment projects that cannot meet 100 percent of the performance standards on-site after maximizing stormwater retention? Off-site mitigation refers to BMPs implemented at another location within the same jurisdiction and watershed/sewershed as the original project. *A watershed is the geographic area included in a 10-digit Hydrologic Unit Code and a sewershed is the area where stormwater is conveyed by the applicant's MS4 to a common outfall or point of discharge.*
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on _____
 Not pursuing this option
45. Does the ordinance or other regulatory mechanism allow for the approval of payment in lieu for projects that cannot meet 100 percent of the performance standards on-site after maximizing stormwater retention? A payment in lieu program refers to a developer paying a fee to the applicant that is applied to a public stormwater management project within the same jurisdiction and watershed/sewershed as the original project in lieu of installing the required BMPs onsite. The stormwater management project may be either a new BMP or a retrofit to an existing BMP and shall be developed in accordance with the applicant's performance standards. *A watershed is the geographic area included in a 10-digit Hydrologic Unit Code and a sewershed is the area where stormwater is conveyed by the applicant's MS4 to a common outfall or point of discharge.*
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on _____
 Not pursuing this option. If "not pursuing this option" was selected for both Questions 44 and 45, skip to Question 53
46. Does the ordinance or other regulatory mechanism establish criteria for determining the conditions under which off-site mitigation and/or payment in lieu are available and require technical justification as to the infeasibility of on-site management? The determination that performance standards cannot be met on-site shall not be based solely on the difficulty or cost of implementing, but shall be based on multiple criteria related to the physical constraints of the project site, such as: too small of a lot outside of the building footprint to create the necessary infiltrative capacity even with amended soils; soil instability as documented by a thorough geotechnical analysis; a site use that is inconsistent with the capture and reuse of stormwater; too much shade or other physical conditions that preclude adequate use of plants. The criteria shall also include consideration of the stream order and location within the watershed/sewershed as it relates to the water quality impacts from the original project site (*e.g., the water quality impact from a site with a discharge to a small-sized stream would be greater than a site on a large river and an offset downstream of the project site may provide less water quality benefit.*) The highest preference for off-site mitigation and in lieu projects shall be given to locations that yield benefits to the same receiving water that received runoff from the original project site.
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on _____
47. Does the ordinance or other regulatory mechanism establish a minimum amount of stormwater to be managed on-site as a first tier for off-site mitigation or payment in lieu? A higher offset ratio is required if off-site mitigation or payment in lieu is requested for the amount of stormwater identified as the first tier. *For example, a minimum of 0.4 inches of stormwater runoff shall be managed on-site as a first tier.*
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on _____
 The ordinance or other regulatory mechanism requires the following:
-
48. Does the ordinance or other regulatory mechanism require an offset ratio of 1:1.5 for the amount of stormwater above the first tier (identified in Question 47) not managed on-site to the amount of stormwater required to be mitigated at another site or for which in-lieu payments shall be made?
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on _____
 The ordinance or other regulatory mechanism requires the following:
-
49. Does the ordinance or other regulatory mechanism require that if demonstrated by the developer to the applicant that it is completely infeasible to manage the first tier of stormwater identified in Question 47 on-site, the offset ratio for the unmanaged portion is 1:2?
- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on _____

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

The ordinance or other regulatory mechanism requires the following:

50. Does the ordinance or other regulatory mechanism require a schedule for completing off-site mitigation and in-lieu projects? *Off-site mitigation and in-lieu projects should be completed within 24 months after the start of the original project site construction.*

- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on _____
 The ordinance or other regulatory mechanism requires the following:

51. Does the ordinance or other regulatory mechanism require that offsets and in-lieu projects be preserved and maintained in perpetuity, such as deed restrictions and long-term operation and maintenance?

- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) _____
 No, the ordinance or other regulatory mechanism will be available on _____
 The ordinance or other regulatory mechanism requires the following:

52. Describe the tracking system implemented, or to be implemented, to track off-site mitigation and/or in-lieu projects.

53. Are there any other exceptions to the performance standards, other than off-site mitigation and payment in lieu, being implemented or to be implemented during the permit cycle?

- Yes, describe below

No

Site Plan Review

54. Does the ordinance or other regulatory mechanism include a requirement to submit a site plan for review and approval of post-construction stormwater runoff BMPs?

- Yes, ordinance or regulatory mechanism reference (page and paragraph of attachments) Building Inspector - See Chapter 10
 No, the ordinance or regulatory mechanism will be available on _____

55. Provide the procedure for site plan review and approval.

Procedure Reference (page and paragraph of attachments) Building Inspector - See Chapter 10

56. Provide the reference in the site plan review and approval procedure to the process for determining how the developer meets the performance standards and ensures long-term operation and maintenance of BMPs.

Procedure Reference (page and paragraph of attachments) Building Inspector - See Chapter 10

Long-Term Operation and Maintenance of BMPs

57. Does the ordinance or other regulatory mechanism require the long-term operation and maintenance of all structural and vegetative BMPs installed and implemented to meet the performance standards in perpetuity?

- Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) See Chapter 15 - storm water agreement

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

No, the ordinance or other regulatory mechanism will be available on _____

58. Does the ordinance or other regulatory mechanism require a maintenance agreement between the applicant and owners or operators responsible for the long-term operation and maintenance of structural and vegetative BMPs installed and implemented to meet the performance standards?

Yes, ordinance or other regulatory mechanism reference (page and paragraph of attachments) See Chapter 15 - storm water agreement

No, the ordinance or other regulatory mechanism will be available on _____

The ordinance or other regulatory mechanism requires the following:

59. Does the maintenance agreement or other legal mechanism allow the applicant to complete the following? (Check if yes)

Inspect the structural or vegetative BMP

Perform the necessary maintenance or corrective actions neglected by the BMP owner or operator

Track the transfer of operation and maintenance responsibility of the BMP (e.g., deed restrictions)

If any of the boxes above were not checked, provide a response explaining how the maintenance agreement or other legal mechanism allows the applicant to verify and ensure maintenance of the BMP.

See Chapter 15 - Storm Water Management Agreement

Pollution Prevention and Good Housekeeping Program

The applicant shall describe the current and proposed BMPs to meet the minimum control measure requirements for the Pollution Prevention and Good Housekeeping Program to the maximum extent practicable, which shall be incorporated into the SWMP. The applicant shall develop and implement a Pollution Prevention and Good Housekeeping Program to prevent or reduce the discharge of pollutants from municipal facilities and operations.

The following definitions apply to the terms used below:

- Fleet: A group of vehicles owned or operated as a unit.
- Maintenance (includes, but not limited to): adding/changing vehicle fluids, fueling, lubrication, painting, mechanical repairs, parts degreasing, and vehicle/equipment washing.
- Storage Yard (includes, but not limited to): areas where vehicles are stored longer than overnight/weekend; areas where road maintenance materials are stored; areas where vehicle maintenance materials are stored; areas where chemicals in bulk are stored; areas where catch basin cleaning wastes are stored; and areas where maintenance equipment such as mowers, tractors, vactor trucks, and sweepers is stored.

Please complete the questions below as appropriate. A "Not Applicable" response is appropriate in cases where the applicant does not own or operate a municipal facility or stormwater structural control or does not perform the operation in the question. A measurable goal with a measure of assessment shall be included for each BMP, and, as appropriate, a schedule for implementation (months and years), including interim milestones and the frequency of the BMP. The responses shall reflect the nested MS4s identified in Section VI.

Municipal Facility and Structural Stormwater Control Inventory

60. Provide an up-to-date inventory of applicant-owned or operated facilities and stormwater structural controls with a discharge of stormwater to surface waters of the state. The inventory shall include the location of each facility and an estimate of the number of structural stormwater controls for each category below (e.g., 100 catch basins and 7 detention basins).

Inventory Reference (Page and Paragraph of Attachments): _____

Check all applicant-owned or operated facilities with a discharge of stormwater to surface waters of the state:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Administration buildings | <input type="checkbox"/> Animal Control Building |
| <input type="checkbox"/> Airports | <input type="checkbox"/> Bus Stations and Garages |
| <input type="checkbox"/> Cemeteries | <input type="checkbox"/> Composting facilities |
| <input checked="" type="checkbox"/> Equipment storage and maintenance facilities | <input type="checkbox"/> Fire Stations |
| <input type="checkbox"/> Fuel Farms | <input type="checkbox"/> Hazardous waste disposal facilities |
| <input type="checkbox"/> Hazardous waste handling and transfer facilities | <input type="checkbox"/> Landfills |
| <input type="checkbox"/> Landscape maintenance facilities | <input type="checkbox"/> Libraries |
| <input type="checkbox"/> Materials storage yards | <input type="checkbox"/> Mosquito Control Facility |

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

- | | |
|---|---|
| <input checked="" type="checkbox"/> Parks
<input type="checkbox"/> Police stations
<input checked="" type="checkbox"/> Public parking lots
<input type="checkbox"/> Public works yards
<input checked="" type="checkbox"/> Salt storage facilities
<input type="checkbox"/> Vacant land and open space
<input type="checkbox"/> Other facilities – Provide a description below: | <input type="checkbox"/> Pesticide storage facilities
<input type="checkbox"/> Public golf courses
<input type="checkbox"/> Public schools
<input type="checkbox"/> Recycling facilities
<input type="checkbox"/> Solid waste handling and transfer facilities
<input checked="" type="checkbox"/> Vehicle storage and maintenance yards |
|---|---|

all of above are located in one building

Check all applicant-owned or operated structural stormwater controls with a discharge of stormwater to surface waters of the state:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Catch basins
<input type="checkbox"/> Detention basins
<input type="checkbox"/> Oil/water separators
<input type="checkbox"/> Pump Stations
<input type="checkbox"/> Secondary containment
<input type="checkbox"/> Vegetated swales
<input type="checkbox"/> Other structural stormwater controls – Provide a description below: | <input type="checkbox"/> Constructed wetlands
<input type="checkbox"/> Infiltration basins and trenches
<input type="checkbox"/> Porous pavement
<input type="checkbox"/> Rain gardens
<input type="checkbox"/> Underground storage vaults or tanks |
|---|---|

61. Provide the location where an up-to-date map (or maps) is available with the location of the facilities and structural stormwater controls identified in Question 60. *The location of the facilities and structural stormwater controls may be included on the storm sewer system map maintained for the IDEP.*

The map (or maps) is available at the following location: Village Hall

62. Provide the procedure for updating and revising the inventory in Question 60 and map (or maps) identified in Question 61 as facilities and structural stormwater controls are added, removed, or no longer owned or operated by the applicant. *A suggested timeframe for updating/revising the inventory and map(s) is 30 days following adding/removing a facility or structural stormwater control.*

Procedure Reference (page and paragraph of attachments): See Chapter 8, Table 2, Administrative procedures

Facility-Specific Stormwater Management

63. Provide the procedure for assessing each facility identified in Question 60 for the potential to discharge pollutants to surface waters of the state. The procedure shall include a process for updating and revising the assessment. *A recommended timeframe for updating/revising the assessment is 30 days prior to discharging stormwater from a new facility and within 30 days of determining a need to update/revise the facility assessment.*

The applicant should consider the following factors when assessing each facility:

- Amount of urban pollutants stored at the site (e.g., sediment, nutrients, metals, hydrocarbons, pesticides, fertilizers, herbicides, chlorides, trash, bacteria, or other site-specific pollutants)
- Identification of improperly stored materials
- The potential for polluting activities to be conducted outside (e.g., vehicle washing)
- Proximity to waterbodies
- Poor housekeeping practices
- Discharge of pollutants of concern to impaired waters

Procedure Reference (page and paragraph of attachments): _____

Not Applicable – The applicant does not own a facility that discharges stormwater to surface waters of the state. Skip to Question 71.

64. Provide the list of prioritized facilities using the assessment in Question 63. Each facility shall be prioritized based on having the high, medium, or low potential to discharge pollutants to surface waters of the state. Facilities with the high potential for pollutant runoff shall include, but are not limited to, the applicant's fleet maintenance and storage yards. The applicant may submit a demonstration with a description of how the applicant's fleet maintenance and storage yard has the low potential to discharge

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

pollutants to surface waters of the state.

- Prioritized Facility List (page and paragraph of attachments): _____
- Fleet Maintenance and Storage Yard Demonstrations (page and paragraph of attachments): _____

65. Is a site-specific standard operating procedure (SOP) available identifying the structural and non-structural stormwater controls implemented and maintained to prevent or reduce pollutant runoff at each facility with the high potential for pollutant runoff? The SOP shall be available at each facility with the high potential for pollutant runoff and upon request from the MDEQ. The SOP shall identify the person responsible for oversight of the facility. *The MDEQ may request the submission of the SOP during the application review process.*

- Yes, a site-specific SOP is available at each facility with the high potential for pollutant runoff
- Not Applicable – The applicant does not own or operate any facilities with the high potential for pollutant runoff. Skip to Question 70.

66. Provide the reference in the SOP, for each facility with the high potential for pollutant runoff, to the following: the list of significant materials stored on-site that could pollute stormwater; the description of the handling and storage requirements for each significant material; and the potential to discharge the significant material.

SOP Reference (page and paragraph of attachments): _____

This space is available to reference multiple site-specific SOPs

67. Provide the reference in the SOP, for each facility with the high potential for pollutant runoff, identifying the good housekeeping practices implemented at the site. *Good housekeeping practices include keeping the facility neat and orderly, properly storing and covering materials, and minimizing pollutant sources to prevent or reduce pollutant runoff.*

SOP Reference (page and paragraph of attachments): _____

This space is available to reference multiple site-specific SOPs

68. Provide the reference in the SOP, for each facility with the high potential for pollutant runoff, to the description and schedule for conducting routine maintenance and inspections of stormwater management and control devices to ensure materials and equipment are clean and orderly and to prevent or reduce pollutant runoff. *A biweekly schedule is recommended for routine inspections.*

SOP Reference (page and paragraph of attachments): _____

This space is available to reference multiple site-specific SOPs

69. Provide the reference in the SOP, for each facility with the high potential for pollutant runoff, to the description and schedule for conducting a comprehensive site inspection at least once every six months. The comprehensive inspection shall include an inspection of all structural stormwater controls and a review of non-structural stormwater controls to prevent or reduce pollutant runoff.

SOP Reference (page and paragraph of attachments): _____

This space is available to reference multiple site-specific SOPs

70. Provide the procedure identifying the BMPs currently implemented or to be implemented during the permit cycle to prevent or reduce pollutant runoff at each facility with the medium and lower potential for the discharge of pollutants to surface waters of the state using the assessment and prioritized list in Questions 63 and 64.

Procedure Reference (page and paragraph of attachments): _____

Structural Stormwater Control Operation and Maintenance Activities

71. Provide the procedure for prioritizing each catch basin for routine inspection, maintenance, and cleaning based on preventing or

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

reducing pollutant runoff. The procedure shall include assigning a priority level for each catch basin and the associated inspection, maintenance and cleaning schedule based on preventing or reducing pollutant runoff. The procedure shall include a process for updating/revising the priority level for a catch basin giving consideration to inspection findings and citizen complaints. *A recommended timeframe for updating/revising the procedure is 30 days following the construction of a catch basin or a change in priority level.*

- Procedure Reference (page and paragraph of attachments): See Chapter 11, page 1
 Not Applicable – The applicant does not own or operate catch basins. Skip to Question 75.

72. Provide the geographic location of the catch basins in each priority level using either a narrative description or map.

Catch Basin Priority Location (page and paragraph of attachments): N/A - CB are not prioritized

73. Provide the procedure for inspecting, cleaning, and maintaining catch basins to ensure proper performance. Proper cleaning methods include ensuring accumulated pollutants are not discharged during cleaning and are removed prior to discharging to surface waters of the state. *A compliance assistance document titled Catch Basin Cleaning Activities Guidance Document is available at http://www.michigan.gov/documents/deq/wb-stormwater-CatchBasinGuidance_216198_7.pdf.*

Procedure Reference (page and paragraph of attachments): See Chapter 11, page 1

74. Provide the procedure for dewatering and disposal of materials extracted from catch basins. *A compliance assistance document titled Catch Basin Cleaning Activities Guidance Document is available at http://www.michigan.gov/documents/deq/wb-stormwater-CatchBasinGuidance_216198_7.pdf.*

Procedure Reference (page and paragraph of attachments): See Chapter 11, page 1

75. Provide the procedure for inspecting and maintaining the structural stormwater controls (other than catch basins) identified in Question 60. The procedure shall include a description and schedule for inspecting and maintaining each structural stormwater control and the process for disposing of maintenance waste materials. The procedure shall require that controls be maintained to reduce to the maximum extent practicable the contribution of pollutants to stormwater. The procedure shall include a process for updating/revising the procedure to ensure a maintenance and inspection program for each structural stormwater control. *A recommended timeframe for updating/revising the procedure is 30 days following the implementation of a new structural stormwater control.*

- Procedure Reference (page and paragraph of attachments): _____
 Not Applicable – Applicant does not own or operate any structural stormwater controls

76. Provide the procedure requiring new applicant-owned or operated facilities or new structural stormwater controls for water **quantity** be designed and implemented in accordance with the post-construction stormwater runoff control performance standards and long-term operation and maintenance requirements.

Procedure Reference (page and paragraph of attachments): See Chapter 10, pages 1-2 (Overview and Water Quality Standards)

Municipal Operations and Maintenance Activities

77. Provide the procedure with the assessment of the applicant's operation and maintenance activities for the potential to discharge pollutants to surface waters of the state. The assessment shall identify all pollutants that could be discharged from each applicable operation and maintenance activity and the BMPs being implemented or to be implemented to prevent or reduce pollutant runoff. The procedure shall include a process for updating and revising the assessment. *A suggested timeframe for updating/revising the assessment is 30 days following adding/removing BMPs to address new and existing operation and maintenance activities.*

At a minimum, the procedure shall include assessing the following municipal operation and maintenance activities if applicable:

- Road, parking lot, and sidewalk maintenance (e.g., pothole, sidewalk, and curb and gutter repair)
- Bridge maintenance
- Right-of-way maintenance
- Unpaved road maintenance
- Cold weather operations (e.g., plowing, sanding, application of deicing agents, and snow pile disposal)
- Vehicle washing and maintenance of applicant-owned vehicles (e.g., police, fire, school bus, public works)

- Procedure Reference (page and paragraph of attachments): See Chapter 11 and Table 2
 Not Applicable – Provide an explanation below.

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

78. Provide the procedure for prioritizing applicant-owned or operated streets, parking lots, and other impervious infrastructure for street sweeping based on the potential to discharge pollutants to surface waters of the state. The procedure shall include assigning a priority level for each parking lot and street and the associated cleaning schedule (i.e., sweeping frequency and timing) based on preventing or reducing pollutant runoff. The procedure shall include a process for updating/revising the priority level giving consideration to street sweeping findings and citizen complaints. *A recommended timeframe for updating/revising the prioritization is 30 days following the construction of a new street, parking lot, or other applicant-owned or operated impervious surface or within 30 days of identifying a need to revise a priority level.*

- Procedure Reference (page and paragraph of attachments): _____
 Not Applicable – The applicant does not own or operate any streets, parking lots, or other impervious infrastructure. Skip to Question 82.

79. Provide the geographic location of the streets, parking lots, and other impervious surfaces in each priority level using either a narrative description or map.

Street Sweeping Priority Location (page and paragraph of attachments): _____

80. Provide the procedure identifying the sweeping methods based on the applicant's sweeping equipment and use of additional resources in sweeping seasonal leaves or pick-up of other materials. *Proper sweeping methods include operating sweeping equipment according to the manufacturers' operating instructions and to protect water quality.*

Procedure Reference (page and paragraph of attachments): _____

81. Provide the procedure for dewatering and disposal of street sweeper waste material. *A compliance assistance document titled Catch Basin Cleaning Activities Guidance Document is available at http://www.michigan.gov/documents/deq/wb-stormwater-CatchBasinGuidance_216198_7.pdf.*

Procedure Reference (page and paragraph of attachments): _____

Managing Vegetated Properties

82. Provide the procedure requiring the applicant's pesticide applicator to be certified by the State of Michigan as an applicator in the applicable category, to prevent or reduce pollutant runoff from vegetated land. A description of the categories is located at http://www.michigan.gov/mdard/0,4610,7-125-1569_16988_35289-11992--,00.html

- Procedure Reference (page and paragraph of attachments): _____
 Not Applicable – Provide an explanation below (e.g., the applicant's pesticide applicator only uses ready-to-use products from the original container).

See Chapter 11, Page 1

Employee Training

83. Provide the employee training program to train employees involved in implementing the pollution prevention and good housekeeping program. The program shall include the training schedule. At a minimum, existing staff shall be trained once during the permit cycle and new hires within the first year of their hire date.

Program Reference (Page and Paragraph of Attachments): See Chapter 11, Page 3

Contractor Requirements and Oversight

84. Provide the procedure requiring contractors hired by the applicant to perform municipal operation and maintenance activities comply with all pollution prevention and good housekeeping BMPs as appropriate. The procedure shall include the process implemented for providing oversight of contractor activities to ensure compliance.

Procedure Reference (Page and Paragraph of Attachments): See Chapter 11, Page 3

Total Maximum Daily Load (TMDL) Implementation Plan

The following questions address discharges to impaired waters with a USEPA approved TMDL that includes a pollutant load allocation assigned to the permittee's MS4. BMPs shall be implemented to reduce the discharge of the TMDL pollutant from the MS4 to make

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

progress in meeting Water Quality Standards. Applicable TMDLs are TMDLs approved prior to the applicant being notified of the need to apply for permit reissuance. Applicable TMDLs for the applicant were provided in the application notice letter.

The applicant shall describe the current and proposed BMPs to meet the minimum requirements for the TMDL Implementation Plan, which shall be incorporated into the SWMP. Please indicate in your response, if you are or will be working collaboratively with watershed or regional partners on any or all activities in the TMDL Implementation Plan during the permit cycle. The following questions represent the minimum requirements for a TMDL Implementation Plan. Please complete the following questions as appropriate. A measurable goal with a measure of assessment shall be included for each BMP, and, as appropriate, a schedule for implementation (months and years), including interim milestones and the frequency of the BMP. The responses shall reflect the nested MS4s identified in Section VI.

The USEPA has a document to assist with developing a TMDL Implementation Plan available at http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/region3_factsheet_tmdl.pdf.

85. Was a TMDL included in the applicant's application notice?

Yes, the following approved USEPA TMDL(s) was included in my application notice letter:

No, Skip to Section VIII.

86. Provide the procedure for identifying and prioritizing BMPs currently being implemented or to be implemented during the permit cycle to make progress toward achieving the pollutant load reduction requirement in each TMDL identified in Question 85. The procedure shall include a process for reviewing, updating, and revising BMPs implemented or to be implemented to ensure progress in achieving the TMDL pollutant load reduction.

Procedure Reference (page and paragraph of attachments): _____

87. Provide the list of prioritized BMPs currently being implemented or to be implemented during the permit cycle to make progress toward achieving the pollutant load reduction requirement in each TMDL identified in Question 85. Each BMP shall include a reference to the targeted TMDL pollutant.

TMDL BMP Priority List (page and paragraph of attachments): _____

88. Provide the monitoring plan for assessing the effectiveness of the BMPs currently being implemented, or to be implemented, in making progress toward achieving the TMDL pollutant load reduction requirement, including a schedule for completing the monitoring. Monitoring shall be specifically for the pollutant identified in the TMDL. Monitoring may include, but is not limited to, outfall monitoring, in-stream monitoring, or modeling. At a minimum, monitoring shall be conducted two times during the permit cycle or at a frequency sufficient to determine if the BMPs are adequate in making progress toward achieving the TMDL pollutant load reduction. *Existing monitoring data may be submitted for review as part of the plan to meet part of the monitoring requirement.*

TMDL Monitoring Plan (page and paragraph of attachments): _____

SECTION VIII. CERTIFICATION

Rule 323.2114(1-4) of the Part 21 Rules of Michigan Act 451, Public Act of 1994, Part 31, as amended, requires that this Application be signed by either a principal executive officer, the mayor, village president, city or village manager, or other duly authorized employee.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for having knowledge of violations."

I understand that my signature constitutes a legal agreement to comply with the requirements of the NPDES Permit. I certify under penalty of law that I possess full authority on behalf of the legal owner/permittee to sign and submit this Application. I certify to the best of my knowledge that it is true, accurate and meets the minimum permit requirements for a SWMP to the MEP.

Print Name: Tim Iverson

Title: Village President

Michigan Department of Environmental Quality – Water Resources Division
STORMWATER DISCHARGE PERMIT APPLICATION

Representing: The Village of Michiana	
Signature: 	Date: 12/8/15

Please submit this completed Application and attachments to:

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMITS SECTION
P.O. BOX 30458
LANSING, MICHIGAN 48909-7958

Chapter 2 – Regulated Area Map

Village of Michiana

National Pollution Discharge Elimination System

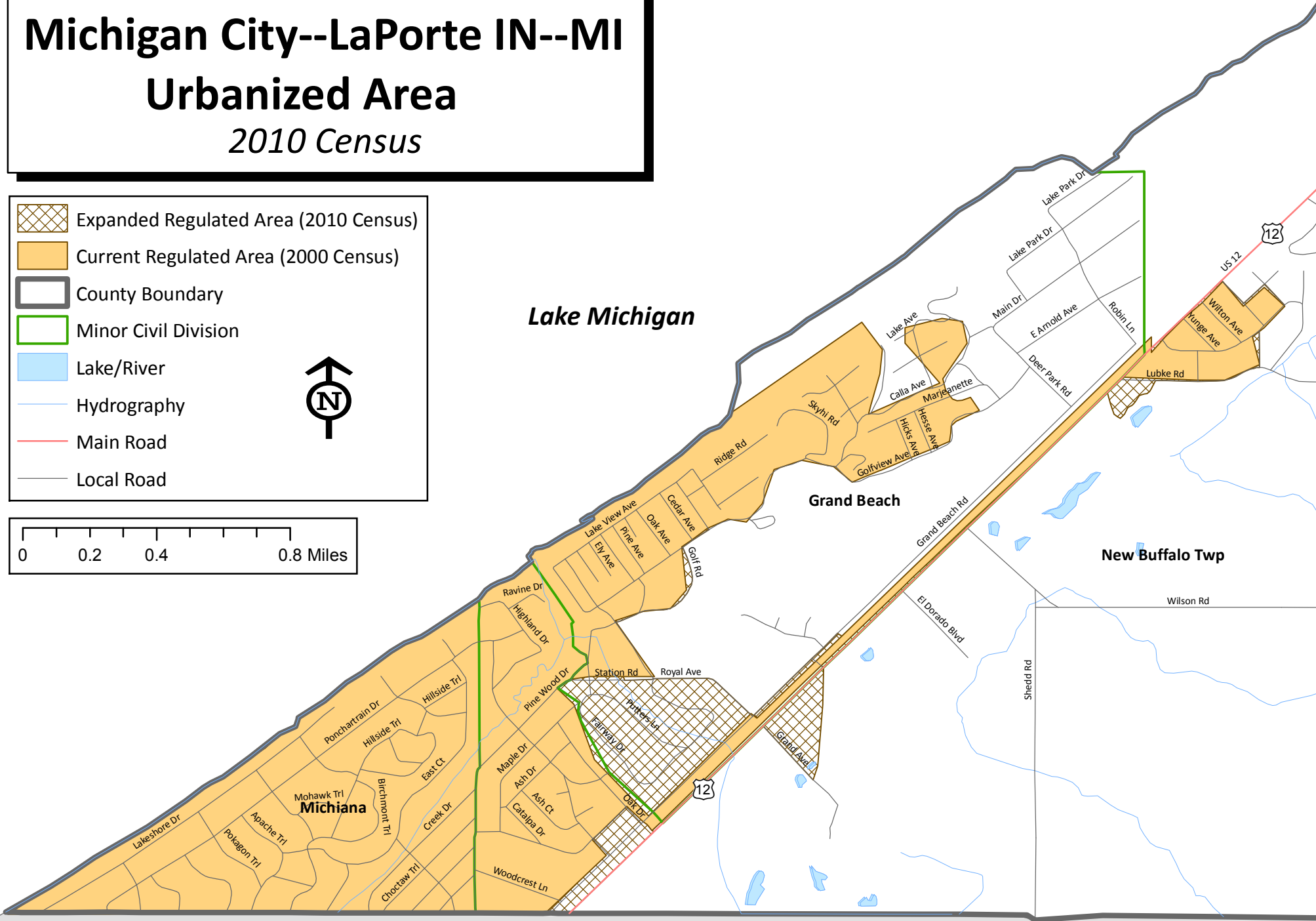
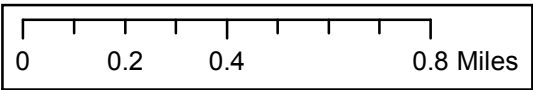
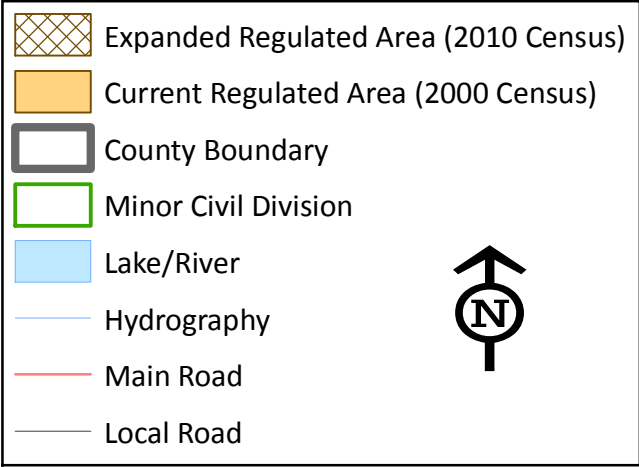
December 2015

2150298

Regulated Area

The Village of Michiana's entire municipal boundary is within the urbanized area as defined by the 2010 Census. A copy of the 2010 urbanized area is included in this chapter with the municipal boundary identified.

Michigan City--LaPorte IN--MI Urbanized Area 2010 Census



Indiana

Source: Urban Areas from U.S. Census Bureau (2000 & 2010)
Basemap from Michigan Geographic Framework (2002)

Chapter 3 – Outfalls and Points of Discharge

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

EXISTING STORM SYSTEM

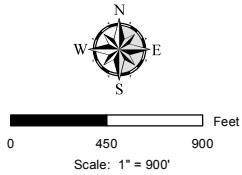
Per MS4 permit definitions, an outfall means a discharge from a MS4 directly to surface waters of the state and a Point of Discharge means a discharge from a MS4 to a MS4 owned or operated by another public body.

The Village of Michiana has eleven (11) Outfalls from its Municipal Storm Sewer System. The storm system has nine (9) outfalls to the Lake Michigan and two (2) outfalls to the White Creek, which is also a water of the state. Formerly there were 11 outfalls to Lake Michigan; however the Village eliminated two of them with drywells (Outfall A & Outfall B). Conveyance is achieved via sub-surface percolation through the beach sand to the Lake Water.

The two (2) remaining outfalls discharge street surface run-off to White Creek. White Creek originates in Indiana and flows through the Villages of Michiana and Grand Beach into Lake Michigan at Grand Beach and is classified as a Water of the State.

There are no other Point Source Discharges to waters of the State from the Village of Michiana. There are no non-storm water discharges to the Village of Michiana's Storm Sewer System. Currently the Village's storm system has no storm water treatment systems on their discharges.

See Table 1 and Map located in this chapter for outfall locations.



Village of Michiana Berrien County, Michigan Outfall Map

October 2015

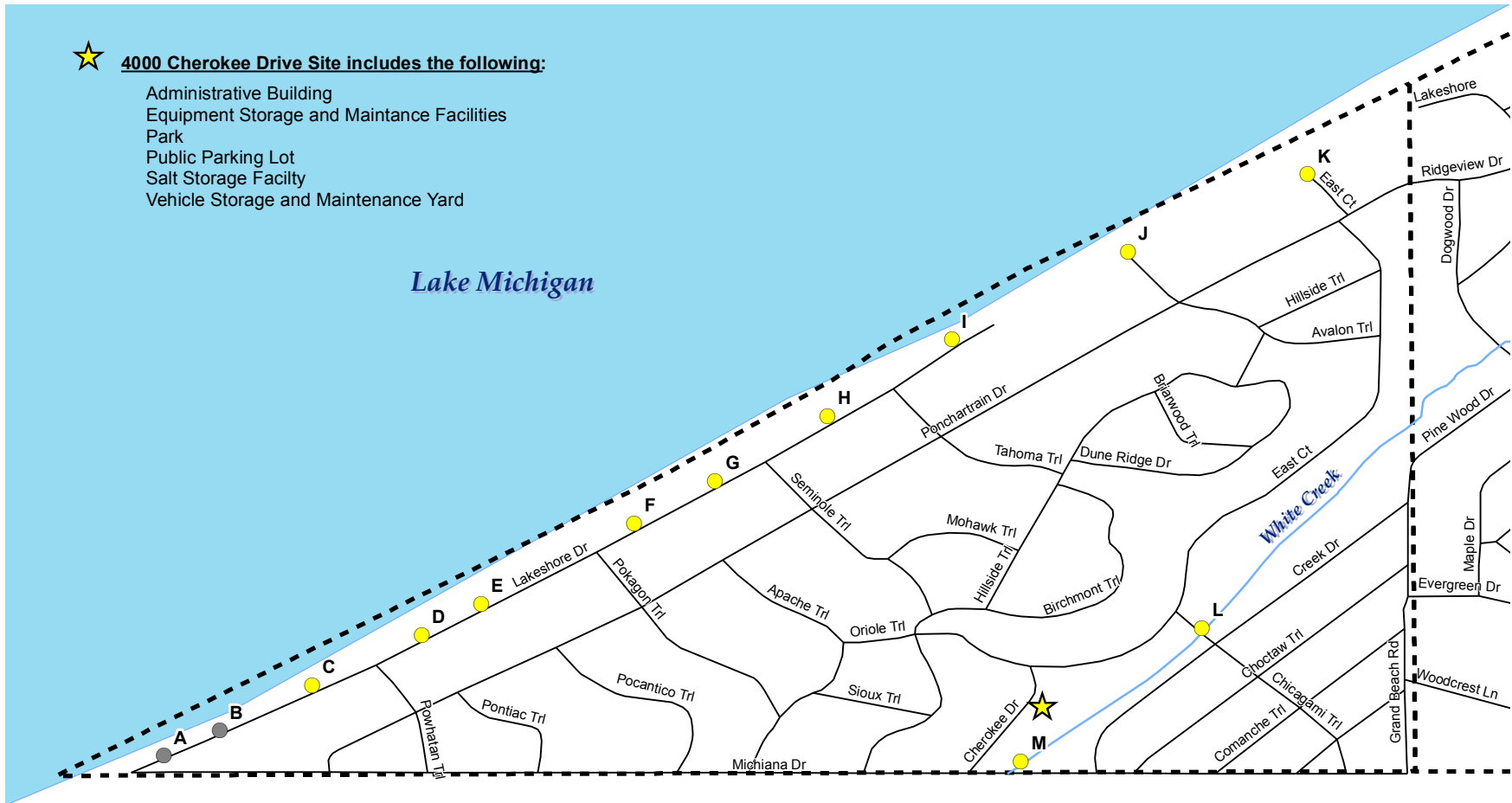
LEGEND

- Storm Outfall
- Abandoned Storm Outfall
- ★ 4000 Cherokee Drive
- Village Limits

★ **4000 Cherokee Drive Site includes the following:**

- Administrative Building
- Equipment Storage and Maintenance Facilities
- Park
- Public Parking Lot
- Salt Storage Facility
- Vehicle Storage and Maintenance Yard

Lake Michigan



Village of Michiana
Storm Water Discharge Permit Application

Table 1
Outfall and Point of Discharge Information

Designation (Outfall/POD)	Identification Number	Connecting Point MS4 Jurisdiction	Receiving Water	Longitude	Latitude	Notes
Outfall	A	NA	Lake Michigan	-86.82350	41.76028	Abandoned in 2014
Outfall	B	NA	Lake Michigan	-86.82281	41.76060	Abandoned in 2014
Outfall	C	NA	Lake Michigan	-86.82112	41.76134	
Outfall	D	NA	Lake Michigan	-86.81930	41.76220	
Outfall	E	NA	Lake Michigan	-86.81814	41.76277	
Outfall	F	NA	Lake Michigan	-86.81609	41.76381	
Outfall	G	NA	Lake Michigan	-86.81511	41.76434	
Outfall	H	NA	Lake Michigan	-86.81316	41.76544	
Outfall	I	NA	Lake Michigan	-86.81105	41.76688	
Outfall	J	NA	Lake Michigan	-86.80843	41.76778	
Outfall	K	NA	Lake Michigan	-86.80578	41.76900	
Outfall	L	NA	White Creek	-86.80759	41.76229	
Outfall	M	NA	White Creek	-86.81055	41.76028	

Outfall means a discharge point from an MS4 directly to surface waters of the state

Point of Discharge means a discharge from an MS4 to an MS4 owned or operated by another public body

In 2014, The Village abandoned Outfall No. A & B and replaced it with a Leaching Basin Drywell
The "White Creek" is classified as a Water of the State.

Chapter 4 – Nested Jurisdictions

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Nested Jurisdictions

The Village of Michiana has not entered into any nesting agreements under this certificate of coverage since its inception.

Chapter 5 – Enforcement Response Procedure (ERP)

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Enforcement Response Procedure (ERP)

Illicit connections are prevented by utilizing site plan review and the state plumbing inspector for new construction and redevelopment.

The Village passed an Ordinance regulating non-storm water discharges into the Storm Water Drainage System on December 4, 2006 – Ordinance No. 2006-03. The ordinance defines what constitutes an authorized discharge and also what is prohibited to discharge to the storm system and also provides for enforcement action. This Ordinance is part of the SWMP and is located in Chapter 14.

If an illicit connection were found, the Village would deal with the problem in a similar manner to how they deal with blight. A letter would be sent, giving the owner an opportunity to resolve the illicit connection which violates the ordinance. If the property owner failed to cooperate, the Village would hire a contractor to fix the problem, and bill the property owner.

If the Village encounters a situation where enforcement action is needed, they can revoke the property owner's site plan approval, revoke any existing building permits for the site, or fix the violation and place a lien on the property to obtain payment.

OTHER

Any questions on this policy and procedure should be directed to the Storm Water Program Manager.

PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed on an annual basis by the Storm Water Program Manager for any updates to improve effectiveness.

Village of Michiana
Enforcement Response Reporting
and Complaint Form

Name of Person/Owner violating ordinance or
complaint issued against:

Date of Violation / Complaint:

Location of Violation / Complaint:

Description of Violation / Complaint:

Date Village issued enforcement response:

Description of enforcement response used (copy
attached, if applicable):

Schedule for returning to compliance:

Date the violation / complaint was resolved:

Chapter 6 – Public Participation/Involvement Program (PPP)

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Public Participation Program

POLICY

This policy is to establish procedures for the Village of Michiana Public Participation/Involvement Program (PPP).

BACKGROUND

The MDEQ NPDES MS4 Stormwater Discharge Permit Application requires a procedure for public participation/involvement program as identified in the Application. This procedure includes a description of the opportunities for the public to provide comment on the Stormwater Management Plan and inviting public involvement and participation in the implementation and period review of the Stormwater Management Plan.

PROCEDURE

Stormwater Management Plan Available for Public Inspection and Comment

The stormwater management plan will be posted on the Village of Michiana’s web site for review and comment by the public when the application is submitted to MDEQ. This information will include the contact information of the stormwater manager to forward comments. The stormwater manager will compile and track comments from the public including: commenter name, date, and comment.

Public Involvement and Participation in the Implementation and Periodic Review of the Stormwater Management Plan

Although storm water public involvement is not typically an agenda item on the Village council agenda, the Village does allow for public comment at any regular Village meeting during the public comment portion of the meeting. The following BMPs will be utilized to allow for public involvement and participation in the implementation and periodic review of the stormwater management plan.

BMP	Description	Schedule	Method of Assessment
Web Site	The web site will be utilized to explain the program and opportunities for public involvement and participation.	Ongoing	Number of phone calls and number of comments submitted via email.
Community Newsletter/ Notification	The notification is circulated to residents with their water bill and will include information on the SWMP.	Twice during permit cycle	Number of residents receiving newsletter.
Village Bulletin Board Posting	Posting of notification is provided on the Village bulletin board and includes information related to the SWMP.	Ongoing	Posting performed annually.

OTHER

Any questions on this policy and procedure should be directed to the Storm Water Program Manager.

PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed on an annual basis by the Storm Water Program Manager for any updates to improve effectiveness.

Chapter 7 – Public Education Program (PEP)

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Public Education Program (PEP)

INTRODUCTION

Background

The unique purpose of the public education portion of the NPDES MS4 permit is to increase the awareness of residents about how their everyday activities contribute pollutants to their community's water resources. Most citizens recognize the recreational and aesthetic benefits they receive from water, and most even recognize that water quality degradation is a serious concern in the Great Lakes Region. However, most people have not made the connection that the majority of this pollution can be generated from their normal everyday actions and not simply from large commercial and industrial sources. On March 27, 2007 the Village of Michiana was issued an MS4 Jurisdictional General Permit – COC No. MIS040077 and a PEP was integrated into the document.

Former and On-going Water Quality Related Education Efforts

The following is a brief summary of the primary programs/projects that have an educational plan/or strategies already prepared or in progress that directly affect the Village of Michiana.

In the summer of 2008, the Village Council formed a Citizens' Advisory Committee to encourage public involvement in all aspects of the Storm Water Management Plan and its implementation. The CAC was requested to hold its meeting every year on the clean-up day, before the clean-up starts. The CAC also performed the following functions:

- a. Encourage the public to participate in "White Creek Clean-Up Day" to be held annually commencing in the summer of 2009.
- b. Advise the Village Council on local legislation or administrative actions that will perfect the quality of White Creek and the Lake Michigan shoreline.
- c. Meet with neighboring citizens' organizations in Michigan and Indiana to foster protection of White Creek and the Lake Michigan shoreline.

This group has since dissolved.

Additional education measures in the past included providing literature and notices with the water bills mailed to each resident. This mailing has also been ended.

PEP Educational Components

The following six educational components are PEP requirements of the MS4 program:

1. Educate the general public about personal watershed stewardship.
2. Educate residents concerning the ultimate stormwater discharge locations and the potential impacts of pollution from the separate stormwater drainage system.
3. Encourage the public reporting of the presence of illicit discharges or improper disposal of materials into the community's separate stormwater drainage systems.
4. Educate residents concerning personal actions that can impact the watershed, such as cleaning materials, procedures for residential or community organization car washing,

application and disposal of pesticides, herbicides, and fertilizers; promote proper disposal of grass clippings, leaf litter, and animal waste; educate and promote benefits of green infrastructure and Low Impact Development.

5. Educate the citizens in the community of the availability, location, and requirements of facilities for disposal or drop-off of household hazardous waste, sanitary wastes, chemicals, grass clippings, leaf litter, animal wastes, motor vehicle fluids and septic system care and maintenance.
6. Educate the citizens about the management of riparian lands and the importance of stream buffers.

VILLAGE OF MICHIANA PEP TASK ELEMENTS

The Village of Michiana's planned educational activities are specified in Table 2. More specifically, these are the educational tasks to be undertaken by the Village of Michiana as a component of its Certificate of Coverage.

Table 2 of the SWMP is intended to illustrate the relationship between the 6 components listed above and the desired messages, delivery mechanisms, evaluation methods, measurable goals, and an associated timetable for implementation. It is recognized that results of the PEP are difficult to measure and are somewhat subjective. The measurable goals in Table 2 of the SWMP were selected to balance both the quantity and quality aspects of success of the subject action items.

The residents of Michiana will be advised as to the adverse impacts of discharging pollutants to the storm sewer systems related to the six educational components via the following:

1. Village's Public Notice on the Bulletin Boards,
2. Village's website

SUMMARY

The Village of Michiana will increase public education by the following:

1. Provide information on the Village's website
2. Post public notices on the Village's Bulletin Board
3. Continue to support and provide Employee Training
4. Promote Household Hazardous Waste Recycling

OTHER

Any questions on this policy and procedure should be directed to the Storm Water Program Manager.

PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed on an annual basis by the Storm Water Program Manager for any updates to improve effectiveness.

Chapter 8 – Illicit Discharge Elimination Program (IDEP)

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

ILLCIT DISCHARGE ELIMINATION PLAN (IDEP)

Illicit Discharge Ordinance

The current Village of Michiana Stormwater and illicit discharge ordinance was adopted on December 4, 2006; Ordinance No. 2006-03. It is entitled: “An Ordinance to Regulate Non-Storm Water Discharges to the Storm Water Drainage System to the Maximum Extent Practicable.”. A copy of the ordinance is included in Chapter 14 of this application.

Program to Find and Eliminate Illicit Discharges

At least once per permit cycle (5-years) all of the discharges are observed during dry weather to determine if there is the potential for an illicit discharge. A form “Village of Michiana Dry Weather Screening and Inspection”, located at the end of this chapter is completed for each discharge point.

Staff Training

Staff training is completed once per permit cycle and when a new employee is hired. This staff training includes DVD, off-site workshop, in-house training, or new employee orientation. Other training materials available from the MDEQ website may be added in future training.

Method for Determining Effectiveness

Methods for determining the effectiveness of the IDEP tasks are listed in Table 2 and discussed below. The Village of Michiana is small and has a less expansive storm system; therefore, is less likely to have as many illicit connections as a larger system. To date, very few illicit connections were identified by staff or reported and the ones that were have been corrected.

REVIEW AND ESTABLISHMENT OF LEGAL ENFORCEMENT AUTHORITY

This activity involved reviewing current legal authority and enforcement procedures of the Village to assure that it has adopted policy language necessary to fulfill its requirements under the MS4 program and under the proposed work elements of the Storm Water NPDES Permit Application. The Village has integrated a storm water ordinance, found in Chapter 10, to implement and enforce the MS4 program.

OUTFALL IDENTIFICATION

Identification of outfalls within the jurisdiction of the Village has been conducted. Identification had been done through field inspection. The contributors to these sources are road run-offs. There are no illicit discharges to these point sources. The location map of outfalls will be updated annually or as the need arises due to the addition or removal of outfalls. No additions to this map are envisioned in the near future. Any creation of new outfalls must be approved in advance by the Village Council.

OUTFALL SCREENING PROGRAM

The Village has utilized its own employees, equipment and materials as much as possible and practical to perform Outfall Screening. The screening program identifies indicators of illicit and/or environmentally damaging discharges at storm drain outfalls. If screening indicators persist through follow-up evaluations, then an illicit discharge will be presumed. As the Village has limited number of Outfalls and Points of Discharge, these items are not prioritized.

If during dry weather screening a previous unknown dry weather flow is discovered, the Village staff will immediately begin a field investigating of upstream manholes in an attempt to determine the source. If the source is not identified during this field screening, the Village will take a water sample for analyzing the discharge for indicator parameters within 7 days of discovery. If field screening does not determine a source, the Village will within 45 days begin dye testing, smoke testing and/or televising to help determine the source.

The Village of Michiana has already begun to implement a program to find, prioritize, and eliminate illicit discharges with the following results:

- a) There are no illicit discharges to the previously enumerated 13 point sources. These 13 point sources are inspected annually for any required sediment removal and for evidence of illicit discharges.
- b) The fuel storage tanks located behind the Village Hall have been covered by a roof structure preventing rainfall and run-off from being contaminated. This area is inspected monthly. The road sand and salt piles located behind the Village garage are securely covered with tarps to prevent contamination of rainfall and run-off. This area is also inspected at least monthly.
- c) The shoreline area of Lake Michigan is inspected annually for any direct discharges to the beach slopes on the north side of Lake Shore Drive. A recent inspection again revealed seepage through weep holes in a beach wall located near Stop 42. Village staff is aware of this groundwater seepage and have tested it in the past.
- d) Commencing in the summer of 2008, the banks of White Creek, as it passes through Michiana, will be inspected bi-annually for any illicit discharges. Commencing in the summer of 2008, the Village of Michiana will request that the DEQ collect water quality samples every five (5) years upstream of the Michiana Drive creek crossing and downstream at the Dogwood Road creek crossing to determine if contamination of White Creek is occurring within the boundaries of Michiana.
- e) There is no infiltration of sanitary wastes into the municipal storm drains. All homes located near these drains are equipped with septic tanks and tile fields or dry wells as per Berrien County location and design standards. There is no evidence of seepage from on-site sewage disposal systems into the Village's storm sewer system.
- f) Through State, County, and Village statutes and ordinances, all construction of new homes is reviewed to prohibit and prevent any illicit discharges to the storm drain system. The Village Building Inspector monitors all sites to prevent such illicit discharges. The Village Planning and Zoning Committee reviews all site plans and location plans to prevent any designs from contributing illicit discharges to the storm drain system.
- g) All point sources will be screened at the same time as field verification during both wet and dry weather periods (dry weather inspections being conducted in the spring and late fall), with all inspection locations, date of inspection, and comments entered into a logging and tracking book.

Dry weather discharge points and outfalls will be evaluated for water clarity and color; presence of other materials, i.e. foam, sheen, trash, and/or slime; staining of banks, outfall structures, and/or vegetation; excessive vegetative growth; and odor. If there is a dry weather flow, the Village will collect samples of the flow and conduct chemical and bacterial sampling to confirm the presence of illicit discharges/connections, including but not limited to PH, Ammonia, Surfactants, & Temperature. Samples will be tested with field kits.

- h) Ordinance 2006-03, the Illicit Discharge Ordinance, gives the Village of Michiana the legal authority to investigate, eliminate, and prohibit illicit discharges. Article III of the ordinances specifically provides for the inspection, monitoring, reporting, and recordkeeping methods the Village will use when investigating an illicit discharge. Within 24 hours of discovery of a significant illicit discharge that has the potential to seriously effect water quality, designated uses, or public health, the Village will verbally notify the Berrien County Health Department and MDEQ. Once an illicit discharge is recognized, the discharge site will be isolated, and the flow and discharge from the site will be eliminated within 90 days.

INDIRECT CONNECTIONS (DUMPING, SPILLS AND SURFACE SOURCES)

Illegal dumping directly or indirectly into storm catch basins and inlets, and spills collected by drain catch basins and inlets, are typically discovered by either visual and/or olfactory observations, and are subsequently reported by citizens or municipal agents and field crews. An on-going effort to educate the citizens about water quality issues is critical to the success of decreasing illegal dumping into the storm water catch basins/inlets, and is included in the public education plan.

If a spill is reported or discovered, the village will within 24-hours of becoming aware of the said spill or dumping respond with a site visit. During this initial site visit, the Village will evaluate an appropriate method to address the issue in a timely method, with a duration to implement a corrective action within 7 days of the initial site visit.

PUBLIC SANITARY SEWER / ON-SITE SEWAGE DISPOSAL SYSTEMS (BERRIEN COUNTY HUMAN SERVICES DEPARTMENT)

As the on-site disposal system enforcing agency, County Environmental Health will continue to investigate sewage disposal system failures when received via complaint or inquiry, and will enforce correction.

PUBLIC AGENCY 'CUSTOMER INTERACTIONS'

Because of soil erosion concerns, construction sites and related activities are recognized as major potential contributors to storm water pollution. Soil erosion control enforcement in the Village of Michiana along with soil erosion control permitting and inspection has been delegated to the office of the Berrien County Drain Commissioner. The Village of Michiana staff also will call the Berrien County Soil Erosion agent with any SESC concerns. The Village of Michiana issues permits and monitors activities within its right-of-way. Work by utilities, contractors and other parties must comply with Michiana's policies including erosion control and site stabilization.

IDEP TRAINING

The intent is to have Public Employees and Contractors educated regarding IDEP. Specifically the Village intends to have employee training, which may consist of DVD, off-site workshop, in-house training, or new employee orientation. The schedule for this training would be the existing employees to be trained once per permit cycle, and new employees to have one (1) training within 1-year of employment. Contractors would be provided training materials and information in bid documents and/or preconstruction meetings and would be as needed when new contractors are hired.

COMPLAINTS & INCIDENT RESPONSE PROCEDURES

A procedure has been developed to respond to public complaints, or other reports of suspected improper connection or illicit discharges. At a minimum, the procedures include an administrative record keeping mechanism to assure full and proper resolution to the maximum extent practicable. Steps will include (1) documenting/recording the complaint or suspicion, (2) investigation, (3) source identification (4) voluntary and/or enforced corrective action, and (5) administrative tracking of steps 1 through 4 to assure remedy and closure. The form used to track complaints and incident response is located in Chapter 5 and is identified as “Village of Michiana Enforcement Reporting and Complaint Form”.

The overall goals of the tracking system are generally identified as being (a) confirmation of a concern, (b) location and identification of the source, (c) assurance that appropriate corrective action has been taken, and (d) on-going IDEP program prioritization for long-term resolution.

SPILL OR RELEASE PROCEDURE

If a spill or release of any polluting materials from the MS4 to the surface waters or ground waters of the state, unless a determination is made that the release is not in excess of the threshold reporting quantities in the Part 5 Rules, the Village will meet the following requirements:

1. Call to report releases exceeding threshold reporting quantities:
 - Pollution Emergency Alerting System (PEAS) at 800-292-4706, and
 - 911 (or their primary public safety answering point) per Section 3111b of Part 31 of Act 451, effective June 15, 2004
2. Submit written report within 10 days after the release to:
 - DEQ, Water Resources Division, District Supervisor
 - Local health department, environmental health section per Section 3111b of Part 31 of Act 451, effective June 15, 2004
3. Report releases as required under other regulations.

SCREENING EVALUATION & ANNUAL PROGRAM PRIORITIZATION

The screening results and the incident reports will be collectively reviewed by the Village as part of an annual storm water program evaluation and prioritization effort. The purpose of this review will be to identify and prioritize proactive initiatives in areas of known concerns. This review will be

based upon the outfall screening forms and the incident response forms. GIS tools will be used to the maximum extent practicable in linking recorded incidents to drainage infrastructures and geographic locations. Program prioritization decisions will be made among all the component activities of the storm water management program.

IDEP TASKS, DELIVERABLES AND EVALUATION

The preceding discussion outlines the activities of the Village initiatives and the tasks, deliverables and evaluation are found on Table 2.

OTHER

Any questions on this policy and procedure should be directed to the Storm Water Program Manager.

PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed on an annual basis by the Storm Water Program Manager for any updates to improve effectiveness.

VILLAGE OF MICHIANA DRY WEATHER SCREENING AND INSPECTION

DATE: _____

TIME: _____

OUTFALL #: _____

INSPECTED BY: _____

PRESENCE/ABSENCE OF FLOW:

Dry, no water present

Trace, Insufficient to quantity

Intermittent

Measurable, Gallons/minute _____, Method Used _____

DEPOSITS/STAINS:

Where (In flow, at Structure, within 6' of Structure)

None	Sediment	Oily
Grease	Crystalline Powder	Fragments
Other _____		

VEGETATION CONDITION:

Where (In flow, at Structure, within 6' of Structure)

None	Normal	Excessive
Algae	Other _____	

STRUCTURAL CONDITION:

Where (In flow, at Structure, within 6' of Structure)

None	Cracking	Settlement
Corrosion	Washout / Erosion	Other _____

BIOLOGY:

Where (In flow, at Structure, within 6' of Structure)

None	Bacterial Sheen	
Algae	Slime	Other _____

WATER CLARITY / TURBIDITY:

Where (In flow, at Structure, within 6' of Structure)

Clear	Slightly Cloudy	Moderate Cloudy
Highly Cloudy	Opaque	

COLOR:

Where (In flow, at Structure, within 6' of Structure)

Clear	Yellow	Green
Red	Gray	Black
Brown (light, medium, dark)		Other_____

ODOR:

Where (In flow, at Structure, within 6' of Structure)

None	Gasoline	Oil
Solvent	Sewage	Sulfur/Rotten Eggs
Rancid/Sour	Other_____	

FLOATABLE MATERIAL:

Where (In flow, at Structure, within 6' of Structure)

None	Trash	Sewage
Oily Sheen	Scum	Other_____

COMMENTS:



SPILL OR RELEASE REPORT

Issued by authority of the Michigan Department of Environmental Quality.

NOTE: Some regulations require a specific form to use and procedures to follow when reporting a release. Those forms and procedures **MUST** be used and followed if reporting under those regulations. This report form is to aid persons reporting releases under regulations that do not require a specific form. This report form is not required to be used. **To report a release, some regulations require a facility to call the PEAS Hotline at 800-292-4706 (or the DEQ District Office that oversees the county where it occurred) and other agencies and provide information that is included in this form. A written follow-up report might be required. This form may be used for the written follow-up report and to document the initial report. If you prefer to submit this report electronically by FAX or e-mail, contact the regulating agency for the correct telephone number or e-mail address. Go to www.michigan.gov/chemrelease for more information.**

Please print or type all information.

Name and Title of Person Submitting Written Report		Telephone Number (provide area code) ()		
Name of Business		RELEASE LOCATION (Provide address if different than business, if known, and give directions to the spill location. Include nearest highway, town, road intersection, etc.)		
Street Address				
City, State, ZIP				
Business Telephone Number (provide area code) ()				
SITE IDENTIFICATION NUMBER AND OTHER IDENTIFYING NUMBERS (if applicable)		County	Township	Tier/Range/Section (if known)

RELEASE DATA: Complete all applicable categories. Check all the boxes that apply to the release. Provide the best available information regarding the release and its impacts. Attach additional pages if necessary.

DATE & TIME OF RELEASE (if known) ____/____/____ am/pm	DATE & TIME OF DISCOVERY ____/____/____ am/pm	DURATION OF RELEASE (if known) ____ days ____ hours ____ minutes	TYPE OF INCIDENT <input type="checkbox"/> Explosion <input type="checkbox"/> Fire <input type="checkbox"/> Leaking container <input type="checkbox"/> Other _____ <input type="checkbox"/> Loading/unloading release <input type="checkbox"/> Pipe/valve leak or rupture <input type="checkbox"/> Vehicle accident
--	---	---	--

MATERIAL RELEASED (chemical or trade name) <input type="checkbox"/> CHECK HERE IF ADDITIONAL MATERIALS LISTED ON ATTACHED PAGE.	CAS NUMBER OR HAZARDOUS WASTE CODE	ESTIMATED QUANTITY RELEASED (indicate unit e.g. lbs, gals, cu ft or yds)	PHYSICAL STATE RELEASED (indicate if solid, liquid, or gas)
_____	_____	_____	_____

FACTORS CONTRIBUTING TO RELEASE		SOURCE OF LOSS	
<input type="checkbox"/> Equipment failure <input type="checkbox"/> Operator error <input type="checkbox"/> Faulty process design	<input type="checkbox"/> Training deficiencies <input type="checkbox"/> Unusual weather conditions <input type="checkbox"/> Other _____	<input type="checkbox"/> Container <input type="checkbox"/> Railroad car <input type="checkbox"/> Pipeline	<input type="checkbox"/> Ship <input type="checkbox"/> Tank <input type="checkbox"/> Other _____ <input type="checkbox"/> Tanker <input type="checkbox"/> Truck

TYPE OF MATERIAL RELEASED	MATERIAL LISTED ON OR DEFINED BY	IMMEDIATE ACTIONS TAKEN
<input type="checkbox"/> Agricultural: manure, pesticide, fertilizer <input type="checkbox"/> Chemicals <input type="checkbox"/> Flammable or combustible liquid <input type="checkbox"/> Hazardous waste <input type="checkbox"/> Liquid industrial waste <input type="checkbox"/> Oil/petroleum products or waste <input type="checkbox"/> Salt <input type="checkbox"/> Sewage <input type="checkbox"/> Other _____ <input type="checkbox"/> Unknown	<input type="checkbox"/> CAA Section 112(r) list (40 CFR Part 68) <input type="checkbox"/> CERCLA Table 302.4 (40 CFR Part 302) <input type="checkbox"/> EPCRA Extremely Hazardous Substance (40 CFR Part 355) <input type="checkbox"/> NREPA Part 31, Part 5 Rules polluting material <input type="checkbox"/> NREPA Part 111 or RCRA hazardous waste <input type="checkbox"/> NREPA Part 121 liquid industrial waste <input type="checkbox"/> Other list _____ <input type="checkbox"/> Unknown	<input type="checkbox"/> Containment <input type="checkbox"/> Dilution <input type="checkbox"/> Evacuation <input type="checkbox"/> Hazard removal <input type="checkbox"/> Neutralization <input type="checkbox"/> System shut down <input type="checkbox"/> Other _____ <input type="checkbox"/> Diversion of release to treatment <input type="checkbox"/> Decontamination of persons or equipment <input type="checkbox"/> Monitoring

RELEASE REACHED	Distance from spill location to surface water, in feet _____
<input type="checkbox"/> Surface waters (include name of river, lake, drain involved) _____ <input type="checkbox"/> Drain connected to sanitary sewer (include name of wastewater treatment plant and/or street drain, if known) _____ <input type="checkbox"/> Drain connected to storm sewer (include name of drain or water body it discharges into, if known) _____ <input type="checkbox"/> Groundwater (indicate if it is a known or suspected drinking water source and include name of aquifer, if known) _____ <input type="checkbox"/> Soils (include type e.g. clay, sand, loam, etc.) _____ <input type="checkbox"/> Ambient Air <input type="checkbox"/> Spill contained on impervious surface	

EXTENT OF INJURIES (if any)	WAS ANYONE HOSPITALIZED? <input type="checkbox"/> Yes Number Hospitalized: _____ <input type="checkbox"/> No	NUMBER OF INJURIES TREATED ON SITE
------------------------------------	--	---

Describe the incident, the type of equipment involved in the release, how the volume of loss was determined, along with any resulting environmental damage caused by the release. Identify who immediately responded to the incident (own employees or contractor — include cleanup company name, contact person, and telephone number). Also identify who did further cleanup activities if performed or known when report submitted.

CHECK HERE IF DESCRIPTION OR ADDITIONAL COMMENTS ARE INCLUDED ON ATTACHED PAGE

Estimated quantity of any recovered materials and a description of how those materials were managed (include disposal method if applicable)

CHECK HERE IF DESCRIPTION OR ADDITIONAL COMMENTS ARE INCLUDED ON ATTACHED PAGE

Assessment of actual or potential hazards to human health (include known acute or immediate and chronic or delayed effects, and where appropriate, advice regarding medical attention necessary for exposed individuals.)

CHECK HERE IF DESCRIPTION OR ADDITIONAL COMMENTS ARE INCLUDED ON ATTACHED PAGE

<p>MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY NOTIFIED:</p> <p>INITIAL CONTACT BY: <input type="checkbox"/> Telephone <input type="checkbox"/> FAX <input type="checkbox"/> Email <input type="checkbox"/> Other</p> <p>DATE/TIME INITIAL CONTACT: _____</p> <p><input type="checkbox"/> PEAS: 800-292-4706 Log Number Assigned _____</p> <p><input type="checkbox"/> DEQ District or Field Office Divisions or Offices Contacted:</p> <table style="width:100%; border: none;"> <tr> <td style="width:33%;"><input type="checkbox"/> Bay City</td> <td style="width:33%;"><input type="checkbox"/> Gwinn</td> <td style="width:33%;"><input type="checkbox"/> Air Quality</td> </tr> <tr> <td><input type="checkbox"/> Cadillac</td> <td><input type="checkbox"/> Jackson</td> <td><input type="checkbox"/> Remediation & Redevelopment</td> </tr> <tr> <td><input type="checkbox"/> Calumet</td> <td><input type="checkbox"/> Kalamazoo</td> <td><input type="checkbox"/> Office of Oil Gas & Minerals</td> </tr> <tr> <td><input type="checkbox"/> Crystal Falls</td> <td><input type="checkbox"/> Lansing</td> <td><input type="checkbox"/> Water Resources</td> </tr> <tr> <td><input type="checkbox"/> Detroit</td> <td><input type="checkbox"/> Newberry</td> <td><input type="checkbox"/> Office of Waste Management & Radiological Protection</td> </tr> <tr> <td><input type="checkbox"/> Gaylord</td> <td><input type="checkbox"/> Warren</td> <td><input type="checkbox"/> Office of Drinking Water & Municipal Assistance</td> </tr> <tr> <td><input type="checkbox"/> Grand Rapids</td> <td></td> <td></td> </tr> </table> <p>NOTE: DEQ Office locations are subject to change</p> <p>NAME AND TITLE OF PERSON MAKING INITIAL REPORT:</p> <p>_____</p> <p>DEQ STAFF CONTACTED & TELEPHONE NUMBER:</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Bay City	<input type="checkbox"/> Gwinn	<input type="checkbox"/> Air Quality	<input type="checkbox"/> Cadillac	<input type="checkbox"/> Jackson	<input type="checkbox"/> Remediation & Redevelopment	<input type="checkbox"/> Calumet	<input type="checkbox"/> Kalamazoo	<input type="checkbox"/> Office of Oil Gas & Minerals	<input type="checkbox"/> Crystal Falls	<input type="checkbox"/> Lansing	<input type="checkbox"/> Water Resources	<input type="checkbox"/> Detroit	<input type="checkbox"/> Newberry	<input type="checkbox"/> Office of Waste Management & Radiological Protection	<input type="checkbox"/> Gaylord	<input type="checkbox"/> Warren	<input type="checkbox"/> Office of Drinking Water & Municipal Assistance	<input type="checkbox"/> Grand Rapids			<p>OTHER ENTITIES NOTIFIED:</p> <table style="width:100%; border: none;"> <thead> <tr> <th style="width:80%;"></th> <th style="width:10%; text-align: center;">Date:</th> <th style="width:10%; text-align: center;">Time:</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> National Response Center (NRC): 800-424-8802</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> US Coast Guard Office:</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="padding-left: 20px;"><input type="checkbox"/> Detroit <input type="checkbox"/> Grand Haven <input type="checkbox"/> Sault Ste. Marie</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> US Department of Transportation</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> US Environmental Protection Agency</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> 911 (or primary public safety answering point)</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> Local Fire Department</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> Local Police/State Police/Sheriff Dept</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> Local Emergency Planning Committee</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> State Emergency Response Commission via MI SARA Title III Program</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> Wastewater Treatment Plant Authority</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> Hazmat Team</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> Local Health Department</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> MIOSHA</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> Bureau of Fire Services Fire Marshal Division</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> MI Dept of Agriculture & Rural Dev: 800-405-0101</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td><input type="checkbox"/> Other _____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </tbody> </table> <p>PERSON CONTACTED & TELEPHONE NUMBER:</p> <p>_____</p> <p>_____</p> <p>_____</p>		Date:	Time:	<input type="checkbox"/> National Response Center (NRC): 800-424-8802	_____	_____	<input type="checkbox"/> US Coast Guard Office:	_____	_____	<input type="checkbox"/> Detroit <input type="checkbox"/> Grand Haven <input type="checkbox"/> Sault Ste. Marie			<input type="checkbox"/> US Department of Transportation	_____	_____	<input type="checkbox"/> US Environmental Protection Agency	_____	_____	<input type="checkbox"/> 911 (or primary public safety answering point)	_____	_____	<input type="checkbox"/> Local Fire Department	_____	_____	<input type="checkbox"/> Local Police/State Police/Sheriff Dept	_____	_____	<input type="checkbox"/> Local Emergency Planning Committee	_____	_____	<input type="checkbox"/> State Emergency Response Commission via MI SARA Title III Program	_____	_____	<input type="checkbox"/> Wastewater Treatment Plant Authority	_____	_____	<input type="checkbox"/> Hazmat Team	_____	_____	<input type="checkbox"/> Local Health Department	_____	_____	<input type="checkbox"/> MIOSHA	_____	_____	<input type="checkbox"/> Bureau of Fire Services Fire Marshal Division	_____	_____	<input type="checkbox"/> MI Dept of Agriculture & Rural Dev: 800-405-0101	_____	_____	<input type="checkbox"/> Other _____	_____	_____
<input type="checkbox"/> Bay City	<input type="checkbox"/> Gwinn	<input type="checkbox"/> Air Quality																																																																										
<input type="checkbox"/> Cadillac	<input type="checkbox"/> Jackson	<input type="checkbox"/> Remediation & Redevelopment																																																																										
<input type="checkbox"/> Calumet	<input type="checkbox"/> Kalamazoo	<input type="checkbox"/> Office of Oil Gas & Minerals																																																																										
<input type="checkbox"/> Crystal Falls	<input type="checkbox"/> Lansing	<input type="checkbox"/> Water Resources																																																																										
<input type="checkbox"/> Detroit	<input type="checkbox"/> Newberry	<input type="checkbox"/> Office of Waste Management & Radiological Protection																																																																										
<input type="checkbox"/> Gaylord	<input type="checkbox"/> Warren	<input type="checkbox"/> Office of Drinking Water & Municipal Assistance																																																																										
<input type="checkbox"/> Grand Rapids																																																																												
	Date:	Time:																																																																										
<input type="checkbox"/> National Response Center (NRC): 800-424-8802	_____	_____																																																																										
<input type="checkbox"/> US Coast Guard Office:	_____	_____																																																																										
<input type="checkbox"/> Detroit <input type="checkbox"/> Grand Haven <input type="checkbox"/> Sault Ste. Marie																																																																												
<input type="checkbox"/> US Department of Transportation	_____	_____																																																																										
<input type="checkbox"/> US Environmental Protection Agency	_____	_____																																																																										
<input type="checkbox"/> 911 (or primary public safety answering point)	_____	_____																																																																										
<input type="checkbox"/> Local Fire Department	_____	_____																																																																										
<input type="checkbox"/> Local Police/State Police/Sheriff Dept	_____	_____																																																																										
<input type="checkbox"/> Local Emergency Planning Committee	_____	_____																																																																										
<input type="checkbox"/> State Emergency Response Commission via MI SARA Title III Program	_____	_____																																																																										
<input type="checkbox"/> Wastewater Treatment Plant Authority	_____	_____																																																																										
<input type="checkbox"/> Hazmat Team	_____	_____																																																																										
<input type="checkbox"/> Local Health Department	_____	_____																																																																										
<input type="checkbox"/> MIOSHA	_____	_____																																																																										
<input type="checkbox"/> Bureau of Fire Services Fire Marshal Division	_____	_____																																																																										
<input type="checkbox"/> MI Dept of Agriculture & Rural Dev: 800-405-0101	_____	_____																																																																										
<input type="checkbox"/> Other _____	_____	_____																																																																										

DATE WRITTEN REPORT SUBMITTED	SIGNATURE OF PERSON SUBMITTING WRITTEN REPORT
-------------------------------	---

Chapter 9 – Construction Storm Water Runoff Control Program

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Construction Storm Water Runoff Control Program

POLICY

This policy is to establish procedures for the Village of Michiana's Construction Storm Water Runoff Control Program.

BACKGROUND

The Village of Michiana is not a Part 91 Qualifying Soil Erosion Control Agency. The Village relies on the Berrien County Soil Erosion and Sedimentation Control Agency for its rules and regulations.

PROCEDURE

The Village supports and promotes program requirements of the local Soil Erosion and Sedimentation Control Authority.

The Village of Michiana requires all building permit applicants to apply for and submit copies of all permits issued by the Berrien County Soil Erosion and Sediment Control Agency prior to issuance of a building permit for all sites located within 500' of a body of water or greater than or equal to one acre. All other sites must comply with the Berrien County Guidelines for Storm Water Management. If the site is larger than 1 acre and contains a point source discharge of storm water from a construction activity, then the developer will also be advised to comply with State of Michigan, Permit by Rule (Rule 323.2190), which includes the contractor providing a certified storm water operator and conducting regular inspections in compliance with Permit by Rule.

Any construction activity resulting in the deposit or imminent threat to deposit solids or other waste materials into the drainage system that may endanger the health or the environment will result in the verbal notification of the Berrien County Soil Erosion and Sediment Control Agency and MDEQ within 24 hours of the incident.

OTHER APPLICABLE ZONING ORDINANCE – AUTHORIZED ACTIONS

The Zoning Ordinance passed by the Village on December 4, 2006 (Ordinance No. 2006-04) has the following relevant sections that pertain to any and all construction within the Village's boundaries:

Section 3.9 – The Building Inspector / Zoning Administrator (BI/ZA) and Planning and Zoning Committee (P & Z) have the authority and unfettered access to inspect sites to verify information submitted for a Building Permit and to insure compliance with all provisions of the Zoning Ordinance (ZO).

Section 3.10 – Violations of the ZO can result in cessation of construction, revocation of the Building Permit, heavy fines (on a per day basis) and other judicial remedies if required.

Section 3.12 – Both Owner and Contractor must sign a statement that they have read the ZO and shall abide by all of its provisions prior to receiving a Building Permit.

Section 4.6 – All land uses shall comply with other provisions of the ZO, including:

- Clean-up deposit
- Clean-up of streets and right-of-ways
- Off-street parking and loading
- Landscaping and screening
- Environmental Protection
- Limiting non-vegetative coverage of a site to 30% max

Section 6.17 – The Owner or Contractor must deposit a sum of \$2,000 to cover damage repair or clean-up required to be made to public property due to construction activities. If the Owner or Contractor fails to perform this clean-up or damage repair, the Village retains the \$2,000 to perform these activities.

Section 6.18 – Cleanup of streets is required each day from debris left behind by construction activities. A fine of \$500 per day is imposed for violations.

Section 12.2 – No Building Permit will be issued without a permit from the DEQ where High Risk Erosion Areas are involved.

Section 12.3 – No Building Permit will be issued without a permit from the DEQ where Critical Dune Areas are involved.

Section 12.4 – No Building Permit will be issued where the proposed use is contrary to the Village of Michiana's Flood Hazard Ordinance.

Section 12.5 – No structure is permitted within 50 feet of the center line of White Creek.

Section 12.6 – No trees can be removed without approval of the Village's Tree Inspector under the provisions of the Village's Tree Ordinance.

Section 12.7 – The following are either prohibited or controlled by the ZO:

- Airborne emissions beyond the property lines other than wood burning fireplace
- Contamination of water of the State beyond the standards approved by the DEQ
- Storage of flammable or explosive materials or their unregulated use

Section 12.8 – This section on grading and drainage requires that grading is managed and controlled in a manner that prevents drain patterns from entering adjacent properties and roads, and prevents the erosion or filling in of roadside drainage ditches and swales. This section prohibits driveway run-off from causing ponding, flooding, and erosion.

Section 12.11 – This section requires all projects to comply with Federal, State, County, and Village statutes that require prevention of contamination of the Village storm drainage system.

Section 12.12 – This section limits the height of piles of materials, either excavated material or fill material, to eight (8) feet from existing grade and securely covering these piles every night. Violations will result in a \$500 per day fine.

OTHER

Any questions on this policy and procedure should be directed to the Storm Water Program Manager.

PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed on an annual basis by the Storm Water Program Manager for any updates to improve effectiveness.

Chapter 10 – Post-Construction Storm Water Runoff Program

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Post-Construction Storm Water Runoff Program

OVERVIEW

The only zoning districts in the Village are Single Family Residential and Public Lands. The Zoning Ordinance allows only single family residential units and limits height and lot coverage and all development within the Village requires Site Plan review. Lot combinations must be approved by the Village Council. Multiple family homes and condominium projects are prohibited by the Zoning Ordinance as.

Site plans within the Village of Michiana are reviewed by the Building Inspector / Zoning Administrator (BI/ZA). As a general rule, site plans are required for any new building or addition with infiltration and maintaining all storm water on-site as the preferred method. All Single Family residences handle rainfall run-off either through dry wells for in ground seepage of storm water or over land sheet drainage for percolation into the very sandy soils. Michiana is almost entirely composed of sand dunes of significant height with extensive vegetation on both developed and undeveloped sites.

The plan review includes appropriate storm water Best Management Practices (BMPs) such as: on-site management (no additional runoff standard); isolation of storm water from pollutants; secondary containment when required; and protection of central environmental resource areas, and long term operations and maintenance along with the requirements of the Storm Water Standards adopted by the Village. The applicant, in his plan submittals for Site Plan Approval, shall demonstrate compliance with the Village's standards and shall be responsible for evaluating the elected best management practices. Additionally the applicant is required to sign the Storm Water Agreement (located in Chapter 15).

Lastly, all sites that are located within 500 feet of a body of water must obtain a Soil Erosion and Sedimentation Permit from Berrien County; all other sites must comply with the Berrien County Guidelines for Storm Water Management.

WATER QUALITY TREATMENT PERFORMANCE STANDARD

All mandatory regulatory mechanisms are covered under the current Michiana Zoning Ordinance. All new applicant-owned and operated facilities or new structural stormwater controls for water quantity shall be designed and implemented in accordance with the Village's post-construction stormwater control performance standards and long-term operation and maintenance requirements. This also includes projects initiated, designed, and built by the Village.

a) Minimum Treatment Volume Standard

This is not applicable. All Single Family residences handle rainfall run-off either through dry wells for in ground seepage of storm water or over land sheet drainage for percolation into the very sandy soils. No houses are allowed to connect to Village storm so no minimum treatment volume standard is necessary to be established by the Village. As houses are required to maintain water on-site the TSS is 100% removal.

b) Channel Protection

This is not applicable. All Single Family residences handle rainfall run-off either through dry wells for in ground seepage of storm water or over land sheet drainage for percolation into the very sandy soils. No houses are allowed to connect to Village storm so no minimum treatment volume standard is necessary to be established by the Village. As houses are required to maintain water on-site the TSS is 100% removal.

c) Operation and Maintenance for Water Quality Treatment

This is not applicable. All Single Family residences handle rainfall run-off either through dry wells for in ground seepage of storm water or over land sheet drainage for percolation into the very sandy soils. No houses are allowed to connect to Village storm so no minimum treatment volume standard is necessary to be established by the Village. As houses are required to maintain water on-site the TSS is 100% removal.

Complaints of storm water or local flooding issues are responded to promptly by enforcing the zoning ordinance and commitments made during building plan approval.

SITE-SPECIFIC REQUIREMENTS (CONTAMINATED SITES)

No know contaminated site exists within the Village. If a site was contaminated (soil and/or groundwater), it would require special consideration during site plan review and is expected to still comply with the Village's stormwater requirements. Typical solutions would be to use proprietary treatment systems for storm water treatment and vaults and/or lined detention systems with controlled outlets for reducing flow rates to comply with such requirements. Additionally the projects will be coordinate with MDEQ staff as appropriate. The ultimate goal of the Village is to not have the developer /owner exacerbate existing conditions.

OTHER

Any questions on this policy and procedure should be directed to the Storm Water Program Manager.

PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed on an annual basis by the Storm Water Program Manager for any updates to improve effectiveness.

Chapter 11 – Pollution Prevention and Good Housekeeping Program

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Pollution Prevention and Good Housekeeping Program

MUNICIPAL FACILITIES & FACILITY-SPECIFIC STORM WATER MANAGEMENT

The Village Hall site is located at 4000 Cherokee Drive and is co-located with the Department of Public Works (DPW) maintenance building, salt barn, and storage yard. All storm water is managed on-site through infiltration. No storm sewers are located within 100 feet of the property, so storm water from this site does not reach the storm sewers or any surface waters. Therefore, it is not necessary to develop a Storm Water Pollution Prevention Plan (SWPPP) for this site. Fertilizers or pesticides are not applied to any of these locations and grass clippings are mulched in place, not bagged. In the event a pesticide is required, the Village only uses ready-to-use products from the original container.

STORM WATER CONTROL INVENTORY

The Village of Michiana owns and maintains roads and storm systems. The storm system has nine (9) outfalls to the Lake Michigan and two (2) outfalls to the White Creek, which is also a water of the state. Formerly there were 11 outfalls to Lake Michigan; however the Village eliminated two of them with drywells (Outfall A & Outfall B). For IDEP program consistency, all outfalls and points of discharge are surveyed by the Village. The map showing the Village's overall storm sewer system and a list of assets are included in Chapter 3.

STRUCTURAL STORM WATER CONTROL AND MAINTENANCE ACTIVITIES

The Village of Michiana does not prioritize the catch basins within the system for routine inspection, maintenance, and cleaning based on preventing or reducing pollutant runoff. This is because of the relatively few outfalls and they are all along the same street.

Storm drains, catch basins, swales, and other public drainage conveyances undergo semi-annual inspection by Village staff as they go through the Village and beaches on their normal routines. All storm drains and appurtenances are inspected for and cleaned of sediment and vegetative residue once per year. This program will continue and whenever significant clogging of inlets is noticed. Residents will be encouraged to contact the Village to report clogged inlets. Foreign materials removed from the drainage system are disposed of according to class of materials. Any materials removed from catch basins, including sand, will be disposed of in accordance with DEQ's Catch Basin Cleaning Activities Guidance Document, specifically Option #3 of the document.

Leaves are temporarily retained in an enclosed area about 130 feet from White Creek and are hauled out twice a year or as needed. The site grading and a berm prevents runoff from this area to reach White Creek.

MUNICIPAL OPERATIONS AND MAINTENANCE ACTIVITIES

Street Sweeping

The Village of Michiana does not prioritize the street sweeping within the Village's transportation system on the potential or discharging pollutants to surface waters of the state. At the end of the winter season all streets and intersections are cleared of leaves, sand, etc. The Village owns a blower and blows the debris to the edge of the roadway and does not pick up the debris.

In the event mechanical sweeping is required, the Village would contract this work out. Proper sweeping methods would include operating sweeping equipment according to the manufacturer's operating instructions and to protect water quality. Cleaning, dewatering, storage, and disposal of street sweeper waste materials complies with MDEQ's "Catch Basin Cleaning Activities Guidance Document".

Leaf and Brush Storage

Leaves and brush are hauled to the DPW yard, where the Village has them hauled away twice a year or as necessary. The storage area has no discharge to surface water and occurs on a pervious area.

Salt & Winter Operations

During the winter the Village applies a salt-sand mix to the roads only at intersections where Stop signs are posted. The Village's salt trucks and spreaders are manually calibrated based on conditions. The Village avoids stockpiling snow due to the work involved in transporting the snow.

Fleet Maintenance (DPW)

Village Trucks and tractors are maintained inside the Village garage. No maintenance is done outside. Oil changes and other disposable liquids are recovered by recyclers of these materials. They are stored indoors until pick-up. Wash-downs of equipment is done on the garage's apron driveway and consists of removing sand and soil. The run-off from the wash-downs is sheet drainage that goes onto the adjacent vegetative soil. No contamination of water of the State occurs.

Vehicle Washing (police)

The Village's three (3) Police vehicles are maintained and washed off-site at the commercial facilities which are not located in the Village.

Vehicle Fueling

The fuels used for the Public Works and Police vehicles are stored in tanks that are within approved containment and are covered by a roof that prevents contamination of rainfall and run-off. The tanks are inspected annually for any leaks as is the containment. All employees are instructed to stay by and monitor their vehicle when fueling.

Household Hazardous Waste Recycling Program

The Village of Michiana has curbside recycling pickup available to all residents and participates in funding the Household Hazardous Waste program.

MANAGING VEGETABLE PROPERTIES

Fertilizers or pesticides are not applied to any of these locations and grass clippings are mulched in place, not bagged. In the event a pesticide is required, the Village only uses ready-to-use products from the original container.

CONTRACTOR REQUIREMENTS AND OVERSIGHT

Contractors are hired by the Village on an as-needed basis for street sweeping and catch basin cleaning. These services that are contracted-out with vendors require records to be retained for verification that the waste was disposed of properly. Contractors are required to comply with MDEQ's "Catch Basin Cleaning Activities Guidance Document" and operate equipment according to the manufacturer's operating instructions and to protect water quality.

The Village will provide Contractor oversight, as appropriate, to assure maintenance actions comply with the Village's Pollution Prevention program and BMP requirements.

EMPLOYEE TRAINING

The Village educates Public Employees and Contractors regarding Pollution Prevention and Good Housekeeping BMPs. Specifically the Village provides employee training, which may consist of DVD, off-site workshop, in-house training, or new employee orientation. This program shall include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction, and storm water system maintenance. The schedule for this training is the existing employees are trained once per permit cycle, and new employees have one (1) training event within 1-year of employment, typical at the onset of employment. Contractors are provided training materials and information in bid documents and/or preconstruction meetings and as needed when new contractors are hired.

RECORD KEEPING

The department's procedures for record keeping will incorporate the documentation of information and data, tracking spills, leaks, and other discharges. This will provide useful information for ensuring proper maintenance of facilities and equipment, and improving best management practices to prevent future spills. The department will document and report their data using field notebooks, timed and dated photographs, and drawings and maps. Generally, record keeping will be maintained by the Village's DPW Superintendent's office, with a duplicate copy in the clerk's office, providing greater accessibility to personnel that would need immediate information.

TABLE 2

Table 2 shows the overall storm water pollution prevention activities of the Permittee and outlines the overall Pollution Prevention Program Elements (i.e. MS4 owner/operator best management practices (BMP) for system operation and maintenance).

OTHER

Any questions on this policy and procedure should be directed to the Storm Water Program Manager.

PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed on an annual basis by the Storm Water Program Manager for any updates to improve effectiveness.

Catch Basin Cleaning Activities Guidance Document

Catch Basin Cleaning

Catch Basin Cleaning Activities

Catch basins are included in storm sewer system designs in order to remove solids such as gravel, sand, oils, and organic material carried by storm water. Catch basins also contain elevated concentrations of metals (attached to the solids) from street runoff or drainage from industrial, commercial and residential properties. In order to maintain the storm sewer systems effectiveness, catch basins must be periodically cleaned out. The Department of Environmental Quality (DEQ) Water Bureau (WB) and Waste and Hazardous Materials Division (WHMD) oversee environmental regulations pertaining to this activity. The Michigan Occupational Safety and Health Administration ([MIOSHA](#)) within the Department of Labor and Economic Growth oversee confined space entry and other worker health and safety standards.

In the past, the waste generated from the catch basin cleaning activities was typically discharged back into the storm sewer system. This type of discharge is unauthorized per [Part 31, Water Resources Protection \(Part 31\) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended \(NREPA\)](#) and is therefore illegal. The combined solid and liquid waste stream (solid/liquid waste) from cleaning storm sewers systems is legally defined as “liquid industrial waste” pursuant to [Part 121, Liquid Industrial Wastes \(Part 121\) of NREPA](#).

The following are options recommended to properly deal with the waste stream generated from catch basin cleaning activities:

1. Have the waste transported to drying beds to separate the solid/liquid waste. This is usually performed at a publicly owned treatment plant or at a privately owned permitted facility where the liquid portion of the waste stream is separated from the solids and treated.
2. Request permission from the local wastewater treatment plant operator to discharge the combined solid/liquid waste into the sanitary system. Most treatment plants will require pre-treatment prior to the discharge. All applicable local ordinance provisions must be followed.
3. When conducting catch basin maintenance activities where the above options are not available, the following method can be used as long as there are no discharges to surface waters during dry weather conditions.



- Conduct visual inspection to ensure the water in the sump has not been contaminated. If necessary, collect a grab sample of the water and look for signs of contamination such as visible sheen, discoloration, obvious odor, etc. See the EPA [Visual Inspection](#) guidance for more tips. If there is any doubt of the quality of the water, it should be collected into the Vactor truck and treated as waste under Part 121 or [Part 115 Solid Waste Management \(Part 115\) of NREPA](#).
- Using a sump pump, or any other pumping mechanism, remove the majority of water in the sump of the basin without disturbing the solid material below. Do not use pumps connected to the Vactor truck's holding tank.
- The clear water may then be directly discharged to one of the following:
 - Sanitary system (with prior approval from local sewer authority)
 - Curb and gutter
 - Back into the storm sewer system as long as it is contained within the system during dry weather condition to ensure no discharge into surface water
 - Applied to the ground adjacent to the catch basin (evenly distributed at a maximum rate of 250 gallons/acre/year)
- The remaining liquid/solid in the sump should be collected with a Vactor truck and disposed of off-site in accordance with Parts 115 or 121.

The entity whose catch basin is being cleaned is responsible for meeting the generator requirements under Part 121. See the [Liquid Industrial Waste Generator](#) guidance for more information.

The entity transporting the solid/liquid waste must meet the applicable transporter requirements. A local, state, or federal government may use its own vehicle to service catch basins or other parts of the sewer system without being a permitted and registered transporter under the provisions of the [Hazardous Materials Transportation Act, 1998 PA 138, as amended \(HMTA\)](#).

If the local government contracts with a private company to transport the liquids generated from cleaning the catch basins or other parts of the sewer system, that entity must be registered and permitted as a uniform liquid industrial waste transporter under the provisions of HMTA.

The transporter must notify the WHMD about their activity and obtain a site identification number. Follow the instructions and links to the form EQP5150 and online paying option posted at www.deq.state.mi.us/wdsp. There is a fee.

A [uniform hazardous waste manifest](#) must accompany the load, or a consolidated manifest may be used per [Operational Memo 121-3](#), when the liquid waste is transported over public roadways by the local government or by a contract transporter. Keep the records at least three years from shipment. The waste transporting portion of the vehicle and/or containers used to

transport the waste must be kept closed except when adding or removing the waste, and the exteriors must be kept free of the liquid waste and residue.

The facility accepting the solid/liquid waste must meet operating requirements:

- They must notify the WHMD that they are operating a liquid industrial waste designated facility, obtain a site identification number, and meet operating requirements under Part 121. This includes practices to prevent unauthorized discharge of the waste, sign manifests, and keep required records. If waste containers are used, they must be kept closed and protected from the weather, fire, physical damage and vandals.
- The discharge of the liquids into the treatment plant that is permitted by the WB must meet the wastewater treatment plant requirements. Any other discharge of the liquids would require a separate DEQ discharge permit.
- The resulting solid waste must be managed under Part 115 requirements. Dispose of the solid waste in a licensed landfill. Contact the landfill authority for their specific disposal requirements, including any tests they require to document the solids are not hazardous or liquid waste. Do not use the solids as fill on local government or private property, or for any other use, unless it meets the conditions of being an inert material according to the solid waste rules [R299.4114 through R299.4118](#). See the [Waste Characterization Guidance](#) for information how to determine if the waste is hazardous or not.

Street sweeping activities are also subject to the above solid waste requirements. Street sweeping involves the use of specialized equipment to remove litter, loose gravel, soil, pet waste, vehicle debris and pollutants, dust, de-icing chemicals, and industrial debris from road surfaces. See the BMPs for [Street Sweeping](#) and [Parking Lot and Street Cleaning](#).

Follow-up Answers Can be Found as Follows:	
Topic	Contact:
Using the solids as fill or other use under Part 115	Duane Roskoskey at 517-335-4712
Part 121 transportation requirements and HMTA	WHMD District Office
Managing waste under Part 31, or general questions regarding this guidance	Mark Fife at 517-241-8993
Confined space entry requirements	MIOSHA Consultation, Education and Training Division at 517-322-1809

Chapter 12 – Total Maximum Daily Load (TMDL) Implementation Plan

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Total Maximum Daily Load (TMDL) Implementation Plan

BACKGROUND AND EFFORT

The Village is not currently discharging to a body of water that has a TMDL. If a TMDL is developed for these water bodies, this plan will be edited.

OTHER

Any questions on this policy and procedure should be directed to the Storm Water Program Manager.

PROCESS FOR UPDATING/REVISING THIS PROCEDURE

This procedure shall be reviewed on an annual basis by the Storm Water Program Manager for any updates to improve effectiveness.

Chapter 13 – Table 2

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

**Table 2 – PUBLIC EDUCATION PROGRAM (PEP)
STORM WATER MANAGEMENT PROGRAM (SWMP)
PROGRAM ELEMENTS, TASKS AND DELIVERABLES**

PUBLIC EDUCATION PROGRAM ELEMENTS						
<u>PEP Objective</u>	<u>Task</u>	<u>Delivery Mechanism / Methodology</u>	<u>Time Table</u>	<u>Evaluation/ Measured Element</u>	<u>Content of Message(s) and Supplemental Message</u>	<u>Measurable Goals/ Effectiveness</u>
1	Watershed Stewardship Awareness	The Village of Michiana website is http://michianavillage.org/	Annually	Article on the website	Definition of a Watershed; Identification of Watershed Lived In (Work In); Purpose of Protecting the Watershed; Ways people affect the watershed	Place 1 article per year on website with each of the 6 PEP objectives covered a minimum of once per permit cycle. Measure effectiveness by the number of phone calls and number of comments submitted via email.
		Place Public Notice/Article placed on the Village's Bulletin Board located on the outside of the Village Office.	Annually	Copy of notice/article.		Place 1 notice/article per year on bulletin board with each of the 6 PEP objectives covered a minimum of once per permit cycle.
2	Storm Water Discharge Awareness	The Village of Michiana website is http://michianavillage.org/	Annually	Article on the website	Storm sewers discharges to water bodies; Storm sewers (unlike wastewater) are untreated; Storm water carries pollutants; Adverse impacts of storm water discharges; Local storm sewer drainage system; Identify and educate commercial, industrial, and institutional entities likely to contribute pollutants to storm water runoff.	Place 1 article per year on website with each of the 6 PEP objectives covered a minimum of once per permit cycle. Measure effectiveness by the number of phone calls and number of comments submitted via email.
		Place Public Notice/Article placed on the Village's Bulletin Board located on the outside of the Village Office.	Annually	Copy of notice/article.		Place 1 notice/article per year on bulletin board with each of the 6 PEP objectives covered a minimum of once per permit cycle.
3	Illicit Discharge Awareness & Reporting	The Village of Michiana website is http://michianavillage.org/	Annually	Article on the website	What is an illicit discharge; Why and how-to report illicit discharges; Water Quality impacts of illicit discharges and improper waste disposal; Consequences and penalties of illicit discharges The public can report illicit discharges and improper disposal of materials to the storm systems by calling the Village Clerk at (269) 469-4600	Place 1 article per year on website with each of the 6 PEP objectives covered a minimum of once per permit cycle. Measure effectiveness by the number of phone calls and number of comments submitted via email.
		Train DPW Services employees to be on the lookout for violations.	Annually	Number of trainings		Hold 1 training per year.
		Place Public Notice/Article placed on the Village's Bulletin Board located on the outside of the Village Office.	Annually	Copy of notice/article.		Place 1 notice/article per year on bulletin board with each of the 6 PEP objectives covered a minimum of once per permit cycle. Number of reported incidents.

PUBLIC EDUCATION PROGRAM ELEMENTS

<u>PEP Objective</u>	<u>Task</u>	<u>Delivery Mechanism / Methodology</u>	<u>Time Table</u>	<u>Evaluation/ Measured Element</u>	<u>Content of Message(s) and Supplemental Message</u>	<u>Measurable Goals/ Effectiveness</u>
4	Promotion of Best Management Practices (BMP's) to reduce contaminates discharging to storm sewer or Water of the State	The Village of Michiana website is http://michianavillage.org/	Annually	Article on the website	Promote preferred cleaning materials and procedures for car, pavement, and power washing;	Place 1 article per year on website with each of the 6 PEP objectives covered a minimum of once per permit cycle. Measure effectiveness by the number of phone calls and number of comments submitted via email.
		Place Public Notice/Article placed on the Village's Bulletin Board located on the outside of the Village Office.	Annually	Copy of notice/article.	Inform and educate the public on proper application and disposal of pesticides, herbicides, and fertilizers; Promote proper disposal practices for grass clippings, leaf litter, and animal wastes; Educate the public on and promote the benefits of green infrastructure and Low Impact Development	Place 1 notice/article per year on bulletin board with each of the 6 PEP objectives covered a minimum of once per permit cycle.
5	Promotion of Proper Waste Management	The Village of Michiana website is http://michianavillage.org/	Annually	Article on the website	Awareness and identification of household hazardous waste; Identification HHW disposal service locations Improper waste disposal impacts water quality;	Place 1 article per year on website with each of the 6 PEP objectives covered a minimum of once per permit cycle. Measure effectiveness by the number of phone calls and number of comments submitted via email.
		Place Public Notice/Article placed on the Village's Bulletin Board located on the outside of the Village Office.	Annually	Copy of notice/article.	Available alternatives Household Hazardous Waste can be taken to: Berrien County Resource Recycling Center; call (269) 983-7111 Inform and educate the public on proper septic system maintenance and how to recognize a system failure	Place 1 notice/article per year on bulletin board with each of the 6 PEP objectives covered a minimum of once per permit cycle.
6	Riparian Land Stewardship	The Village of Michiana website is http://michianavillage.org/	Annually	Article on the website	Promote methods for managing riparian lands to protect water quality; Preservation of riparian buffers; Shoreline stabilization;	Place 1 article per year on website with each of the 6 PEP objectives covered a minimum of once per permit cycle. Measure effectiveness by the number of phone calls and number of comments submitted via email.
		Place Public Notice/Article placed on the Village's Bulletin Board located on the outside of the Village Office.	Annually	Copy of notice/article.	Conservation easements	Place 1 notice/article per year on bulletin board with each of the 6 PEP objectives covered a minimum of once per permit cycle.

Table 2 - ILLICIT DISCHARGE ELIMINATION PROGRAM ELEMENTS (IDEP)

**STORM WATER MANAGEMENT PROGRAM (SWMP)
PROGRAM ELEMENTS, TASKS AND DELIVERABLES**

II. ILLICIT DISCHARGE ELIMINATION PROGRAM ELEMENTS				
<u>Task</u>	<u>Methodology</u>	<u>Time Table</u>	<u>Evaluation/ Measured Element</u>	<u>Measurable Goals</u>
Outfall (point source) dry-weather screening	Periodic outfall re-screening	Ongoing	Outfall screening records	Inspection reports on every outfall (i.e. a maximum interval of 5 years between investigations (re-screening))
Illicit discharge investigation and elimination	Elimination of identified illicit discharges	Ongoing	Number of Contact forms and correspondence records compared to prior years	100% violation notices submitted to responsible party within 10 days (responsible parties to be notified within 24 hours if the illicit discharge is significant)
			Notification of non-compliance and/or demand letters	Failure of the responsible party to initiate corrective actions within 60 days shall cause a 2 nd notification to be sent; to be followed by formal citation and/or other appropriate enforcement actions
			Conformation of corrective action	100% of conformation inspection completed within 30 days following notification of corrections having been completed by the responsible party 100% of conformation inspections are found to have adequately corrected the known deficiency
Indirect connections (Dumping, Spills and Surface Source)	Elimination of indirect connection when brought to the Village's attention	Ongoing	Contact forms and correspondence records	Initial Site visit with 24-hours of being made aware of the issue. Begin performance of a corrective action within 7-days of initial site visit.
Administrative procedures	Update MS4 system mapping as additional discharge points are discovered or constructed	Annually	Mapped MS4 system	Annual updates and/or revisions
	Train DPW Services employees to be on the lookout for violations.	Existing employees – trained 1 per Permit Cycle New Employees – Trained during 1 st year of employment	Training attendance records	All applicable staff trained according to the training schedule

Table 2 – POST CONSTRUCTION

**STORM WATER MANAGEMENT PROGRAM (SWMP)
PROGRAM ELEMENTS, TASKS AND DELIVERABLES**

POST CONSTRUCTION				
<u>Task</u>	<u>Methodology</u>	<u>Time Table</u>	<u>Evaluation/ Measured Element</u>	<u>Measurable Goals</u>
Long-term operation and maintenance and enforcement	Respond to complaints of storm water or local flooding issues promptly by enforcing storm water ordinances, performance standards, and commitments made during site plan approval.	On-going	Number of complaints	Number of complaints vs. number of complaints resolved
Site Appropriate BMP's	Site plans for all new and redeveloped sites shall be reviewed by the building inspector/zoning administrator. Review shall include appropriate storm water BMP's such as: on-site management (no additional runoff standard); isolation of storm water from pollutants; and protection of central environmental resource areas, and long term operations and maintenance along with the requirements of the Storm water ordinance adopted by the Village.	On-going	Site plans are reviewed and conform to applicable Village ordinances	All site plans reviewed conform to the Village ordinances.
	SESC Permit is obtained	On-going	Copy of Permit	No complaints related to SESC
	Stormwater Management Agreement is executed	On-going	Copy of executed agreement.	Building permit issued based on compliance with stormwater agreement

Table 2 – POLLUTION PREVENTION & GOOD HOUSEKEEPING

**STORM WATER MANAGEMENT PROGRAM (SWMP)
PROGRAM ELEMENTS, TASKS AND DELIVERABLES**

POLLUTION PREVENTION & GOOD HOUSEKEEPING FOR MUNICIPAL OPERATION - MS4 OWNER/OPERATOR BMP's (Operation & Maintenance Program Elements)					
Task	Methodology	Time Table		Evaluation/ Measured Element	Measurable Goals
		Implementation	Evaluation		
(a) maintenance activities, maintenance schedules, and inspection procedures for storm water structural controls to reduce pollutants (including floatables) in discharges from our permitted separate storm water drainage system					
Evaluate storm water structural controls (catch basins and drywells)	Visually observe catch basin's sediment traps to assess if maintenance is required.	As-Needed	Annually	All structures are visually observed semi-annually	All structures are visually observed semi-annually
Maintenance of storm water structural controls.	Removal of sedimentation and floatables from catch basin and drywells.	As-Needed	Annually	Structures not functionally as designed	Any materials removed from catch basins, including sand, will be disposed of in accordance with DEQ's Catch Basin Cleaning Activities Guidance Document
(b) controls for reducing or eliminating the discharges of pollutants from streets, roads, highways and parking lots, and maintenance garages					
Ensure that pollutants are not disposed into surface waters.	Village procedures for pavement sweeping. Street sweeping is done along all streets throughout the Village in the Spring by blowing debris (sand, leaves, etc.) to the edge of the pavement without debris being collected. If debris was to be collected, sweepings will be taken to a landfill. Debris is placed directly into a dump truck, with no dewatering.	On-going	Annually	records of receipts from the landfill; Track amount if sedimentation collected and the frequency of streets sweeping	Achieving the recommended street sweeping frequency to minimize debris from entering surface water (i.e. once per year Village-wide, more frequency in targeted areas)
	DPW procedures for - snow and ice removal operations. Salt trucks are calibrated based on weather conditions. The preferred practice is to avoid discharge of plowed snow into waters of the state, due to the associated pollutants.	On-going	Annually	Salt trucks are calibrated based on weather conditions. The amount of salt used is tracked only on an annual basis.	100% of Staff Conformance to procedures
	Fleet Maintenance vehicles washing	On-going	Annually	Vehicles wash at DPW building yard and infiltrates into the ground	100% of vehicles washed occur at in approved washing site.
	Fleet Maintenance vehicles maintenance	On-going	Annually	Vehicles maintained in Village garage	100% of vehicles repaired / maintained at approved site.
	Fueling of maintenance vehicles and equipment	On-going	Annually	Vehicles and equipment are fueled at Village yard with approved fuel tanks. All employees are instructed to stay by and monitor their vehicles when fueling	No fuel spills occur.

POLLUTION PREVENTION & GOOD HOUSEKEEPING FOR MUNICIPAL OPERATION - MS4 OWNER/OPERATOR BMP's (Operation & Maintenance Program Elements)					
Task	Methodology	Time Table		Evaluation/ Measured Element	Measurable Goals
		Implementation	Evaluation		
	Village yard is maintained and no tracking of sedimentation is found on the roadway area	On-going	Annually	No sedimentation is found on driveway area. Sedimentation to be swept to prevent tracking onto roadway.	No tracking of sedimentation occurs from Village yard
	Train DPW Services employees to be on the lookout for violations.	Existing employees – trained 1 per Permit Cycle New Employees – Trained during 1 st year of employment	Annually	Training attendance records	All applicable staff trained according to the training schedule
(c) procedures for the proper disposal of operation and maintenance waste from the permitted separate storm water drainage system (dredge spoil, accumulated sediments, floatables, and other debris)					
Ensure that pollutants are not disposed into surface waters	Collected catch basin/ drywell sediments disposed of properly in a licensed Type II municipal landfill unless contaminated then sediment shall be disposed of properly.	On-going	Annually	Collected/ tabulated data Cleaning the inside of the catch basin is done as needed. Records in the form of waste manifests, which contain the volume of waste and disposal location.	100% of sedimentation tested and disposed of properly
	Street Sweeping debris is disposed of properly in a licensed Type II municipal landfill.	As-Needed	Annually	Records in the form of waste manifests, which contain the volume of waste and disposal location.	Documentation that all debris was properly disposed.
(d) ways to ensure that new flood management projects assess the impacts on the water quality of the receiving waters and, whenever possible, examine existing projects for incorporation of additional water quality protection devices or practices					
Properly design, engineer and permit new flood management projects.	Permittee initiated flood control projects will include provisions to reduce pollutants to water bodies to maximize extent practicable by including such criteria in all RFP's for flood control engineering services.	On-going through site plan review	Annually	Track and compare the number of flood control projects that include water quality criteria vs. the total number of flood control projects.	Utilizing new technologies to reduce pollutants in storm water
	Examine existing water quantity structures for incorporation of additional water quality protection devices or practices.	Consider when such structures are scheduled for major repair or replacement	Annually	New technologies are considered when planning for major repair or replacement of existing structures.	All major repaired or replacement of existing storm quantity water structures, consider potential incorporation of new technology for water quality features.
(e) Implementation of controls to reduce the discharge of pollutants related to application of pesticides, herbicides, and fertilizers applied in our permitted jurisdiction.					
Proper use of lawn chemicals and pesticides.	Use a phosphorus-free fertilizer on Village parks, lawn areas, property, and other Village owned areas. The Village currently does not use pesticides or lawn chemicals within their community.	On-going	Annually	If the Village applies fertilizer, what type of fertilizer was used. In the event a pesticide is required, the Village only uses ready-to-use products from the original container.	All areas that the Village applies fertilizer, a phosphorus-free fertilizer are used. Village only uses ready-to-use products from the original container.

Chapter 14 – Storm Water Ordinance

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

- (2) Illicit discharges enter the storm water drainage system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this Ordinance and implementing the same will address many of the deleterious effects of illicit discharges.
- (4) Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance.

SECTION 1.03 PURPOSE 48.0103

It is the purpose of this Ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the storm water drainage system and natural water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connections to the storm water drainage system and natural water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Ordinance.
- (4) To provide appropriate remedies for failure to comply with this Ordinance.

SECTION 1.04 APPLICABILITY AND GENERAL PROVISIONS 48.0104

This Ordinance shall apply to all discharges entering the storm water drainage system and natural water bodies generated on any developed and undeveloped lands within the Village.

SECTION 1.05 DEFINITIONS 48.0105

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:

Authorized Enforcement Agency: The Village of Michiana, and/or any persons or agencies designated to act as the Authorized Enforcement Agency by the Village Council of the Village of Michiana.

Best Management Practices (BMPs): Structural devices or nonstructural practices that are designed to prevent pollutants from entering storm water flows, to direct the flow of storm water, or to treat polluted storm water flows. Many BMPs may include, but

shall not be limited to, those described in the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan watersheds. Equivalent practices and design criteria that accomplish the purposes of this Ordinance (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) shall be as determined by the Village Engineer.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC Section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Discharge: means the introduction (intentionally or unintentionally, and directly or indirectly) of any liquid, substance, pollutant, or other material into a storm water drainage system or natural water body.

Discharger: Any person or entity who directly or indirectly discharges storm water from any premises or property. Discharger also includes any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission that is, or results in, a violation of this Ordinance.

Drain: Any and all conduits, facilities, measures, areas, and structures that serve to convey, catch, hold, filter, store, and/or receive storm water or groundwater, either on a temporary or permanent basis.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainage way: A drain, water body, or flood plain.

EPA: The U.S. Environmental Protection Agency (EPA).

Flood plain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, that has been or may be covered by flood water.

Hazardous Materials: Any solid, liquid, semisolid, or gaseous substance or material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connection: Any method or means, or conduit for conveying an illicit discharge into a natural water body or a storm water drainage system.

Illicit Discharge: Any discharge to a water body or a storm water drainage system that does not consist entirely of storm water, that is not authorized by the terms of an NPDES permit, or that is not an authorized discharge as defined by this Ordinance.

MDEQ: Michigan Department of Environmental Quality.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued by the EPA or a state under authority delegated pursuant to the Clean Water Act that authorizes the discharge of pollutants to waters of the United States.

Non-Storm Water Discharge: Any discharge to the storm water drainage system or a water body that is not composed entirely of storm water.

Person: An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

Pollutant: The term pollutant 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, hazardous materials, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act. Pollutant also includes properties or characteristics of water, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises: Any building, structure, lot, parcel of land, or portion of land, or property, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property Owner: Any person having legal or equitable title to property or premises or any person having or exercising care, custody, or control over any property or premises.

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.

Storm Drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm Water Drainage System: Storm sewers, conduits, curbs, gutters, catch basins, drains, ditches, pumping devices, parking lots, roads, or other man-made channels that are designed or used, singly or together in combination with one another, for collecting or conveying storm water.

Storm Water Pollution Prevention Plan: A document, that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, a storm drain or storm water drainage system, and/or a water body to the maximum extent practicable.

Storm Water Runoff (or Storm Water): The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Toxic Material: Any pollutant or combination of pollutants that is or can potentially be harmful to the public health or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or as otherwise provided by local, state, or federal laws, rules, or regulations.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a property or premises. The term includes any water that has in any way been used and degraded or physically or chemically altered.

Water Body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE II PROHIBITIONS AND AUTHORIZATIONS 48.0200

SECTION 2.01 PROHIBITED DISCHARGES 48.0201

- (1) It is unlawful for any person to discharge, or cause to be discharged, to a storm water drainage system or water body, directly or indirectly, any substance or material, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water or an authorized discharge. This prohibition includes the commencement, conducting, or continuance of any illicit discharge by any person to a storm water drainage system or water body.
- (2) Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (3) The Authorized Enforcement Agency is authorized to require dischargers to implement pollution prevention measures, using Storm Water Pollution Prevention Plans and BMPs, as determined necessary by the Authorized Enforcement Agency to prevent or reduce the discharge of pollutants to a storm water drainage system or water body.
- (4) The discharge prohibitions of this section shall not apply to any non storm water discharge authorized under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided the discharger 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 storm water drainage system.

SECTION 2.02 PROHIBITED ILLICIT CONNECTIONS 48.0202

- (1) It is unlawful for any person to construct, use, maintain (or to allow the construction, use, maintenance or continued existence of) an illicit connection.

- (2) This prohibition expressly includes, without limitation, illicit connections made prior to the effective date of this Ordinance, and regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

SECTION 2.03 AUTHORIZED DISCHARGES

48.0203

The following non storm water discharges are permissible, provided they do not result in a violation of State of Michigan water quality standards and provided that they are undertaken in compliance with any applicable or required BMPs:

- Water supply line flushing.
- Landscape irrigation runoff.
- Diverted stream flows.
- Rising groundwater.
- Uncontaminated groundwater infiltration to storm drains.
- Uncontaminated pumped groundwater.
- Discharges from potable water sources.
- Foundation drains.
- Air conditioning condensate.
- Irrigation water.
- Springs.
- Water from crawl space pumps.
- Footing drains and basement sump pumps.
- Lawn watering runoff.
- Waters from non-commercial car washing.
- Flows from riparian habitats and wetlands.
- Residential swimming pool water and other dechlorinated swimming pool water, provided that any filter backwash water that is present is treated.
- Residual street wash water.
- Discharges or flows from emergency fire fighting activities.

Discharges specifically authorized in writing by the Authorized Enforcement Agency as being necessary to protect public health, welfare, and safety or the environment.

SECTION 2.04 STORAGE OF HAZARDOUS OR TOXIC MATERIALS IN DRAINAGE WAY 48.0204

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a Drainage way, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a storm water drainage system, or water body.

ARTICLE III INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING 48.0300

SECTION 3.01 INSPECTION AND SAMPLING 48.0301

The Authorized Enforcement Agency may inspect and/or obtain samples from discharger's property or premises as necessary to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the properly identified representatives of the Authorized Enforcement Agency to enter the property or premises of the discharger at all hours necessary for the purposes of such inspection, or investigation, including, but not limited to, smoke/dye testing, televising pipes, sampling, and excavation. The Authorized Enforcement Agency shall provide the discharger reasonable advance notice of the need for such access, if possible and consistent with protection of public health and safety and the environment. The properly identified representatives may place on the discharger's property or premises the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a property or premises is a violation of this Ordinance.

SECTION 3.02 STORM WATER MONITORING FACILITIES 48.0302

If directed in writing to do so by the Authorized Enforcement Agency, a discharger of storm water runoff from any property or premises shall provide and operate equipment or devices for the monitoring of storm water runoff to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water drainage system, as specified by the Authorized Enforcement Agency. The Authorized Enforcement Agency may require a discharger to provide and 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 at the discharger's expense in accordance with applicable laws, ordinances, and regulations.

SECTION 3.03 ACCIDENTAL DISCHARGES 48.0303

Any discharger who accidentally discharges into a storm water drainage system or a water

body any substance other than storm water or an authorized discharge shall immediately notify the Authorized Enforcement Agency of the discharge. If the notification is given orally, a written report concerning the discharge shall be filed with the Authorized Enforcement Agency within five (5) days. The written report shall specify all of the following:

- (1) The composition of the discharge and the cause thereof.
- (2) The exact date, time, and estimated volume of the discharge.
- (3) All measures taken to clean up the discharge, all measures taken or proposed to be taken to mitigate any known or potential adverse impacts of the discharge, and all measures proposed to be taken to reduce and prevent any recurrences.
- (4) The names and telephone numbers of the individual making the report, and (if different) the individual who may be contacted for additional information regarding the discharge.

SECTION 3.04 RECORD KEEPING REQUIREMENT 48.0304

Any person that violates the requirement of this Ordinance or that is subject to monitoring under this Ordinance shall retain and preserve for no less than three years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property or premises connected with the violation or subject to monitoring.

ARTICLE IV ENFORCEMENT 48.0400

SECTION 4.01 SANCTIONS FOR VIOLATION 48.0401

- (1) Violation: Any person who (1) knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Authorized Enforcement Agency under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the Authorized Enforcement Agency regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the

court.

SECTION 4.02 FAILURE TO COMPLY; COMPLETION

48.0402

The Authorized Enforcement Agency is authorized, after giving reasonable notice and opportunity for compliance, to correct any violation of this Ordinance or damage or impairment to the storm water drainage system caused by a discharge and to bill the person causing the violation or discharge for the costs of the work to be reimbursed. The costs reimbursable under this section shall be in addition to fees, amounts or other costs and expenses required to be paid to the Authorized Enforcement Agency under other sections of this Ordinance.

SECTION 4.03 EMERGENCY MEASURES

48.0403

If emergency measures are necessary to respond to a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the Authorized Enforcement Agency is authorized 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 Village for all of such costs.

SECTION 4.04 COST RECOVERY FOR DAMAGE TO STORM WATER DRAINAGE SYSTEM

48.0404

Any person who discharges to a storm water drainage system or a water body, including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction or otherwise damages or impairs a storm water drainage system, or causes or contributes to a violation of any federal, state, or local law governing the Village, shall be liable to and shall fully reimburse the Village for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Village as a result of any such discharge, deposit, obstruction, damage, impairment, violation, exceedence or noncompliance. The costs that must be reimbursed to the Village shall include, but shall not be limited to, all of the following:

- (1) All costs incurred by the Village in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedence or noncompliance.
- (2) All costs to the Village of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedence, or noncompliance.
- (3) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Village, or any Village representative, by any

governmental agency or third party as a result of a violation of applicable laws or regulations that is caused by or contributed to by any discharge, violation, exceedence, or noncompliance.

- (4) The full value of any Village staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the Village legal counsel and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge, violation, exceedence or noncompliance, or otherwise enforcing the requirements of this Ordinance.

SECTION 4.05 COLLECTION OF COSTS; LIEN

48.0405

- (1) Costs incurred by the Village pursuant to Sections 4.02, 4.03, 4.04, and 4.06(1) shall constitute a lien on the premises or 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. Any such charges that are delinquent for six (6) months or more may be certified to the New Buffalo Township Treasurer, who shall enter the lien on the next tax roll against the property or premises, 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 for taxes. In addition to any other lawful enforcement methods, the Village shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended, and by other applicable laws.
- (2) The failure by any person to pay any amounts required to be reimbursed to the Village as provided by this Ordinance shall constitute an additional violation of this Ordinance.

SECTION 4.06 SUSPENSION OF ACCESS TO THE STORM WATER DRAINAGE SYSTEM

48.0406

- (1) Suspension due to illicit discharges in emergency situations. The Authorized Enforcement Agency may, without prior notice, suspend access to the storm water drainage system to any property or premises 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 persons, or to the storm water drainage system or a water body. If the property or premises owner fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the storm water drainage system or the environment, or to minimize danger to persons, and bill the property or premises owner for the costs incurred by the Village.
- (2) Suspension due to the detection of illicit discharge. Any person discharging to the storm water drainage system in violation of this Ordinance may have their access to the system terminated, if the Authorized Enforcement Agency determines that such

termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a discharger of the proposed termination of access. It shall be unlawful for any person to reinstate access of the storm water drainage system to a property or premises terminated pursuant to this section without the prior written approval of the Authorized Enforcement Agency.

SECTION 4.07 APPEALS

48.0407

Any person who has been cited for a violation of this Ordinance or has been ordered to take action to comply with the provisions of this Ordinance may appeal in writing to the Village Council of the Village of Michigan, not later than 30 days after the action or decision being appealed. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Village Council shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Village Council may consider the recommendations of the Authorized Enforcement Agency and the comments of other persons having knowledge or expertise regarding the matter. In considering any such appeal, the Village Council may grant a temporary variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the Ordinance provisions being appealed will present or cause unnecessary hardship for the property or premises owner appealing; provided, however, that unnecessary hardship shall not include the need for a property or premises owner to incur additional reasonable expenses in order to comply with the Ordinance; and
- (2) The granting of the relief requested will not prevent accomplishment of the goals and purposes of this Ordinance, nor result in less effective management of storm water runoff.

SECTION 4.08 JUDICIAL RELIEF

48.0408

The Village may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The Village may also seek collection of fines, penalties and any other amounts assessed and due to the Village that remain unpaid.

SECTION 4.09 CUMULATIVE REMEDIES

48.0409

The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of this Ordinance, or of any permit, order, notice or agreement issued, or entered into under this Ordinance, shall not preclude the imposition by the Village, the Authorized Enforcement Agency, or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal

inconsistency or conflict between this Ordinance and any other provision of any other ordinance, the provisions of this Ordinance shall control.

SECTION 6.05 EFFECTIVE DATE

48.0605

This Ordinance shall become effective fifteen (15) days, following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

Chapter 15 – Storm Water Management Agreement

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

STORM WATER MANAGEMENT

Building Permit# _____ **Property Tax ID#** _____

I understand that during the course of construction at _____, Michiana, Michigan, and after construction is complete, all storm water must be managed onsite, i.e. no surface water discharge of storm water and no discharge of storm water to the Village storm sewer drain system.

I understand that if the site currently discharges storm water offsite, the post-development rate and volume of storm water discharge shall be no greater than the pre-development rate and volume of storm water discharge. The post-development storm water discharge may not contain over 80 mg/l of total suspended solids regardless of the volume of discharge. In this case, an engineering report might be required to show that the rate and volume of storm water discharge is no greater than the pre-development rate.

I will take whatever steps are necessary to ensure that the storm water runoff after construction shall be no greater than the pre-development rate and volume of storm water discharge. I will ensure that I will do nothing that will adversely affect the property of neighbors and Village property in regards to storm water runoff.

I agree that I will not tie any type of drainage system, drain pipe or downspout in to the Village storm sewer drain system, and if so, I will be required to remove it at owner's expense.

Also if there is a problem, the homeowner or contractor doesn't fix, the Village of Michiana will be able to come on the property to fix the issue at the homeowner's expense.

Contractor's Name

Property Owner's Name

Contractor's Signature Date

Property Owner's Signature Date

I, William Lambert, Village of Michiana Zoning Administrator and Building Inspector, have monitored the construction at the address listed above, and to the best of my knowledge agree that the post-construction run off of storm water is no greater than the pre-construction run off.

I have inspected drain pipes, downspouts and other drainage systems to verify that they are not tied to the Village sewer drain system and that these systems are draining on the property mentioned above.

William Lambert Date

Chapter 16 – Zoning Ordinance

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

**VILLAGE
of MICHIANA**

**ZONING
ORDINANCE**

**AMENDED AND ADOPTED BY
THE VILLAGE OF MICHIANA COUNCIL
DECEMBER 4, 2006**

Prepared By The
**VILLAGE OF MICHIANA
PLANNING COMMISSION**

**Village of Michiana
Berrien County, Michigan**

This Page Purposefully Blank

TABLE of CONTENTS

General

<u>Chapter</u>	<u>Page</u>	
Chapter 1: Title and Purpose		1-1
Chapter 2: Interpretation, Severability, Vested Right, Repeal, and Effective Date		2-1
Chapter 3: General Administration		3-1
Chapter 4: Zoning Districts		4-1
Chapter 5: Reserved for Future Use		5-1
Chapter 6: Supplemental Provisions		6-1
Chapter 7: Nonconforming Lots, Structures, and Uses		7-1
Chapter 8: Zoning Board of Appeals		8-1
Chapter 9: Reserved for Future Use		9-1
Chapter 10: Off-Street Parking and Loading		10-1
Chapter 11: Landscaping and Screening		11-1
Chapter 12: Environmental Protection		12-1
Chapter 13: Reserved for Future Use		13-1
Chapter 14: Site Plan Review		14-1
Chapter 15: Special Land Uses		15-1
Chapter 16: Amendments		16-1
Chapter 17: Reserved for Future Use		17-1
Chapter 18: Definitions		18-1

Outline

<u>Chapter and Section</u>	<u>Page</u>
PREAMBLE	1-1
CHAPTER 1: TITLE and PURPOSE	1-1
Section 1.1 Title	1-1
Section 1.2 Purpose	1-1
CHAPTER 2: INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE	2-1
Section 2.1 Interpretation	2-1
Section 2.2 Severance Clause	2-1
Section 2.3 Vested Right	2-1
Section 2.4 Repeal	2-1
Section 2.5 Effective Date	2-1
CHAPTER 3: ADMINISTRATION, ENFORCEMENT, and PENALTIES	3-1
Section 3.1 Purpose	3-1
Section 3.2 Zoning Compliance Certificate Required	3-1
Section 3.3 Responsibility for Administration	3-1
Section 3.4 Zoning Compliance Certificate Application and Review Procedures	3-2
Section 3.5 Building Permit / Certificate of Occupancy Required	3-3
Section 3.6 Performance Guarantees for Compliance	3-4
Section 3.7 Timely Action on Applications	3-4
Section 3.8 Application Fees	3-5
Section 3.9 Site Inspections	3-5
Section 3.10 Violations, Penalties, and Fines	3-5
Section 3.11 Public Hearing Notices	3-6
Section 3.12 Owner and Contractor Review of Zoning Ordinance	3-7
Chapter 4: ZONING DISTRICTS, REGULATIONS and MAP	4-1
Section 4.1 Establishment of Districts	4-1
Section 4.2 Purposes of Zoning Districts	4-1
Section 4.3 Zoning District Map	4-1
Section 4.4 Interpretation of District Boundaries	4-1
Section 4.5 Permitted Uses in Zoning Districts	4-2
Section 4.6 Site Development Requirements of Zoning Districts	4-2

CHAPTER 5:	RESERVED for FUTURE USE	5-1
CHAPTER 6	SUPPLEMENTAL PROVISIONS	6-1
Section 6.1	Purpose	6-1
Section 6.2	Conditional Approvals	6-1
Section 6.3	One Single Family Dwelling to a Lot	6-1
Section 6.4	Moving Buildings	6-1
Section 6.5	Essential Services	6-1
Section 6.6	Frontage and Access	6-2
Section 6.7	Single Family Dwelling Standards	6-2
Section 6.8	Accessory Uses, Buildings, and Structures	6-2
Section 6.9	Prohibition of Recreational Vehicles as Dwellings	6-3
Section 6.10	Temporary Buildings and Structures	6-3
Section 6.11	Residential Fences and Walls	6-3
Section 6.12	Swimming Pools	6-4
Section 6.13	Condominium Subdivisions	6-4
Section 6.14	Lighting	6-4
Section 6.15	Vibration	6-4
Section 6.16	Home Occupations	6-4
Section 6.17	Clean-up and Property Damage Deposit	6-4
Section 6.18	Clean up of Streets	6-5
Section 6.19	Tear Down Structures and buildings	6-5
CHAPTER 7	NONCONFORMING LOTS, USES and STRUCTURES	7-1
Section 7.1	Purpose	7-1
Section 7.2	Nonconforming Lots	7-1
Section 7.3	Nonconforming Uses	7-1
Section 7.4	Nonconforming Structures	7-1
Section 7.5	Repairs and Maintenance	7-2
Section 7.6	District Changes	7-2
Section 7.7	Illegal Nonconformities	7-2
CHAPTER 8:	ZONING BOARD of APPEALS (ZBA)	8-1
Section 8.1	Purpose	8-1
Section 8.2	Creation and Membership	8-1
Section 8.3	Organization	8-1
Section 8.4	Jurisdiction	8-1
Section 8.5	Appeals for Administrative Reviews	8-1
Section 8.6	Interpretations	8-2
Section 8.7	Variations	8-2
Section 8.8	Procedures	8-3
Section 8.9	Review by Circuit Court	8-3
CHAPTER 9:	RESERVED for FUTURE USE	9-1
CHAPTER 10:	OFF-STREET PARKING and LOADING	10-1
Section 10.1	Purpose	10-1
Section 10.2	Single Family Dwellings	10-1
Section 10.3	Non-Residential Uses	10-1
Section 10.4	Loading and Unloading Spaces	10-2
CHAPTER 11:	LANDSCAPING and SCREENING	11-1
Section 11.1	Purpose	11-1
Section 11.2	Application	11-1
Section 11.3	Landscape Plan Required	11-1
Section 11.4	Buffer Areas	11-1
Section 11.5	Parking Lot Landscaping and Screening	11-2
Section 11.6	Minimum Standards of Landscape Elements	11-2
Section 11.7	Installation, Maintenance and Completion	11-2
Section 11.8	Fencing and Walls Construction	11-2
Section 11.9	Waivers and Modifications	11-2

CHAPTER 12	ENVIRONMENTAL PROTECTION	12-1
Section 12.1	Purpose	12-1
Section 12.2	High Risk Erosion Areas	12-1
Section 12.3	Critical Dune Areas	12-1
Section 12.4	Flood Plain Areas	12-1
Section 12.5	White Creek	12-1
Section 12.6	Removal of Trees	12-1
Section 12.7	Discharges and Flammable/Hazardous Materials	12-1
Section 12.8	Grading and Drainage	12-2
Section 12.9	Garbage	12-2
Section 12.10	Potable Water and Sewage Disposal	12-2
Section 12.11	Compliance with Local, County, State and Federal Regulations	12-2
Section 12.12	Pile Heights of Materials	12-2
CHAPTER 13:	RESERVED FOR FUTURE USE	13-1
CHAPTER 14:	SITE PLAN REVIEW	14-1
Section 14.1	Purpose	14-1
Section 14.2	Site Plan Approval Required	14-1
Section 14.3	Review Procedures	14-1
Section 14.4	Site Plan Approval Standards	14-3
Section 14.5	Conformity to Approved Site Plans	14-4
Section 14.6	Changes to Approved Site Plans	14-4
Section 14.7	Appeals	14-4
Section 14.8	Pre-Existing Site Plans and Plot Plans Under Review	14-4
CHAPTER 15:	SPECIAL LAND USES	15-1
Section 15.1	Purpose	15-1
Section 15.2	Review Procedures	15-1
Section 15.3	Appeals	15-1
Section 15.4	Reapplication	15-1
Section 15.5	Changes	15-1
Section 15.6	Approval Standards	15-2
CHAPTER 16:	AMENDMENTS	16-1
Section 16.1	Purpose	16-1
Section 16.2	Initiation of Amendments	16-1
Section 16.3	Procedures	16-1
Section 16.4	Re-submittal	16-2
Section 16.5	Comprehensive Review of Zoning Ordinance	16-2
CHAPTER 17:	RESERVED for FUTURE USE	17-1
CHAPTER 18:	DEFINITIONS	18-1
Section 18.1	Construction of Language	18-1
Section 18.2	Definitions	18-1

Balance of Page Purposefully Blank

End of Table of Contents

**Village of Michiana
County of Berrien, State of Michigan**

ORDINANCE NO. 2006-04

ZONING ORDINANCE

An Ordinance enacted by the Village of Michiana under Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of specified land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.

THE VILLAGE OF MICHIANA ORDAINS:

**CHAPTER 1
TITLE and PURPOSE**

Section 1.1 Title

This Ordinance shall be known and cited as the Village of Michiana Zoning Ordinance.

Section 1.2 Purpose

It is the purpose of this Zoning Ordinance to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber, and other natural resources including wooded areas, wetlands, and the Lake Michigan shoreline and dunal formations, places of residence, recreation, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation, and other public requirements; to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties; to implement the goals and policies of the Village of Michiana Master Plan adopted pursuant to the Municipal Planning Act, Public Act 285 of 1968, as amended; and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

Balance of Page/Chapter Blank

End of Chapter 1

CHAPTER 2

INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE

Section 2.1 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and un-repealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 2.2 Severance Clause

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

Section 2.3 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Chapter 7 (Nonconforming Uses, Lots and Structures).

Section 2.4 Repeal

The Village of Michiana Zoning Ordinance adopted on March 22, 1991 and amendments thereto, is hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 2.5 Effective Date

This Ordinance shall become effective seven (7) days following publication of adoption.

Balance of Page Purposefully Blank

End of Chapter 2

CHAPTER 3
ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 3.1 Purpose

It is the purpose of this Chapter to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a zoning compliance certificate which shall indicate that the uses and plans for which the certificate is requested comply with this Ordinance. Upon the issuance of a certificate, the applicant may establish the use for which the certificate has been issued, including the erection of a building or structure, provided a Building Permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Construction Code. For single-family dwellings, a Building Permit may simultaneously serve as a zoning compliance certificate.

Section 3.2 Zoning Compliance Certificate Required

A. Certification Required/Conformance to Ordinance: Except as provided in subsection (B) below, no grading or excavation shall be initiated, no fence, wall, structure or building shall be erected, altered, or moved, and no land or building shall be used or undergo a change in use as delineated in Table 4-2 until the Zoning Administrator has issued a zoning compliance certificate that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Village's Construction Code through the issuance of a Building Permit. Such certification of zoning compliance shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such certification. No zoning compliance certificate or Building Permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 3.4 regarding application for compliance certificates.

1. In the case of a single-family dwelling, a Building Permit may simultaneously serve as a zoning compliance certificate. However, any Building Permit application that is to simultaneously serve as an application for zoning compliance certification shall include all information required by this Ordinance, in addition to any additional information that may be necessary to conform to the Construction Code for Building Permit approval.

B. Zoning Compliance Certificate Exemption: Certification of zoning compliance shall not be required for the alteration of any residential building wall provided no change is made to the height or location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance.

Section 3.3 Responsibility for Administration

A. General Administration: The administration and enforcement of this Ordinance shall be the responsibility of the Village Council, the Zoning Board of Appeals, and such personnel as designated by the Village Council in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Village Council shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator may simultaneously serve as the Building Inspector.

B. Duties of the Zoning Administrator: Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. Review Applications: Undertake and/or assist in the review of zoning compliance certificate applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
2. Issue Compliance Certificates: Issue certificates of zoning compliance and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the proper body or official.
3. File of Applications: Maintain files of all zoning compliance certificate applications, action on such applications; and any performance guarantees associated with such certificates. These files shall be open for public inspection.
4. Inspections and Violations: Assist in the investigation and resolution of violations of this Ordinance including inspections of buildings or premises to investigate, monitor and ensure conformance with this Ordinance. To also request State agencies' reviews deemed necessary during construction.
5. Record of Complaints: The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint, and shall provide the Village Clerk with a copy of such records. Such records shall be open for public inspection.
6. Reports: The Zoning Administrator shall report to and attend meetings of the Zoning Board of Appeals, and Village Council, as requested by such bodies, on activities pertaining to the issuance of compliance

certificates, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise.

Section 3.4 Zoning Compliance Certificate Application and Review Procedures

A. General Application and Review: An application for a zoning compliance certificate shall be available from the Village Clerk. Upon approval of the application, which is to include, at a minimum, a plot plan or site plan, a certificate of compliance shall be issued. Whenever an application for a single family dwelling and accessory uses and structures is in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the zoning compliance certificate. Zoning compliance certificate applications for uses, buildings and structures not associated with a single family dwelling shall be issued by the Zoning Administrator only after the Village Council finds such application is in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals according to Chapter 8.

1. **Plot Plan / Site Plan:** An application for a zoning compliance certificate shall include the submittal of a plot plan or site plan. An application for a single family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Chapter 14 (Site Plan Review). Upon approval of the plot plan or final site plan, a zoning compliance certificate shall be issued except as may be provided otherwise in this Ordinance. Two site plans are required at a scale of 1"=20'. The first site plan shall show existing property corners, existing elevation contours clearly marked at 1' intervals, and the location of any and all existing structures located from property corners or property lines. The second site plan shall show existing and proposed contours at 1' contour intervals, and any and all proposed structures located from property corners or property lines. See Chapter 14 for detailed site plan review regulations which provide for Village Council action of site plans.
2. **Special Land Uses:** In addition to meeting the site plan requirements of Chapter 14, a zoning compliance certificate application for a use classified as a "special land use" according to Table 4-2 shall be processed according to the provisions of Chapter 15 (Special Land Uses), which require Village Council action.
3. **Variances:** Where the approval of a variance by the Zoning Board of Appeals pursuant to Section 8.7 is necessary for the approval of a proposed plot plan or site plan, no plot plan or site plan shall be approved nor shall such project be issued a zoning compliance certificate until action on such variance request has been taken by the Zoning Board of Appeals.
4. **Incomplete Applications:** If zoning compliance certificate application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. **Performance Guarantees:** A performance guarantee may be required as a condition to the issuance of any zoning compliance certificate in order to ensure conformance with the requirements of this Ordinance (see Section 3.6).
6. **Certificate Refusal in Writing:** In any case where a zoning compliance certificate or other approval requested under this Ordinance is refused, the reasons shall be stated in writing to the applicant.

B. Single Family Dwellings/Plot Plan Approval

1. **Application Required:** Application for a zoning compliance certificate for a single family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose and available from the Village Clerk. See Section 3.2(B) for exceptions. Three (3) copies of all application materials shall be submitted and shall consist of:
 - a. The completed certificate application form, and all permit applications, approvals and supporting documents associated with required state or federal permits.
 - b. An accurate, readable, drawing of scale not less than 1" = 20', constituting a plot plan, identifying the following:
 - 1) Name, address and telephone number of the applicant (and owner if different).
 - 2) A survey showing property dimensions and legal description, lot area, and an arrow pointing north, prepared by a Michigan-licensed surveyor.
 - 3) The location, dimensions, and height of the existing and/or proposed structures to be erected, altered, or moved on the lot. (see definition for "building height" in Chapter 18).
 - 4) Distances of buildings and structures from lot lines.
 - 5) A description of proposed use(s) of the building(s), land and structures.
 - 6) Configuration of the driveway and parking areas, and driveway design specifications demonstrating that driveway runoff will not cause ponding, flooding, or erosion along the intersecting road, as may be required by Section 12.8.
 - 7) Existing public right-of-ways and easements.
 - 8) Front, side and rear elevations of all buildings, prepared by a Michigan-licensed architect.
 - 9) Existing and/or proposed location of septic drain field and potable water well.
 - 10) In the case of a corner lot, the designated side and rear yards. See Footnote 3 of Table 4-3.

- 11) Any other information deemed necessary by the Zoning Administrator to determine Ordinance compliance and provide for the enforcement of this Ordinance.
 - 12) Furnish copies of all applications for permits from other local, State and Federal agencies, and copies of permits issued by those agencies.
2. **Application Review:** The Zoning Administrator shall review the zoning compliance certificate application and plot plan and determine their conformity with the provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks, building height, and permitted uses.
 3. **Action on Application:** After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) work days of the receipt of a complete plot plan application including copies of all required county, state and federal applications and permits. See Section 3.04(C)(1) below regarding withholding of approval. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance.
 4. **Approved Plot Plans:** At least two (2) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Village records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Village records as a part of the plot plan and delivered to the applicant for information and direction.
 5. **Plot Plan Changes:** The Zoning Administrator shall review proposed changes to an approved plot plan in the same manner as the original plot plan application was submitted, reviewed, and acted upon.

C. Certificate Withholding, Expiration, and Revocation.

1. **Withholding Certificate:** Where this Ordinance grants approval authority to a specific body, as in the case of plot plan approval by the Zoning Administrator and variance approval by the Zoning Board of Appeals, the designated approving body may withhold approval of an application pending verification that an applicant has received required county, state or federal permits including but not limited to sewage disposal and potable water permits; soil erosion and sedimentation control permits; flood plain permits; and MDEQ permits for alteration of wetlands, critical dunes, and high risk erosion areas. Similarly, the Zoning Administrator, Zoning Board of Appeals, or Village Council may condition final approval of the requested application on which it is required to act, upon the receipt of any of the above mentioned county, state or federal approvals or withhold the issuance of a compliance certificate until said permits from other agencies have been obtained. In no case shall a zoning compliance permit be issued for a use or structure prior to the receipt of a required MDEQ permit.
2. **Expiration of Certificate:** A compliance certificate shall become null and void after one (1) year from the date of its issuance, provided however, that the body which approved such certificate may waive or extend the period of time in which the certificate is to expire, for a single period of no greater than 180 days, if it is satisfied that the owner is maintaining a good faith intention to proceed with construction. Upon expiration, the certificate shall be renewable only upon reapplication.
3. **Revocation:** The Zoning Administrator in the case of a use subject to plot plan approval, or the Village Council in the case of a use subject to site plan approval, may revoke or cancel any approval in case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation made in the application.
 - a. Prior to the revocation of a certificate for any use or building subject to site plan approval, the Village Council shall hold a hearing on such revocation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said certificate. At the hearing, the Village Council shall state the basis for the revocation and the certificate holder shall be given the opportunity to present evidence and testimony against such revocation.
 - b. Following the hearing, the Village Council may revoke the certificate, delay such revocation for a specified time period to permit the certificate holder time to correct specified violations, or find there is no basis for such revocation.
 - c. Upon certificate revocation, or in the case where revocation is delayed to correct violations, all further construction and usage shall cease other than for the purpose of correcting violations. If construction is not completed, the owner/contractor shall remove all new construction and restore the site to the approval of the Zoning Administrator or the Council. Failure to terminate the use for which the certificate was revoked, other than for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance.

Section 3.5 Building Permit / Certificate of Occupancy Required

A. **Building Permit:** No driveway or any other grading, excavation, or construction shall be initiated prior to the issuance of a zoning compliance certificate and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Village's Construction Code through the issuance of a Building Permit.

B. **Occupancy Permit:** No structure or use shall be occupied, in whole or in part, without first receiving a certificate of occupancy from the Building Inspector pursuant to the State Construction Code.

Section 3.6 Performance Guarantee for Compliance

A. **Purpose:** In authorizing any zoning compliance certificate for any use or building other than a single family dwelling and accessory structures and uses thereto, the Village Council may require that a performance guarantee be furnished to ensure compliance with the requirements, specifications and conditions imposed with the granting of such certificate.

B. **Requirements of Guarantee:** The performance guarantee shall meet the following requirements:

1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features and actions associated with a project which are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Village and future uses or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening and drainage. In no case shall any portion of a performance guarantee be required for improvements intended to serve the public at large versus users of the development site, or for facilities or improvements that are likely to result in public ownership or responsibility.
2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Village, which names the property owner as the obligor and the Village as the obligee. If appropriate, based on the type of performance guarantee submitted, the Village shall deposit the funds in an account in a financial institution with which the Village regularly conducts business.
3. **Amount and Time Required:** The amount of the performance guarantee shall be equal to the estimated cost of improvements for which the performance guarantee is to cover, according to a detailed cost estimate submitted by the applicant and approved by the Village Council. After approval of the cost estimate, the performance guarantee shall be submitted at the time of issuance of the certificate authorizing the approved use or construction. No performance guarantee shall be required prior to the date on which the Village is prepared to issue the compliance certificate.

C. **Return of Performance Guarantee:** The following procedure shall be followed in the return of performance guarantees:

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Village Council indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejection. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. **Approval of Payment:** The Village Council shall either approve, partially approve or reject the return of the performance guarantee for the improvements or conditions, after consideration of the recommendation of the Zoning Administrator's written statement, and shall notify the obligor in writing of the action of the Village Council within forty-five (45) days after receipt of the notice from the obligor of the completion of improvements. Where approval or partial approval is granted, the Village Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed and shall be based on the itemized cost estimate for the applicable improvement or condition.
3. **Lack of Full Completion:** Should installation of improvements fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Village may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee. Any balance remaining shall be returned to the applicant.

Section 3.7 Timely Action on Applications

A. All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved. The following time provisions shall apply unless specifically provided otherwise by this Ordinance or unique circumstances arise such as delays associated with the acquisition of

county, state or federal permits, the submittal of an incomplete application, or unforeseeable practical delays in distributing applications to the necessary review bodies.

1. Applications Requiring Zoning Administrator Action: A complete application for a zoning compliance certificate for a single family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within thirty (30) days of the submittal of a complete application.
2. Applications Requiring Village Council Action: Where this Ordinance requires the Village Council to approve, deny, or conditionally approve an application, as in the case of a site plan or special land use application, or rezoning petition, the Village Council shall take action on the application within ninety (90) days of the receipt.
3. Applications Requiring Zoning Board of Appeals Action: Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance or ordinance interpretation, or administrative appeal, the Zoning Board of Appeals shall take action on the application within sixty (60) days of the receipt of a complete application.
4. Public Hearings: Where action on an application requires a public hearing, such hearing shall be held within ninety (90) days of receipt of the complete application by the Village Clerk. See also Section 3.11 regarding public hearing notices.

Section 3.8 Application Fees

A. Application Fees Required: Fees for review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Village Clerk in advance of processing any application. The amount of such fees shall be determined by the habitable square footage of the building or structure by the Village Council by resolution and may be revised from time to time. Such fees shall be limited to covering reasonable costs as standardized by the Council, costs incurred by the Village and may include but are not limited to costs associated with conducting meetings and inspections, newspaper notices, postage, photocopying, staff time, mileage, and any costs associated with reviews by qualified professionals including planners, engineers, and/or attorneys.

B. Professional Review and Fee: For any application for a zoning compliance certificate or variance, the reviewing body may require the payment of a professional review fee when professional input is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. A professional review shall result in a report to the Village indicating the extent of conformance or nonconformance with this Ordinance and matters which may create a threat to public health, safety or the general welfare, and may include a recommended course of action. Mitigation measures or alterations to a proposed design may be suggested where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Village and a copy of the statement of expenses for the professional services rendered.

Section 3.9 Site Inspections

The Zoning Administrator and Planning & Zoning Committee shall have the authority to make inspections of premises for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator and Planning & Zoning Committee granted by this Ordinance. The owner or his agent or representative, and the occupant or lessee of every building, or other person having the care and management thereof, shall give the Zoning Administrator and Planning & Zoning Committee free access thereto upon request at all reasonable times. No person shall interfere with the Zoning Administrator and Planning & Zoning Committee in the discharge of his/her duties.

Section 3.10 Violations, Penalties, and Fines

A. Declaration of Violations/Misdemeanor: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including conditions and safeguards established in connection with special land use permits, variances, appeals, certifications of zoning compliance, and approved site plans are declared to be nuisances per se and misdemeanors. The Village is authorized to enforce this Ordinance and to prosecute violations in any Court of competent jurisdiction.

B. Penalties: Any person, corporation, partnership, limited liability company, or other entity, who violates this Ordinance or fails to comply with any of its requirements, including conditions and safeguards established in connection with special land use approvals, variances, appeals, certifications of zoning compliance, and approved site plans, may be prosecuted for a misdemeanor and shall upon conviction thereof, be subject to a fine not more than \$500.00 or imprisonment for not more than 90 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The Village may pursue any and all remedies and enforcement by one remedy does not preclude or

waive enforcement by another remedy. Any act, use, thing, structure, or occupation which violates a provision of this zoning ordinance is subject to abatement by ex parte, temporary and permanent injunction, writ of abatement, and order of a circuit court, in addition to misdemeanor penalties and fines. The imposition of any fine, penalty, or jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

C. Presumptions: The owner of record or tenant in possession of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other persons who commits, participates in, assists, aids, or maintains such violation may each be found guilty or responsible for each separate offense and be subject to the fines and penalties herein provided. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record as disclosed by the Village's current assessment roll, has authorized all uses of the land and premises owned.

D. Correction of Violations

1. **Notice of Violation:** Whenever the Zoning Administrator determines that a violation of this Ordinance or an approval issued under this Ordinance has occurred or is occurring, and if the violation does not constitute an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall give written notice to the owner or occupant of the property or the person doing the construction or using the land or structures. The notice shall identify the violation and direct the violation be corrected within thirty (30) days unless seasonal conditions require an extended correction period. This notice of violation is authorized by this Chapter and is intended to secure compliance, if possible, without imposition of fines or jail.
 - a. Such notice of violation shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
2. **Prosecution Proceedings:** If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall forward a complete report regarding the violation to the Village Council and Village Attorney and the Village Council may initiate prosecution proceedings in any manner authorized by law including appearance ticket, summons and complaint or complaint and warrant. An appearance ticket, citation, complaint summons and/or warrant for a violation shall be served as required by law.

Section 3.11 Public Hearing Notices

A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Village.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in the Village of Michiana, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that

registers its name and mailing address with the Village Clerk for the purpose of receiving the notice of public hearing, by mail, in the case of a text amendment or zoning map amendment.

C. Timing of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered for approval, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations.

D. Confirmation of Notices Made by Mail or Personal Delivery: Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed and postage paid. The Village Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

Section 3.12 Zoning Ordinance Review By Owner and Contractor

Both the owner and contractor shall sign a statement that they have reviewed the Zoning Ordinance and shall abide by all of its sections before a Building Permit will be issued.

Balance of Page Purposefully Blank

End of Chapter 3

Chapter 4
ZONING DISTRICTS, DISTRICT REGULATIONS, and ZONING MAP

Section 4.1 Establishment of Districts

A. For the purpose of this Ordinance, the Village is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

VR Village Residential District
LR Lakefront Residential District
PL Public Lands District

Section 4.2 Purposes of Zoning Districts

See Table 4-1.

Section 4.3 Zoning District Map

A. The boundaries of the respective Districts enumerated in Section 4.1 are defined and established as depicted on the Official Zoning Map titled VILLAGE OF MICHIANA ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as is fully described herein.

B. This Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and bearing the following: This is to certify that this is the Official Zoning Map of the Village of Michiana Zoning Ordinance adopted on the 4th day of December, 2006. If, in accordance with the provisions of this Ordinance, changes are made in District boundaries or other matter portrayed on the Map, such changes shall be made on the Map.

C. The Official Zoning Map shall be held by the Village Clerk and shall be the final authority with regard to the current zoning status of all land in the Village, along with supporting minutes of Village Council meetings regarding zoning district changes, regardless of the existence of copies of the Map which may be made and published from time to time.

D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Village Council may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Map shall be identified by the signature of the Village President, attested by the Village Clerk, and bear the following words: This is to certify that this is the Official Zoning Map of the Village of Michiana Zoning Ordinance adopted on the 4th day of December, 2006 and replaces and supersedes the Official Zoning Map which was adopted on the 4th day of December, 2006 and any amendments made thereon. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption and amendment.

Section 4.4 Interpretation of District Boundaries

A. **Clarification of District Boundaries on the Official Zoning Map:** District boundaries shall be as delineated on the Official Zoning Map.

1. **Lakefront Residential District:** To minimize variable interpretation of the Official Zoning Map, it is the purpose of this subsection to clarify the boundaries of the Lakefront Residential District as follows: All of that part of the Village consisting of Blocks 1, 2, and 3 of the Michiana Shores Subdivision No. 1; and Lots 16 – 29 of Block 2, Lots 1 – 20 of Block 3, Lots 1 – 11 of Block 4, and all of Blocks 5 and 6, of the Michigan Shores Subdivision.
2. **Public Lands District:** To minimize variable interpretation of the Official Zoning Map, it is the purpose of this subsection to clarify the boundaries of the Public Lands District as follows: All of that part of the Village consisting of Lots 4, 5, 13, 14, and 18 – 21 of Block 1 of the Michiana Shores Subdivision No. 1; Lots 1 – 8 of Block 38 of the Michiana Shores Subdivision No. 7; Lots 5, 6, 10 – 25, 29, and 30 of Block 5 of the Michigan Shores Subdivision; and Lots 1 – 13, south half of 14, north half of 28, 29 – 31, and 36 – 39 of Block 6 of the Michigan Shores Subdivision.
3. **Village Residential District:** To minimize variable interpretation of the Official Zoning Map, it is the purpose of this subsection to clarify the boundaries of the Village Residential District are all of that part of the Village not otherwise included in the Lakefront Residential District or Public Lands District.

B. **Standards for Interpretation:** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, or the lack of sufficient clarifying provisions in subsection (A) above, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals upon written

application. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following roads shall be construed as following the right-of-way center lines of said roads or streets.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
4. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams or other bodies of water shall be construed to follow such threads.
5. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) Districts, the District that presents the more restrictive provisions shall govern. "More restrictive provisions" shall be generally defined as provisions that place comparatively greater restrictions on the intensity and/or density of authorized uses and development.
6. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

Section 4.5 Permitted Uses in Zoning Districts

A. Uses Permitted in Each Zoning District: Except as may otherwise be provided in this Ordinance, uses of any existing lot, building and structure or any lot, building, or structure established, including any addition, alteration, or relocation of a building or structure, shall comply with Table 4-2. Table 4-2 identifies principal land uses permitted in each District. No land use shall be established on a lot except in conformance with such Tables. In order to ensure all possible benefits and protection for the Districts in this Ordinance, the Table delineates whether a particular use permitted in a particular Zoning District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established.
2. Special Land Uses: Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures intended for the District, but could present potential injurious effects upon abutting land uses, the surrounding areas, or the Village as a whole, or are otherwise unique in character, and therefore require special consideration in their review. All such uses shall be subject to a public hearing. See Chapter 15.

B. Accessory Uses Permitted in Districts: Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 6.8 (Accessory Uses, Buildings, and Structures), Section 6.16 (Keeping of Animals), and Section 6.17 (Home Occupations).

C. Prohibited Uses: Any use of land not specifically permitted is prohibited unless:

1. the Zoning Board of Appeals is petitioned to make an interpretation of a use in question in accord with Chapter 8, and after an examination of the characteristics of such use, the Zoning Board of Appeals rules that such use is directly comparable to a specifically permitted use in Table 4-2. If the Zoning Board of Appeals finds no comparable use, it shall so state.
2. The Zoning Board of Appeals issues a use variance according to Chapter 8, after being so petitioned according to the Chapter's requirements.

Section 4.6 Site Development Requirements of Zoning Districts

A. All principal land uses shall comply with the site development requirements in Table 4-3, unless otherwise specified in this Ordinance. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance including, but not limited to:

1. Chapter 6: Supplemental Provisions
2. Chapter 10: Off-Street Parking and Loading
3. Chapter 11: Landscaping and Screening
4. Chapter 12: Environmental Protection

B. Variances from required site development standards may be granted by the Zoning Board of Appeals according to Chapter 8. Owners of nonconforming lots of record, structures, or uses should refer to Chapter 7.

C. No part of a setback area, yard, or other open space required around, adjacent to, or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot size and lot width.

E. No portion of one lot shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.

F. Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

Balance of Page Purposefully Blank

Table 4-1: PURPOSES of ZONING DISTRICTS

DISTRICTS	PURPOSE
All Districts	It is the purpose of all Districts to protect sensitive environmental resources which may be present on a development site, and that the District uses are adequately served by facilities and services including, but not necessarily limited to, sewage disposal, potable water, fire protection, and road infrastructure. All Districts are intended to support and be established in coordination with the Michiana Master Plan. Additional purposes of each District are delineated below.
VR Village Residential District	It is the purpose of the Village Residential District to provide opportunities for single family residential development patterns and lifestyles of a village character, based on lot size, setback, open space and other development regulations, which ensure a stable and sound residential environment and community character. To this end, this District prohibits uses that undermine the intended character of such residential area. Certain non-residential land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses.
LR Lakefront Residential District	It is the purpose of the Lakefront Residential District to provide opportunities for single family residential development patterns and lifestyles of a village character along the Lake Michigan shoreline, based on lot size, setback, open space and other development regulations that ensure a stable and sound residential environment and community character, including the preservation of the stability and integrity of the Village's shoreline and dunal features and compliance with all local, state and federal regulations regarding shoreline protection. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses.
PL Public Lands District	It is the purpose of the Public Lands District to recognize, accommodate and protect public resources in the Village. Such resources include public facilities associated with government administration such as the village hall, and public facilities associated with governmental services, such as fire stations and parks. These public resources provide vital facilities and services to the Village and its residents on a day-to-day and long term basis, and improve public health, safety and welfare. Such public resources also include public open spaces comprising special and important natural resources including shoreline and dunal areas, the protection of which is of great public interest to the Village of Michiana and the State of Michigan due to their environmental, recreational, visual, and historical character. This district is established to ensure the protection of and continued viability of such facilities, services, and resources, and that they not be altered except where it is determined that such alterations maintain or enhance their public good.

End of Table 4-1

Table 4-2: PERMITTED PRINCIPAL USES ¹

"BR" = Use Permitted by Right "S" = Special Land Use "..." = Prohibited Use

	PERMITTED PRINCIPAL USES	ZONING DISTRICTS		
		VR	LR	PL
1	Single family dwellings.	BR	BR	---
2	Day care, family home.	S	S	---
3	Family home adult foster care facility.	BR	BR	---
4	Conservation Area, Class 1	BR	BR	BR
5	Conservation Area, Class 2	S	S	S
6	Public facilities owned or operated by the Village of Michiana including, but not limited to: village hall; meeting rooms; offices of officials and staff; vehicle and equipment storage buildings; parks; communication towers; and police protection offices and facilities.	---	---	BR
7	Public facilities owned or operated by other than the Village of Michiana.	---	---	S

End of Table 4-2

**Table 4-3
Site Development Requirements for Principal Land Uses¹**

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Height	Minimum Floor Area Per Dwelling	Maximum Lot Coverage (LC)	Minimum Yard Setback		
						Front ^{3,7}	Each Side ³	Rear ³
VR	8,000 sq. ft.	80 ft.	30 ft. ⁶	1,200 sq. ft. ²	30% LC ⁵	20 ft. ^{3,7}	10 ft.	20 ft.
LR	8,000 sq. ft.	80 ft.	25 ft. ⁶	1,200 sq. ft. ²	30% LC ⁵	20 ft. ^{3,7}	10 ft.	See Footnote 4
PL	8,000 sq. ft.	80 ft.	30 ft. ⁶	Not Applicable	30% LC ⁵	20 ft. ^{3,7}	10 ft.	20 ft.

sq. ft. = square feet; ft. = feet

Footnotes for Table 4-3

1. All principal uses shall comply with the site development requirements in Table 4-3, unless otherwise specified in this Ordinance. In addition, all uses shall comply with all other site development regulations of this Ordinance.
2. The minimum floor area for a one-story dwelling shall be 1,200 sq.ft.
3. In the case of a corner lot, the minimum required yard setback for each yard along a road shall be equal to the required front yard setback. Of the remaining two yards, one yard shall comply with the minimum required side yard setback and the other yard shall comply with the minimum required rear yard setback.
4. The rear yard setback for a lot in the Lakefront Residential District shall be the imaginary straight line extending between the rear building corners of the dwellings most adjacent to each side lot line of said lot or, in the case where no such dwelling may exist, the setback of the nearest dwelling. However, in no case shall a structure or building be erected except in compliance with the critical dune and high risk erosion areas regulations of the State of Michigan.
5.
 - a. Maximum lot coverage shall not exceed 35% for lots of 5,000 sq. ft. or less.
 - b. In no case shall more than 30% of a Lot surface be covered by impervious surfaces such as but not limited to : wood or other decking: stone, brick, asphalt, concrete, gravel, landscape pavers, hard surface patios and outdoor areas irrespective of the width of the gap between bricks, pavers and stones, and similar component surfaces of such areas; and any modification of ground surface areas that generally impedes the normal growth of grasses, shrubs and trees, and roof overhang, except that this 30% standard shall not apply to handicap access ramps. Maximum lot coverage applies to, but is not limited to, principal and accessory structures and buildings. See Section 18 (definitions) for the definitions of "lot coverage" and "impervious surfaces".
6. The filling of land to increase the height of a dwelling is prohibited. The height of a building, according to this Ordinance's definition of 'building height', is measured according to the existing grade along the proposed building foundation prior to any construction, re-grading, clearing, or earthmoving. See Article 18 for "building height" definition.
7. The front yard setback shall be measured from the front lot line, which typically is the line separating the lot from the road right-of-way. See Chapter 18 for definition of "lot line, front".

End of Chapter 4

Chapter 5

(Reserved For Future Use)

Balance of Page/Chapter Blank

End of Chapter 5

Chapter 6 SUPPLEMENTAL PROVISIONS

Section 6.1 Purpose

It is the purpose of this Chapter to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all zoning districts unless otherwise indicated.

Section 6.2 Conditional Approvals

A. Conditions on Discretionary Decisions: Conditions may be attached to the approval of a site plan, special land use, variance or other discretionary approval, by the respective approval body designated in this Ordinance such as in the case of site plan and special land use approval by the Village Council and variance approval by the Zoning Board of Appeals. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.6.

Section 6.3 One Single-Family Dwelling to a Lot

No more than one (1) single family dwelling unit shall be established on a lot. This provision shall not prohibit the lawful division of an existing lot to create one (1) or more additional lots provided such additional lots comply with Village ordinances including the lot area, width and frontage standards of this Ordinance.

Section 6.4 Moving Buildings

No existing building or structure within or outside of the Village shall be relocated upon any lot within the Village unless the building or structure meets all provisions of this Ordinance and the Michigan Construction Code.

Section 6.5 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention hereof to exempt such essential services from the application of this Ordinance. For the purposes of this Section, essential services shall be interpreted as the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare. However, essential services shall not be interpreted to include communication towers, administration and office buildings, substations, structures which are enclosures or shelters for service equipment, maintenance depots, and above ground features of similar character, and such uses and structures shall not be exempt from the application of this Ordinance.

Section 6.6 Frontage and Access

A. Frontage/Access: All lots hereinafter created in the Village shall have frontage on a street and take their access from such frontage so as to provide safe, convenient vehicular access to all buildings on such lot, including for fire protection, other emergency vehicles, and any required off-street parking. No lot shall rely on a private easement for access to such lot. Such private easements for access, sometimes referred to as "private roads", are prohibited.

1. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Village, shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan (Sec. 3.4(B)) or site plan (Chapter 14). Driveways shall comply with the following standards:
 - a. Driveways shall be within ten (10) degrees of perpendicular to the abutting street, for a minimum distance of ten (10) feet from the street right-of-way.
 - b. No driveway shall serve more than one (1) single family dwelling unit unless specifically approved otherwise by the Village Council upon a finding that such shared driveway shall not undermine emergency access and adequate easement provisions are in place to ensure continued and free access by all parties including the continued maintenance of the driveway.

Section 6.7 Single Family Dwelling Standards

A. All single family detached dwellings shall comply with the following standards.

1. A single family dwelling shall have a minimum floor area as required by the District in which it is located, and be of such dimensions to accommodate a horizontal 22' by 22' imaginary square within the limits of the walls of such dwelling.
2. A single family dwelling shall comply in all respects with the Construction Code, including minimum heights for habitable rooms.
3. A single family dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the Construction Code for such dwelling. This subsection (3) shall not prohibit pillar construction where such construction is necessary to minimize environmental degradation in association with wetlands or slopes in excess of 15%.
4. A single family dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Berrien County Health Department.
5. A single family dwelling shall contain storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure similar to or of better quality than the principal dwelling, excluding any garage, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one-hundred (100) square feet, whichever shall be less.
6. A single family dwelling shall contain either a roof overhang of not less than twelve (12) inches on all sides or, alternatively, window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
7. The exterior of a single family dwelling shall be constructed of weather-resistant and non-glare materials. (See Section 18 for the definitions of non-glare) Such materials shall be designed to withstand exposure to normal year-round weather conditions, including sun, rain, snow, and wind, without revealing signs of damage or deterioration that periodic maintenance would not otherwise correct. No exterior materials shall be used that, upon completion of construction, exhibit the material's brand name, manufacturer's name, or related advertising or specifications, so as to be visible from the lot lines.
8. All subsequent additions to a dwelling shall be of similar or better quality workmanship as the original structure, including construction of a foundation as required herein.
9. All construction required for a single family dwelling shall be commenced only after a building permit has been obtained in accordance with the applicable Construction Code provisions and requirements.

Section 6.8 Accessory Uses, Buildings, and Structures

A. Scope:

1. Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section in addition to pre-manufactured storage sheds and other similar portable storage enclosures.
2. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the Chapter 18 definitions of "accessory building" and "accessory use."
3. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor. However, a garage, irrespective of whether it is structurally attached to the principal building, shall be considered an accessory building.

B. Permit Required: No accessory building or structure shall be erected prior to the issuance of a zoning compliance permit and any necessary Building Permit for such structure or building, including fences.

Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan (Sec. 3.4(B)) or site plan (Chapter 14), depending upon the nature of the principal use of the lot and pursuant to Section 14.2.

C. Placement/Setbacks:

1. No accessory building or structure shall be located in a front yard except as follows:
 - a. A lot that has frontage along Lake Michigan may include accessory buildings or structures in the front yard provided they comply with the front yard setback for the dwelling.
 - b. A trash bin of no greater than five (5) feet in length and width and four (4) feet in height may be stored in a front yard provided it complies with the front yard setback for the dwelling.
2. Accessory buildings and structures shall comply with the District setbacks applicable to the principal building, according to Table 4-3. Such setbacks shall apply to raised decks, patios and terraces, where any portion of such floor or ground surface is raised in excess of six (6) inches above the surrounding grade.
3. In no case shall an accessory building or structure be located so as to interfere with the proper functioning and maintenance of utilities, including existing and proposed back-up septic drain fields.
4. See also Section 12.5 regarding setbacks from White Creek.

D. Height: Accessory buildings shall not exceed twenty-four (24) feet in height.

E. Area and Lot Coverage: Residential accessory structures and buildings shall not occupy more than a total cumulative area of thirty percent 30% of the yard in which they are located. However, in no case shall accessory buildings, individually and collectively in all yards, excluding attached garages, exceed the lesser of a total floor area of 1,000 sq. ft. or the first floor square footage of the dwelling, and in no case shall an accessory building or structure be erected that results in noncompliance with the lot coverage standards of Table 4-3 of Section 4.6 including both attached and detached garages.

F. Habitation of Accessory Structures: No accessory building or structure shall be used or occupied as a dwelling. This provision shall not prohibit sleeping accommodations above a detached garage as an accessory use to the dwelling on the lot, but in no case shall such accommodations include kitchen facilities or appliances such as a convection or microwave stove, refrigerator, or freezer, nor shall such accommodations be used by other than members of the family residing in the dwelling on the lot.

G. Prior to a Principal Structure: No accessory building or structure shall be erected on a lot prior to the establishment of a principal building unless the necessary approvals and permits have been issued for both, and the foundation of each, whether poured concrete or otherwise, is undertaken simultaneously. No construction of an accessory building shall extend above its foundation prior to the completion of the foundation for the principal building.

Section 6.9 Prohibition of Recreational Vehicles as Dwellings

In no case shall a trailer, motor home, or other recreational vehicle be considered or used for a dwelling.

Section 6.10 Temporary Buildings and Structures

Temporary buildings and structures are prohibited except in the case of a field office and tool shed associated with a new construction project located on the same lot of such construction project, provided such temporary buildings are removed within seven (7) days of the issuance of a certificate of occupancy but in no case shall such buildings be located on the lot for more than six (6) months.

Section 6.11 Residential Fences and Walls

- A. Residential fences and walls shall comply with the following standards:**
1. No fence or wall shall be erected in a front yard.
 2. No fence or wall exceeding four (4) feet in height shall be erected in a side or rear yard.
 3. In the case where a proposed fence is within twenty (20) feet of a dwelling on an abutting lot, the finished side of a fence shall face the abutting lot.
 4. Fences and walls with barbs, spikes, nails, or other sharp or electrified devices are prohibited.

Section 6.12 Swimming Pools

A. Permit/Application: No outdoor swimming pool shall be erected prior to the issuance of a zoning compliance certificate from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning compliance certificate shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a plot plan (Section 3.4(B)) that identifies the location of the pool, adjacent buildings, fencing, and gates.

B. Location and Setbacks

1. No pool or pool fencing shall be located in a front yard.

2. No pool shall be located under a service drop conductor or other utility wires.
3. Pools shall comply with the minimum required side and rear yard setbacks for dwellings in the district, but in no case shall a pool in the Lakefront Residential District extend more than twenty-five (25) feet lakeward from the nearest point of the dwelling to the lake.

C. Fencing: All swimming pools shall be completely enclosed by wood, chain link, or masonry fence, of not less than four (4) feet in height nor more than six (6) feet in height. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced. All openings in any such fence shall be equipped with a self-closing, self-latching gate.

D. Building and Health Codes: All swimming pools and fencing shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of the State of Michigan.

Section 6.13 Condominium Subdivisions

Condominium shall not be permitted to be built or operated in any of the Village's Zoning Districts.

Section 6.14 Lighting

No exterior lighting shall be erected except in conformance with the Village of Michiana light ordinance, Ordinance No. 46, and any subsequent regulations addressing the same.

Section 6.15 Vibration

Operating any devices that create vibrations that are typically discernible by human senses at or beyond the lot of the source shall be prohibited. Pile driving is prohibited. All piling shall be drilled and poured in place. For the purposes of this Section, "typically discernible by human senses" means vibrations, motion of such character to cause a typical person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

Section 6.16 Home Occupations

A. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of property in the Village, in terms of use and appearance, to be changed by the occurrence of non-residential activities associated with such occupation. A home occupation, as defined in Chapter 18, may be established as an accessory use in a dwelling only and no zoning compliance certificate shall be necessary. Such activity shall comply with the following standards and regulations:

1. All aspects of the occupation shall be carried on inside of the dwelling.
2. The home occupation shall not occupy an area greater than twenty percent (20%) of the floor area of the dwelling.
3. Traffic generated by a home occupation shall not be greater in volume than is normally associated with a single family dwelling. Any need for parking generated by the home occupation shall be met off the street, and other than in the required front yard setback for the dwelling although motor vehicles may be parked in an existing driveway if it is of sufficient size.
4. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and the surrounding yard areas.
5. There shall be no external or internal alterations that are not customary in residential areas, and there shall be no evidence of the home occupation outside of the dwelling including storage areas for supplies, trash, or other waste materials, or noise, odors, vibration, fumes or other conditions detectable by normal sensory perception.
6. The home occupation shall employ no persons on the premises during the ordinary course of business, except residents of the dwelling on the premises.
7. There shall be no display or sale of goods on the premises except as may be prepared within the dwelling or is provided as incidental to the service or profession conducted within. A retail showroom, sales area, outlet, or similar facility is prohibited.
8. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials or waste in excess of quantities normally customary and incidental to a single family dwelling and lot. No equipment or process shall be used which creates interference in any radio, television, telephone, or other communication devices off the premises including interruptions or interference of normal computer operations in nearby households, or cause fluctuations in line voltage off the premises.

Section 6.17 Clean up and Property Damage Deposit

The owner/contractor shall deposit with the Village Treasurer a monetary deposit in an amount to

be determined by the Village Council to cover damage/repair or clean up costs required to be made on public property. The balance of such monies to be returned after a Certificate of Occupancy has been issued. No Certificate of Occupancy shall be issued until full restoration of the damage to public property has been made to the satisfaction of the Village Council.

Section 6.18 Clean up of Streets

All streets shall be cleaned of dirt and debris at the close of each work day when such materials were due to the Contractor's activities.

Section 6.19 Tear Down Structures and Buildings

Tear Down buildings or structures shall be placed on the same foot print as the removed structure unless approved by the Village Council for a larger foot print.

Balance of Page Purposefully Blank

End of Chapter 6

Chapter 7 NONCONFORMING LOTS, USES and STRUCTURES

Section 7.1 Purpose

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Chapter to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Chapter.

Section 7.2 Nonconforming Lots

A. Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot of record in existence at or before the effective date of the adoption if this Ordinance by the Village Council where such use is an authorized use by right in said District according to Chapter 4, even though such lot fails to meet the requirements for area, width, and/or frontage that are generally applicable in the district. However, all yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the district in which such lot is located unless a variance is obtained through approval of the Zoning Board of Appeals.

1. If two or more lots of record in existence at or before the effective date of the adoption of this Ordinance by the Village Council, or combinations of lots or parcels, with continuous frontage and sharing one or more common boundaries, were in single ownership of record on August 26, 1992, and if all or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or divided in a manner which diminishes compliance with the lot area, lot width and lot frontage requirements established by this Ordinance.

Section 7.3 Nonconforming Uses

A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming use shall be enlarged or increased in area or bulk, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. However, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. Irrespective of other requirements of this Chapter, if no structural alterations are made, any nonconforming use of a structure and lot may be changed to another nonconforming use of less nonconformance, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the District than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose of this Ordinance. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.
5. Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such use is located, and the nonconforming use may not thereafter be resumed.
6. If a nonconforming use of a lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such lot shall thereafter conform to the regulations and provisions of this Ordinance for the District in which such lot is located.

Section 7.4 Nonconforming Structures

A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, setbacks, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity.

For clarification purposes and by example only, an increase in the height or bulk/cubic content of that portion of a building which encroaches into a required setback, and is therefore nonconforming, constitutes an increase in nonconformity.

2. Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located, except as provided in (a) below. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator shall seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
 - a. Nothing in this subsection shall prohibit the replacement of a nonconforming structure on the same foundation provided the nonconforming aspect of the nonconforming structure does not exceed twenty percent (20%) of the required standard, such as the standard for setback, height, and lot coverage. For clarification and by example only, a structure encroaching five (5) feet into a required ten (10) foot side yard setback, if destroyed, could be replaced on the same foundation provided the encroachment was reduced to two feet (20% of 10'). This subsection shall not be interpreted as prohibiting the repair and replacement of a nonconforming swimming pool to its same nonconformity prior to such repair or replacement, nor shall it be interpreted as authorizing any increase in nonconformity by any repair or replacement structure. See (A)(1) above.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable District regulations.

Section 7.5 Repairs and Maintenance

A. Nonconforming Structure: A nonconforming structure may be maintained and repaired, provided such repair and maintenance does not have the effect of increasing its nonconformity.

B. Nonconforming Use: On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the then building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

C. Unsafe Building: Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 7.6 District Changes

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District of another classification, the provisions of this Chapter shall also apply to any existing lots, uses and structures that become nonconforming as a result of the boundary changes.

Section 7.7 Illegal Nonconformities

Nonconforming lots, uses and structures existing at the effective date of this Ordinance or amendment thereto, that were established without approval of zoning compliance or without a valid building permit, or those nonconforming lots, uses and structures that cannot be proved conclusively as existing prior to the effective date of this Ordinance or amendment thereto, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses by this Chapter.

End of Chapter 7

Chapter 8 ZONING BOARD of APPEALS (ZBA)

Section 8.1 Purpose

The purpose of this Chapter is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved.

Section 8.2 Creation and Membership

A. The Zoning Board of Appeals shall consist solely of the members of the Village Council and they shall sit as the Zoning Board of Appeal members for their respective entire terms of office as members of the Village Council.

Section 8.3 Organization

A. **Rules of Procedure and Officers:** The ZBA may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

B. **Meetings and Quorum:** Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the total regular membership of the ZBA shall comprise a quorum. The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

C. **Oaths and Witnesses:** The chairperson or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

D. **Records:** The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Village Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions.

Section 8.4 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance.

Section 8.5 Appeals for Administrative Reviews

A. **Authority:** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official from whom the appeal is taken. However, in no case shall the ZBA hear an appeal of a special land use decision.

B. **Standards:** The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based upon an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
5. did not follow required procedures.

C. **Application Requirements:** A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. See Section 3.8 regarding application fees.

D. **Record of Facts / Transmission of Record:** Upon receipt of an application, the officer or body from whom the appeal is taken shall transmit to the ZBA all papers constituting the record upon which the action

appealed from was taken. In hearing and deciding appeals under this subsection, the ZBA's review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official or body from whom the appeal is taken.

Section 8.6 Interpretations

A. Authority: The ZBA shall hear and decide upon requests to:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the ZBA shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Chapter in which the language in question is contained, and all other relevant provisions in the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts (*see Chapter 4*).
3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the ZBA shall so declare, the effect being that use is not permitted in the Village until or unless the text of the Ordinance is amended to permit it.

B. Consultation: Prior to deciding a request for an interpretation, the ZBA may confer with Village staff and consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. Such consultations, when in the presence of a quorum of the ZBA, shall comply with the Open Meetings Act.

C. Application Requirements: A written application for an interpretation shall be completed and filed with the Village Clerk on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. See Section 3.8 regarding application fees.

Section 8.7 Variances

A. Authority: The ZBA shall have the power to authorize specific variances from specific site development requirements contained in this Ordinance, such as lot area and width requirements, building height and bulk requirements, setback requirements, yard width and depth requirements, off-street parking and loading space requirements, and sign requirements, and from use of land requirements.

B. Standards:

1. Required Findings for Non-Use Variance (Dimensional Variance): The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.
 - a. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances, such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - b. That the practical difficulty or special condition or circumstance does not result from actions of the applicant.
 - c. That the variance will relate only to property described in the variance application.
 - d. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
 - e. That strict compliance with site development standards such as lot area, setbacks, frontage, height, and parking spaces would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - f. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulties.
2. Required Findings for Use Variance: The ZBA shall have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses of land provided that all the required findings listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.
 - a. Applicant's property cannot be used for the purposes permitted in the zoning district.
 - b. Applicant's plight is due to unique circumstances peculiar to the property and not to general neighborhood or surrounding conditions.
 - c. Applicant's proposed use would not negatively impact or alter the essential character of the area.
 - d. Applicant's plight has not been self-created.

C. Application Requirements: Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, or similar drawing that adequately illustrates the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may choose to submit to demonstrate conformance with the standards of subsection (B) above.

Section 8.8 Procedures

A. Application: Written application to the ZBA shall be completed and filed with the Village Clerk on forms established for that purpose.

B. Stay/Record of Facts/Transmission of Record: An appeal for an administrative review filed under Section 8.5 stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the board of appeals or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown. Upon receipt of an application for an administrative appeal, the officer or body from whom the appeal is taken shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken.

C. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 3.11. See Sec. 3.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.

D. Decision: The Zoning Board of Appeals shall have up to sixty (60) days to review a variance request before making a recommendation to the Village Council. The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a non-use or dimensional variance, to make an interpretation of the Ordinance, to reverse, affirm or modify an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance except that a minimum two-thirds (2/3) vote of the ZBA membership is necessary to grant a use variance. The ZBA shall state the grounds for each decision and such grounds shall be placed in the record.

1. **Interpretations:** A decision providing an interpretation may be accompanied by a recommendation to the Planning Commission for consideration of an amendment of the Ordinance.
2. **Administrative Appeals:** In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official or body from whom the appeal is taken.
3. **Variances:**
 - a. In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Section 6.2 regarding conditional approvals.
 - b. A variance shall become null and void unless the construction authorized by such variance has been commenced within six (6) months after the granting of the variance; and the occupancy or use of the land, structure, and/or building for which the variance was granted has taken place within one (1) year after the granting of the variance. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
 - c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, in the discretion of the ZBA.

Section 8.9 Review by Circuit Court

A. Circuit Court Review: The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof both on the facts and the law, in the circuit court. The filing of an appeal to the circuit court shall be filed within 30 days after the ZBA certifies its decision in writing or approves the minutes of its decision. The circuit court shall review the record and decision of the

ZBA to ensure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the ZBA.

End of Chapter 8

Chapter 9

(Reserved For Future Use)

Balance of Page/Chapter Purposefully Blank

End of Chapter 9

Chapter 10 OFF-STREET PARKING and LOADING

Section 10.1 Purpose

It is the purpose of this Chapter to establish standards and requirements to ensure that parking spaces shall be adequately provided and maintained by each property owner in every zoning district for the off-street parking of motor vehicles, to prevent undue interference and hazards to the public. (See Chapter 18 for the definitions of Off-Street Parking and On-Street Parking)

Section 10.2 Single Family Dwellings

A single family dwelling shall be provided with a minimum of two (2) off-street parking spaces on the same lot as the dwelling.

Section 10.3 Non-Residential Uses

A. **Design:** All off-street parking areas for non-residential uses shall be designed, constructed and maintained in accordance with the following standards and requirements.

1. **Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles. Paved parking spaces shall be marked with striping.
2. **Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns.
3. **Surface:** Off-street parking areas shall be of a gravel or paved surface. The site plan approval body may require such areas to be paved with concrete, bituminous asphalt or similar material in the case where it is determined that the amount or type of vehicular traffic warrants such surfacing to minimize noise or dust nuisances or insure safe pedestrian or emergency vehicle access.
4. **Drainage:** All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and public streets.
5. **Location/Setback:**
 - a. Off-street parking areas and access drives shall comply with the required yard setbacks for principal buildings in the respective district.
 - b. Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang.
6. **Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing, storage, selling or any other activity shall be conducted in an off-street parking area.
7. **Parking Spaces and Maneuvering Lanes:** Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. The layout of off-street parking areas shall comply with the following minimum standards:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	11 ft.	18 ft.	9 ft.	23 ft.
30° to 53°	13 ft.	22 ft.	9 ft.	20 ft.
54° to 74°	14 ft.	22 ft.	9 ft.	20 ft.
75° to 90°	15 ft.	23 ft.	9 ft.	20 ft.

- a. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if adjacent to landscaping, or adjoining a sidewalk at least seven (7) feet wide.
8. **Landscaping and Screening:** See Chapter 11.
9. **Required Number of Spaces:** The number of off-street parking spaces required for a non-residential use, that shall be located on the same lot, shall be within the range of suggested spaces as published from time to time by the American Planning Association, Institute of Transportation Engineers, or other nationally recognized association, and based upon the particular operational characteristics of the use in question.
 - a. **Exceptions:** The designated site plan review body may waive a portion or all of the number of required off-street parking spaces for a non-residential use upon, after review, it finds the following conditions to be true:
 - 1) There are adequate public parking facilities nearby to accommodate the increased parking demand, including on-street parking.

- 2) The waiving of the off-street parking requirements will not result in a visible increase in the use of nearby residential neighborhoods for off-street parking purposes.
 - 3) The waiving of the off-street parking requirements will not result in a visible increase in traffic congestion or traffic hazards.
 - 4) Significant practical limitations exist that effectively prohibit providing the required parking spaces on the development site.
- b. **Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking spaces shall be provided and maintained in the proper ratio to the increased floor area or capacity.
 - c. **Decrease in Parking Areas:** No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the number required unless additional parking area or space is provided sufficient to meet the requirements of this Chapter.

Section 10.4 Loading and Unloading Spaces

There shall be provided adequate space and circulation for standing, loading, and unloading services where the operational characteristics of a non-residential use necessitate such services. Such service areas shall be located and screened to minimize visual and other nuisances upon adjacent land uses.

End of Chapter 10

Chapter 11 LANDSCAPING and SCREENING

Section 11.1 Purpose

It is the purpose of this Chapter is to establish standards and requirements to assure adequate provisions are made for landscaping and screening of non-residential uses so that such uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between differing uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole and its residential and non-residential areas.

Section 11.2 Application

The requirements of this Chapter shall apply to those uses for which site plan approval is required under Chapter 14, Site Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth in this Chapter. No site plan that provides for the removal of one (1) or more protected trees under the Village's tree preservation Ordinance #2004-006, shall be approved prior to the Tree Inspector's approval of such tree removals according to Ordinance 2004-006. This Chapter shall not apply to single family dwellings.

Section 11.3 Landscape Plan Required

A. A detailed landscape plan is required to be submitted as part of a site plan (see Chapter 14). The plan shall be prepared at a minimum scale of 1" = 20' and shall identify all buffer areas (see Sections 11.4 and 11.5). The landscape plan shall include, but not necessarily be limited to, the clear delineation of the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Chapter.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours.
4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Identification of existing trees and vegetative cover to be preserved and those areas of trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

Section 11.4 Buffer Areas

A. **Side and Rear Yard Buffer Areas:** A minimum ten (10) foot wide buffer area for screening and landscaping shall be established along all side and rear lot lines. The buffer area shall not be used for storage or used in any other manner except for screening and landscaping purposes. The buffer area shall consist of tree and shrub plantings, and shall include a fence, wall and/or berm where determined necessary by the site plan approving body to effectively mitigate the impacts for which the screening is deemed desirable. In no case shall tree plantings be spaced less than an average distance of fifty (50) feet apart, and shrub plantings less than an average distance of thirty (30) feet apart, though such plantings need not be evenly spaced. At the time of their planting, evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.

B. **Front Yard Buffer Areas:** A minimum ten (10) foot wide buffer area along the front lot line shall be established and landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 11.4(A) above for each fifty (50) lineal feet, or portion thereof, of frontage adjoining the street right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

Section 11.5 Parking Lot Landscaping and Screening

A. Tree Plantings: There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every six (6) parking spaces or fifty (50) linear feet of parking lot edge, whichever is greater. Such trees shall be located within parking islands or within five (5) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.

B Screening: In addition to (A) above, and where a parking lot contains six (6) or more parking spaces, a vegetative screen shall be installed to screen views to the parking area. All shrub materials shall be such height and spacing to effectively screen a minimum of fifty percent (50%) of the parking lot border, to a minimum height of three (3) feet within two (2) years of their planting, based on reasonably anticipated growth patterns.

Section 11.6 Minimum Standards of Landscape Elements

A. Quality and Composition: Plant material and grasses shall be of generally acceptable varieties and species, be comprised predominantly of species indigenous to the Michiana area, be free of insects and diseases, and conform to the most current standards of the American Association of Nurserymen. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as box elder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the site plan approving body. A mixture of plant species shall be required as a protective measure against insect and disease infestation.

B. Existing Trees to Remain: If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material, shall be indicated on the site plan. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the site plan approving body, the applicant shall replace them with trees of similar approximate size unless the site plan approving body determines that, due to practical limitations, replacement shall be based on the use of multiple trees of less size.

Section 11.7 Installation, Maintenance and Completion

All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the site plan approving body that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound professional manner and according to recommended good planting and grading procedures. All plant material shall be maintained in a healthy condition, and free of refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Section 11.8 Fencing and Walls Construction

All required fencing and walls shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character, and be of such height to adequately mitigate the impacts for which the screening is deemed desirable. Site plans shall include all necessary construction details to illustrate compliance with this requirement. No fence or wall shall exceed six (6) feet in height unless expressly authorized as part of an approved site plan.

Section 11.9 Waivers and Modifications

Any of the requirements of this Chapter may be modified through site plan review proceedings, provided the approving body first makes a finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.

End of Chapter 11

Chapter 12 ENVIRONMENTAL PROTECTION

Section 12.1 Purpose

It is the purpose of this Chapter to promote a healthy environment in Village of Michiana as it relates to the Village's natural resources, sensitive ecosystems, and the appropriateness and feasibility of development within; and the integrity of the Village's land, water, and air. All provisions of this Chapter apply to all structures, buildings and uses unless otherwise noted.

Section 12.2 High Risk Erosion Areas

No building permit shall be issued for any use authorized by this Zoning Ordinance in a High Risk Erosion Area, as defined and classified by the Michigan Department of Environmental Quality (MDEQ), except upon the submittal of a permit issued by such Department for such use and the specific approved alterations to the lot, and compliance with all provisions of this Zoning Ordinance. No zoning compliance certificate or building permit shall be issued prior to the receipt of written evidence of the Department's approval of such proposed alterations.

Section 12.3 Critical Dune Areas

No building permit shall be issued for any use authorized by this Zoning Ordinance in a Critical Dune area, as defined and classified by the Michigan Department of Environmental Quality, except upon the submittal of a permit issued by such Department for such use and the specific approved alterations to the lot, and compliance with all provisions of this Zoning Ordinance. No zoning compliance certificate or building permit shall be issued prior to the receipt of written evidence of the Department's approval of such proposed alterations.

Section 12.4 Flood Plain Areas

No building permit shall be issued for any use authorized by this Zoning Ordinance that would be contrary to the Village of Michiana flood hazards area ordinance, Ordinance No. 30.001, and any subsequent or additional local regulations addressing the same. No zoning compliance certificate or building permit shall be issued prior to the receipt of written evidence of the Department's approval of such proposed alterations.

Section 12.5 White Creek

No structure or building shall be erected or expanded upon within fifty (50) feet of the central thread of White Creek except upon the issuance of a permit by the Zoning Administrator. The Zoning Administrator shall not issue such a permit unless the Zoning Board of Appeals finds that such limitation results in a practical difficulty in the reasonable use of the lot, that no feasible alternatives exists, and the proposed location and extent of alteration of the existing landscape is the least intrusive reasonable alternative.

Section 12.6 Removal of Trees

The cutting or removal of any tree shall comply with the Village of Michiana tree preservation ordinance, #2004-006, and any subsequent regulations addressing the same.

Section 12.7 Discharges and Flammable/Hazardous Materials

A. Dust, Fumes, or Noxious, Odorous Matter: No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line except in association with customary household activities, such as the use of a wood-burning fireplace.

B. Atmospheric Discharge: Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall not be approved except upon the submittal of evidence of such permit except where otherwise required by law.

C. Contamination: It shall be unlawful to discharge any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.

D. Storage: The storage of fuels or other flammable liquids, or toxic or hazardous substances, is prohibited except where of a type and quantity associated with customary household activities, such as fertilizers and the use of fuel for vehicles and landscape maintenance tools. Such storage shall comply with local, county, state, and federal regulations.

E. Explosive Materials: The storage of explosive materials shall comply with the Village of Michiana combustibles/explosives ordinance, Ordinance No. 1990-006, and any subsequent or additional local regulations addressing the same.

Section 12.8 Grading and Drainage

The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and are managed in a manner that avoids alterations to drainage patterns of adjacent properties, the erosion or filling of a roadside ditch, the creation of standing water over a sewage disposal drainage field, or causes hazardous or nuisance conditions along public streets. No grading or excavation shall be initiated until the Zoning Administrator has issued a zoning compliance certificate that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings associated with such grading or excavation comply with the Village's Construction Code through the issuance of a Building Permit. Impervious surface driveways such as asphalt, concrete, gravel, brick, and stone, in excess of 5% slope, shall incorporate design measures to be illustrated on the plot plan, that demonstrate the manner in which driveway runoff will not cause ponding, flooding, or erosion along the intersecting road. Such measures may include, but are not limited to, banked driveways or storm drains directing runoff to yard areas. See Section 3.2. See Section 18 for the definition of impervious surfaces.

Section 12.9 Garbage

All storage of garbage shall comply with the Village of Michiana garbage/refuse ordinance, Ordinance No. 25, and any subsequent regulations addressing the same.

Section 12.10 Potable Water and Sewage Disposal

Any building intended for human occupancy, and used for dwelling, recreational, institutional or other non-residential purposes where so authorized by this Ordinance, shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a potable water supply and sewage disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Berrien County Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 12.11 Compliance with Local, County, State, and Federal Regulations

All land uses and construction activities shall conform with the provisions of this Ordinance and all county, state and federal regulations including, but not limited to the requirements of the Berrien County Health Department applicable to sewage disposal and potable water; the requirements of the Michigan Department of Environmental Quality applicable to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal; and all local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.

Section 12.12 Pile Heights of Materials

No excavated materials or outside fill materials may be stored on site in piles higher than 8' from the lowest existing grade on which such pile shall sit and such piles shall be covered over night.

End of Chapter 12

CHAPTER 13

(Reserved For Future Use)

Balance of Page/Chapter Blank

End of Chapter 13

CHAPTER 14

SITE PLAN REVIEW

Section 14.1 Purpose

It is the purpose of this Chapter to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this Ordinance. These requirements are incorporated into the zoning compliance certification application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this Ordinance. This Chapter establishes a review process that requires the application materials to be subject to Planning Commission review and final action by the Village Council after receiving a recommendation from the Planning Commission.

Section 14.2 Site Plan Approval Required

A. Uses Requiring Site Plan Approval: Site plan approval is required by the Village Council prior to the Zoning Administrator's issuance of a zoning compliance certificate for all authorized uses except single family dwellings and accessory uses and structures thereto, including all special land uses. See Sec. 3.4(B) regarding plot plan review for single family dwellings.

B. Number of Required Site Plans: Two site plans are required at the scale of 1"=20'. The first site plan shall show existing property corners, existing elevation contours clearly for the entire lot marked at 1" intervals, and the location of any and all existing structures located from property corners and property lines. The second site plan shall show existing and proposed contours at 1' contour intervals, and any and all proposed structures located from property corners and property lines. All proposed structures and accessories shall be fully dimensioned. The proposed site plan shall clearly show the calculations of Lot Coverage as per Table 4-3 and the area of the total Lot in square footage.

Section 14.3 Review Procedures

A. Preliminary Site Plan Required: Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant shall seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (B) – (E) below and including determination of application completeness and the Village Council taking final action on the preliminary site plan.

1. The preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 14.3(B), except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the submitted information shall adequately portray the feasibility of critical components of the project such as, but not limited to, storm water management, grading, vehicular circulation, lot areas and arrangements, signage, and landscaping. Preliminary site plans shall be evaluated according to the level of information required at the preliminary site plan level. A preliminary site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Village planning documents, other applicable ordinances, and state and federal statutes.
2. Approval of the preliminary site plan is valid for a period of one (1) year. If complete final site plans for the development, or any phase of the development, has not been submitted during this period, the approval of the preliminary site plans shall be null and void. This time limit may be extended by the Village Council upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plans shall not undergo review or action except upon a wholly new application according to Section 14.3.

B. Final Site Plan Application Submittal, Distribution and Data: Twenty (20) copies of a final site plan application shall be submitted to the Village Clerk. The application shall consist of a form available from the Village Clerk, and the final site plans. Upon receipt of the application materials, the Village Clerk shall record the date of their receipt and transmit copies to the Village Council, and other agencies or individuals selected to review such plans including but not necessarily limited to Village departments and staff, consultants, and the Berrien County Drain Commissioner. The Village Clerk shall request all reviewing agencies to respond within twenty (20) business days of receipt of the materials. The site plans shall be provided on a professional quality drawing of scale not less than 1" = 20' and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The site plan shall present all necessary information

in a clear and comprehensible fashion and be of such clarity and detail to permit the satisfactory construction of the project, if approved, to ensure the public health, safety and welfare. Final site plans shall include, at a minimum, the following except where the Village Council determines, upon a request by the applicant, that the waiving of specific submittal items identified below due to the particular character of proposed development or site or surrounding conditions, shall not undermine officials' ability to effectively evaluate the extent to which the site plan complies with the standards of this Ordinance, and protect the public health, safety and welfare:

1. The site plan shall include the applicant's full name, address and phone number, and the name and address of the person and firm who prepared the plan and the date on which each drawing contained within was prepared or last revised.
2. A vicinity plan showing the location of the site in relation to the surrounding road system for a minimum distance of three hundred (300) feet in all directions. The vicinity plan, or other component of the site plan materials, shall also identify the existing zoning classification and current use of all properties within three hundred (300) feet in every direction of the proposed use, including land uses on the opposite side of any road. The vicinity plan shall be at a scale of 1"=20'.
3. A property line survey, correlated with a legal description, showing property line dimensions and bearings, lot area, graphic scale, and a north arrow.
4. Existing uses, buildings, structures, roads, and all other existing site improvements, with a designation as to which are to be retained, removed, or otherwise altered.
5. Existing natural features on and within three-hundred (300) feet of the site including woodlands; wetlands; drainage courses, water bodies, and 100-year flood plain areas; state-regulated critical dune and high risk erosion areas; topography at no greater than two-foot contour intervals; and soils by type and drainage features according to the Berrien County Soil Survey or well logs. The location of all trees of ten inches (10") or greater in diameter, measured at five feet (5') above ground surface, shall be clearly identified by size and type.
6. Required front, side and rear yard setbacks for principal buildings in the district.
7. Proposed uses, buildings, structures, and lots, including a project description that addresses the intended use of the property and each building proposed, the total number of dwelling units, total and usable floor area of each building, carports or garages, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
8. Proposed public right-of-ways, private easements, and deed restrictions.
9. Proposed roads, drives, and alleys (including widths, cross-sections and profiles); acceleration, deceleration and turn lanes; driveways, parking spaces, and parking aisles, with an indication of the total number of spaces and typical space and aisle/driveway dimensions, the direction of travel, and the inside radii of all curves including driveway curb returns; and sidewalks and other non-motorized travel ways. Proposed traffic control measures (including signs) shall also be indicated.
10. Source and location of all public and private utilities including potable water, sewage disposal, and electrical and communication lines, and the necessary easements that exist or are proposed to be established for installation, repair and maintenance of such utilities.
11. Proposed accessory buildings and structures including trash receptacles and enclosures, signs, and lighting.
12. A graphic illustration of the location and extent to which natural features on the site shall be disturbed or otherwise cleared including those under subsection (5) above.
13. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening in compliance with the requirements of Chapter 11.
14. A grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final grades. Such plans shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
15. The location and specifications for any existing or proposed above or below ground storage facilities for any toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
16. Elevation drawings of all buildings.
17. A statement from the applicant identifying all other federal, state and local permits required, if any.
18. Project completion schedule.

19. Such other information as is necessary to enable the Village Council to determine whether the proposed site plans shall conform to the provisions of this Ordinance.

C. Review for Completeness: Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Planning Commission shall delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies.

D. Planning Commission Recommendation on Final Site Plan: Upon receipt of a complete application, the Village Council shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Village Council shall deny, approve, or conditionally approve the final site plan as pertain to requirements and standards contained in this Ordinance, including the standards of Section 14.4.

E. Village Council Action on Final Site Plans: The Village Council shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Village Council shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. Site plans shall be approved if they contain the information required by, and are in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Village planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Village Council for approval shall be stated in writing, together with the reasons, and delivered to the applicant (See Sec. 6.2 regarding conditional approvals). The Village Council may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of such an extent or character that a fully revised plan is necessary before an approval action can be granted.

1. **Issuance of Compliance Certificate:** Upon approval or conditional approval of the site plans by the Village Council, and upon all other approvals as may be required by this Ordinance, such as in the case of a special land use, the Zoning Administrator shall issue a compliance certificate authorizing the use and construction subject to the approved application.
2. **Building Permit Required:** Upon issuance of a compliance certificate, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

F. Approved Site Plans: Five (5) copies of the approved site plans, with any conditions contained within, shall be maintained as part of the Village records for future review and enforcement. One (1) copy of the site plan shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Village Council President and Zoning Administrator, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Village records as a part of the site plan.

G. As-Built Drawings: The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a certificate of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including utility services.

Section 14.4 Site Plan Approval Standards

A. Specific Site Development Standards: Each preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, heights, permitted uses, nonconformities, signage, off-street parking and loading, landscaping and screening, lighting, potable water and sewage disposal, and standards specific to special land uses.

B. General Site Plan Approval Standards: In addition to compliance with the standards of subsection (A) above, all site plans shall comply with the following general site plan approval standards:

1. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to the size and type of lot, the character of adjoining property and the type and size of buildings.
2. The site shall be so developed as not to impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in this Ordinance, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking.
3. The environmental character of the site shall be preserved in its natural state, insofar as practical, by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands.
4. The removal of storm water shall ensure the public health, safety and welfare of the users of the site and shall not adversely affect adjoining properties, the capacity of public or natural drainage ways, nor increase the rate of discharge to such drainage ways; shall rely on existing drainage patterns where feasible, and minimize topographic alterations; and shall incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and nearby water courses.

5. All buildings shall be so arranged as to permit emergency access by some practical means to all sides.
6. Provisions for vehicular and pedestrian circulation and parking shall ensure safe and efficient travel and minimize negative impacts upon abutting properties and the existing and planned road system and traffic patterns in the general area, including congestion at access and egress points.
7. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Underground facilities shall be provided to the greatest extent feasible.
8. Site plans shall conform to all applicable Village planning documents including the goals and objectives of the Village of Michiana Master Plan, other applicable ordinances, and state and federal statutes.

Section 14.5 Conformity to Approved Site Plans

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved compliance certificate may be subject to revocation by the Zoning Administrator pursuant to Section 3.4(C).

Section 14.6 Changes to Approved Site Plans

A. **Site Plan Changes:** No changes shall be made to approved site plans prior to, during, or after construction except according to the following procedures:

1. **Major Changes:** Major changes to approved site plans shall include changes in excess of five (5) feet in the location of vehicular circulation ways and parking areas, or exterior building walls; the number or location of accesses to public streets and alleys; a reduction in the number of parking spaces or an increase of more than four (4) parking spaces; an increase in the gross floor area or heights of buildings or number of dwelling units; a reduction in open space; and similar changes. Major changes shall be reviewed and acted upon according to Section 14.3.
2. **Minor Changes:** Minor changes to approved site plans shall include changes not otherwise included as a major change in (A)(1) above and shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Village Council.

Section 14.7 Appeals

A person aggrieved by a decision on a site plan may appeal such decision to the Zoning Board of Appeals pursuant to Chapter 8.

Section 14.8 Pre-Existing Site Plans Under Review

All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval by the site plan approving body prior to the effective date of this Ordinance or amendment thereto, in which case the final site plans shall be reviewed using the procedures and substantive standards under the ordinance in effect at the time of the preliminary plans approval, provided the final site plans are filed with the Zoning Administrator within one year of the effective date of this Ordinance or amendment thereto and contains all information required and accompanied by all required fees.

End of Chapter 14

CHAPTER 15 SPECIAL LAND USES

Section 15.1 Purpose

It is the purpose of this Chapter to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the landowner, investor or developer, but that will, at the same time, promote the purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Chapter permits detailed review of certain specified types of land use activities, referred to as "special land uses," which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts as specified in Chapter 4 (Zoning Districts), by the issuance of a compliance certificate for a special land use. This Chapter establishes a review process that requires the application materials to final action by the Village Council.

Section 15.2 Review Procedure

A. The review procedures for an application for a special land use shall be identical to the review and approval procedures for site plans according to Chapter 14, including the information to be submitted, the determination of application completeness, the Village Council taking final action on the preliminary site plan/special land use application the time period for which a preliminary application approval is valid prior to a final application submittal, except as otherwise provided or clarified below:

1. An application for a zoning compliance certificate for a special land use shall require Village Council action on a preliminary application and final application.
2. An application for a compliance certificate for a special land use shall consist of the following:
 - a. An application form available from the Zoning Administrator.
 - b. A site plan prepared according to Sec. 14.3(B) or, in the case of a preliminary site plan, according to Sec. 14.3(A).
 - c. A detailed description of the proposed project, in narrative form.
3. Upon finding that the application materials are complete, the Village Council shall hold a public hearing on such application. Notice of the hearing shall comply with Section 3.11. A recommendation on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.
4. The Village Council shall deny, approve, or approve with conditions the application for special land use/site plan approval. The decision on the application shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. In arriving at its decision, the Village Council shall refer to the approval standards set forth in Sec. 15.6 in addition to those specified for site plan approval (Sec. 14.4).

Section 15.3 Appeals

A person aggrieved in association with a special land use decision may appeal the special land use application decision to the circuit court only.

Section 15.4 Reapplication

No application for a compliance certificate for a special land use which has been denied wholly or in part by the Village Council shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, as determined by the Village Council. A reapplication shall require a new fee and the process will follow all provisions of Section 15.2.

Section 15.5 Changes

A. **Site Plan:** Changes to the approved site plan shall comply with the application and review procedures of Section 14.6. In the case where a proposed site plan change constitutes a major change according to Section 14.6, the Village Council shall hold a public hearing on such site plan change according to the notice requirements of Section 15.2(A)(3). If the Village Council determines that such major change would alter the essential character of the site plan, the proposed change shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2.

B. **Use or Activity:** A change in the character of the use or activity from what the originally approved compliance certificate for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new

application and review procedure include the addition of land to the legal description of the original compliance certificate for the special land use, the establishment of another special land use, an expansion or increase in intensity of use including but not necessarily limited to additional floor area and building additions.

Section 15.6 Approval Standards

A. General Standards: No special land use application shall be approved except where the proposed use and development complies with the following standards:

1. Be harmonious with and in accordance with the Master Plan of the Village.
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be of such character to be compatible with adjacent conforming uses of land.
4. Be designed, constructed, operated and maintained so as to be appropriate in appearance and harmonious with the existing or intended character of the general vicinity. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location of vehicular use and parking areas.
 - d. the requirements for on-street parking
5. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
6. Be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimize the impact of traffic generated by the proposed development on adjacent properties.
7. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, glare, and odors.
8. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
9. Not create excessive additional requirements at public cost for public facilities and services.
10. Comply with the site plan approval standards of Section 14.4.

B. Specific Standards: In addition to compliance with the above standards in subsection (A), special land uses shall comply with the standards and regulations applicable to each specific special use as identified in Chapter 4.

End of Chapter 15

CHAPTER 16 AMENDMENTS

Section 16.1 Purpose

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable land use and development within the territorial limits of the Village. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Village, to conform with changes to the Master Plan and/or other ordinances of the Village, to meet public need for new or additional land uses in areas so contemplated by the Master Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Village. This Chapter establishes procedures for the review and action on amendment requests. Requested amendments to Zoning Ordinance shall be processed according to the provisions of Public Act 110 of 2006, as amended, and in doing so, the procedures of this Chapter shall be followed.

Section 16.2 Initiation of Amendments

Petitions for amendments may be initiated by the Village Council on its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Village Council may amend this Ordinance.

Section 16.3 Procedures

A. Application, Distribution and Data: A petitioner shall submit fifteen (15) copies of a completed application for ordinance amendment to the Village Clerk on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s). The Village Clerk shall record the date of their receipt and transmit copies to the Village Council, and other agencies or individuals selected to review such plans including but not necessarily limited to Village Departments and staff, consultants, and the Berrien County Drain Commissioner. See Section 3.8 regarding application fees.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
 - a. A legal description of the property.
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
 - d. The desired change and reasons for such change.
 - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Village Council Action

1. **Public Hearing:** The Village Council shall review the application materials. Upon finding that the application materials are satisfactorily complete and the Village Council has a clear understanding of the requested amendment, the Village Council shall establish a date for at least one (1) public hearing on the application and hold such hearing. The Village Clerk shall give notice of the public hearing according to Section 3.11. Any application not properly filed or complete shall be returned to the applicant with a written notice of deficiencies.
2. **Village Council Review and Recommendation:** In reviewing any application for an amendment to this Ordinance, the Village Council shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Village Council
 - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Village Council shall include, but shall not be limited to, the following:
 - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 - 2) What is the impact of the amendment on the ability of the Village and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - 3) Will the petitioned district change adversely affect the value of the surrounding property?
 - 4) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
 - 5) Is the subject property able to be put to a reasonable economic use in the zoning district in

- which it is presently located?
- 6) Is the proposed rezoning consistent with the zoning classification of surrounding land?
 - 7) Can the subject parcel comply with all requirements of the proposed zoning classification?
 - 8) Does the petitioned district change generally comply with the Village of Michiana Master Plan?
 - 9) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
- b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Village Council shall include, but shall not be limited to, the following:
- 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
 - 3) Is the proposed amendment supported by significant case law?
- c. In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Drain Commissioner, Village Police Department, and any school district affected.

C. Village Council Action: After determining the findings the Village Council at any regular meeting or at any special meeting called for that purpose, shall consider said findings and vote upon the adoption of the proposed amendment, with or without revisions. Such action shall be by Ordinance, requiring a majority vote of the Village Council. The Village Council may hold additional public hearings if it considers it necessary. The Village Council shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Village Clerk. Hearings under this subsection (C) shall conform to the notice requirements of Section 3.12.

1. **Protest Petition:** Upon presentation of a protest petition meeting the requirements of this subsection (C)(1), a Zoning Map amendment which is the object of the petition shall be approved only by a 2/3 vote of the Village Council, unless a larger vote, but not to exceed 3/4 vote, is required by the Village Charter. The protest petition shall be presented to the legislative body before final legislative action on the amendment by the Village Council, and shall be signed by one of the following:
 - a. The owners of at least 20% of the area of land included in the proposed change.
 - b. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. For purposes of this provision, publicly owned land shall be excluded in calculating the 20% land area requirement.

D. Publication of Notice of Ordinance Amendments: Following adoption of amendments to this Ordinance by the Village Council, the amendments shall be filed with the Village Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. Promptly following adoption of an amendment by the Village Council, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice. The notices shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the ordinance may be purchased or inspected.

Section 16.4 Re-submittal

No application for an amendment which has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions.

Section 16.5 Comprehensive Review of Zoning Ordinance

The Village Council shall, from time to time, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall make changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

End of Chapter 16

Chapter 17

(Reserved For Future Use)

Balance of Page/Chapter Blank

End of Chapter 17

Chapter 18 DEFINITIONS

Section 18.1 Construction of Language

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and both include any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions or events shall apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Village" is the Village of Michiana in the County of Berrien, State of Michigan; the "Village Council", and "Zoning Board of Appeals" are, respectively, the Village Council, and Zoning Board of Appeals, of the Village of Michiana.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 18.2 DEFINITIONS

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, and greenhouses.

Building Coverage: The portion of a lot or yard, stated in terms of a percentage, which is covered by all principal and accessory buildings. In the case where there is a roof projecting beyond a wall or foundation, coverage shall be measured from the wall below except where such projection exceeds two (2) feet, in which case coverage shall be measured from the roof line.

Building Height: The vertical distance measured from the existing grade to the highest point of the roof's surface the peak where a building is located on sloping terrain, height will be

measured for each building wall characterized by sloping terrain, from the average ground level of the existing grade at the building wall to the highest point of the roof's surface (the peak) . Where any roof surface does not extend to a wall along the exterior foundation of the building, the building height at such roof's peak surface shall be measured from the existing grade at the nearest wall along the exterior foundation of the building. In the case of a pillar foundation, the building height shall be measured as if traditional foundation construction is utilized. For the purposes of this definition, "existing grade" shall be interpreted to mean the existing grade along the proposed building foundation prior to any construction, grading, clearing, or earthmoving activities.

Building Inspector: An individual or agency hired by the Village to administer the Village's Construction Code pursuant to Public Act 230 of 1972, as amended.

Cemetery: Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the Village's construction code.

Communication Tower: A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; radio and television citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Conservation Area: Land set aside principally for the protection and appreciation of natural resources such as wildlife, woodlands, wetlands, and sand dunes, and which are sometimes more commonly referred to as "nature preserves" or "nature areas".

Class One: A conservation area that includes no buildings, structures, off-street parking, or any other similar alterations or improvements to the site, excluding trails and occasional benches.

Class Two: A conservation area that includes buildings; structures, excluding occasional benches; off-street parking; or other alterations or improvements, or which is not otherwise included in the definition for a Class One conservation area.

Day Care, Family Home: A dwelling in which a permanent resident of the dwelling, in addition to no more than one (1) additional care provider, provides for the care of fewer than seven (7) minor children unrelated to the resident of the dwelling for periods of fewer than 24 hours a day, for more than 20 days in a calendar year, unattended by the children's parents or legal guardians, and licensed or registered by the state.

District: An area of land for which there are regulations governing the use of buildings and premises such as yard requirements, lot sizes, and height regulations. A "district" is also known as a "zone" or "zoning district".

Driveway: A means of access for vehicles from a road across a lot to a parking or loading area, garage, dwelling or other structure or area on the same lot.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, vehicle or any portion thereof, tent or portable building be considered a dwelling.

Dwelling, Single Family: An independent detached building designed as a single dwelling unit and used exclusively for occupancy by one (1) family. A single family dwelling may include an attached garage.

Dwelling Unit: One or more rooms with bathroom and kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

Erected: The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

- Excavation:** Any breaking of ground, except common household gardening and ground care, including fencing.
- Family:** A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other long-term domestic bond as distinguished from a society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
- Family Home Adult Foster Care Facility:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to six (6) or fewer persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.
- Filling:** The depositing or dumping of any matter into or onto the ground.
- Frontage:** The total continuous length of the line separating said lot from the road right-of-way, and typically identical to the front lot line.
- Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- Home Occupation:** An occupation or profession conducted entirely within a dwelling, including an attached garage. See Section 6.17.
- Impervious surface:** a surface that has run-off coefficient of >0.50 as defined in the American Society of Civil Engineers Manual # 77 (Design and Construction of Urban Stormwater Management Systems) or its replacement, or in a State of Michigan source responsible for run-off calculations.
- Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- Lot:** A tract of land which is occupied or intended to be occupied by a principal building or buildings, or utilized for the principal use and uses accessory thereto. A lot may consist of a single lot of record, a portion of a lot of record, or any combination of complete and/or portions of lots of record. (see *Figure 18-1 at end of this Chapter*).
- Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of the area of any road right-of-way adjoining any portion of the lot.
- Lot, Corner:** Any lot having at least two (2) contiguous sides adjoining upon one or more roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot adjoining a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see *Figure 18-1 at end of this Chapter*).
- Lot/Yard Coverage:** The portion of a lot or yard, stated as a percentage, which is covered by principal and accessory buildings and structures, swimming pools, impervious surfaces, such as, but not limited to: wood or other decking, stone, brick, asphalt, concrete, gravel, landscape pavers, and hard surface patios and outdoor areas irrespective of the width of the gap between bricks and stones, and similar component surfaces of such areas, and any modification of ground surface areas that generally impeded the normal growth of grasses, shrubs, and trees and roof overhanging, except that this 30% standard shall not apply to handicap access ramps. Maximum lot coverage applies to, but is not limited to, principal and accessory structures and buildings
- Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines. (see *Figure 18-2 at end of this Chapter*)
- Lot, Flag:** A lot whose access to a road is by a narrow, private easement that is either a part of the lot or an easement across another property, and does not meet the frontage requirements of the District in which it is located. (see *Figures 18-1 and 18-2 at end of this Chapter*)

Lot, Interior: A lot not otherwise described as a corner, through, or flag lot.

Lot Lines: The lines bounding a lot (*see Figure 18-2 at end of this Chapter*).

1. **Lot Line, Front:** (*see Figure 18-2 at end of this Chapter*)
 - a. In the case of a lot not constituting a corner or flag lot, the line separating said lot from the road right-of-way.
 - b. In the case of a corner lot or through lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or on the plot plan or site plan review application, subject to approval.
 - c. In the case of a flag lot, the front lot line shall be the lot line most parallel to and nearest the road from which access is obtained.
2. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, an imaginary line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. **Lot Line, Side:** Any lot line other than a front or rear lot line.

Lot of Record: A lot which is part of a platted subdivision and is shown on a map thereof, which has been recorded in the Office of the Berrien County Register of Deeds as of August 27, 1992, and provided said lot was lawfully created in accordance with applicable statutes and ordinances.

Lot, Through: A lot having frontage on two (2) roads other than a corner lot (*see Figure 18-1 at end of this Chapter*).

Lot Width: The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (*see Figure 18-2 at end of this Chapter*).

Master Plan: The statement of policy by the Village relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development, land use, and preservation. The plan, developed pursuant to Public Act 285 of 1931, as amended, the Municipal Planning Act, consists of maps, charts and written material representing in summary form the soundest concept for addressing community growth.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, dwellings consisting of prefabricated units transported to a site on a removable undercarriage or flat-bed and assembled for permanent location on a lot (modular homes), recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Modular (Pre-Manufactured) Home: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Nonconforming Building or Structure: A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement, lot or building coverage, or yards, for the District in which it is located. For the purposes of this definition, "structure" shall include decks, patios, and other surfaces contributing to lot coverage as defined in this Ordinance.

Nonconforming Lot (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area, frontage and/or dimensional requirements of the District in which it is located.

Nonconforming Use: A use of a building or structure, or of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the District in which it is situated.

Non-Glare: Not causing momentary or long term loss of vision due to reflective light.

Nuisance: Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Off-Street Parking: Is either parking on private property or parking with-in the right -of-way of a street, but outside of the moving traffic lanes.

On-Street Parking: Is parking with-in the moving traffic lanes.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Parcel: See definition for "lot".

Parking Space: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Person Aggrieved: A person aggrieved shall be any person, firm, partnership, corporation, or association with an interest in real property which will suffer "special damages" as a result of the decision in question. Special damages shall be defined as a particular injury to a land owner's beneficial use or enjoyment of his own land, which injury is not shared in common with other members of the general public.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act, P.A. 571 of 1996, as amended, or a prior statute.

Plot Plan: A plan showing basic features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts less detailed information compared to a site plan. Plot Plans shall be to a scale of 1"=20'

Principal Building: The main building on a lot in which the principal use exists.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Prohibited Use: A use of land which is not permitted within a particular zoning district.

Public Facility: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks and cemeteries, police and fire protection facilities, courts of justice, and government offices.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Recreational Vehicle. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, including what are commonly referred to as travel trailers, camping trailers, motor homes, and truck campers. Recreational vehicles do not include mobile homes.

Right-of-Way: The legally established boundaries of a public thoroughfare established for passage of persons, vehicles, or the location of utilities. The delineated boundaries are referred to as right-of-way lines.

Road: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Village of Michiana. May also be referred to as "street".

Setback: The distance between the road right-of-way line or the side or rear lot line and the nearest supporting member of a structure on the lot.

Site Plan: A plan showing all physical features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. Site Plans shall be to a scale of 1"= 20'.

Special Land Use: Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Chapter 15: Procedures for Special Land Uses.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Street: See "Road".

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as "structures," but shall comply with all applicable standards of this Ordinance.

Swimming Pool: An above or below grade structure or container designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

Variance: A modification of the literal provisions of the Zoning Ordinance authorized by the Zoning Board of Appeals according to the provisions of this Ordinance.

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 18-2 at end of this Chapter*):

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. There shall be maintained a front yard on each street side of a corner lot and through lot.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one rear yard.
3. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

Zoning Administrator: The authorized individual or agency charged with the responsibility of administering this Ordinance and appointed by the Village Council.

Zoning Compliance Certificate: A written approval issued by the Zoning Administrator that certifies that the proposed activity conforms to the requirements of this Ordinance. In the case of a single family dwelling, a building permit may serve as a zoning compliance certificate.

Zoning District (District): A portion of the Village within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

Figure 18-1 LOT TYPES

Figure 18-1
LOT TYPES

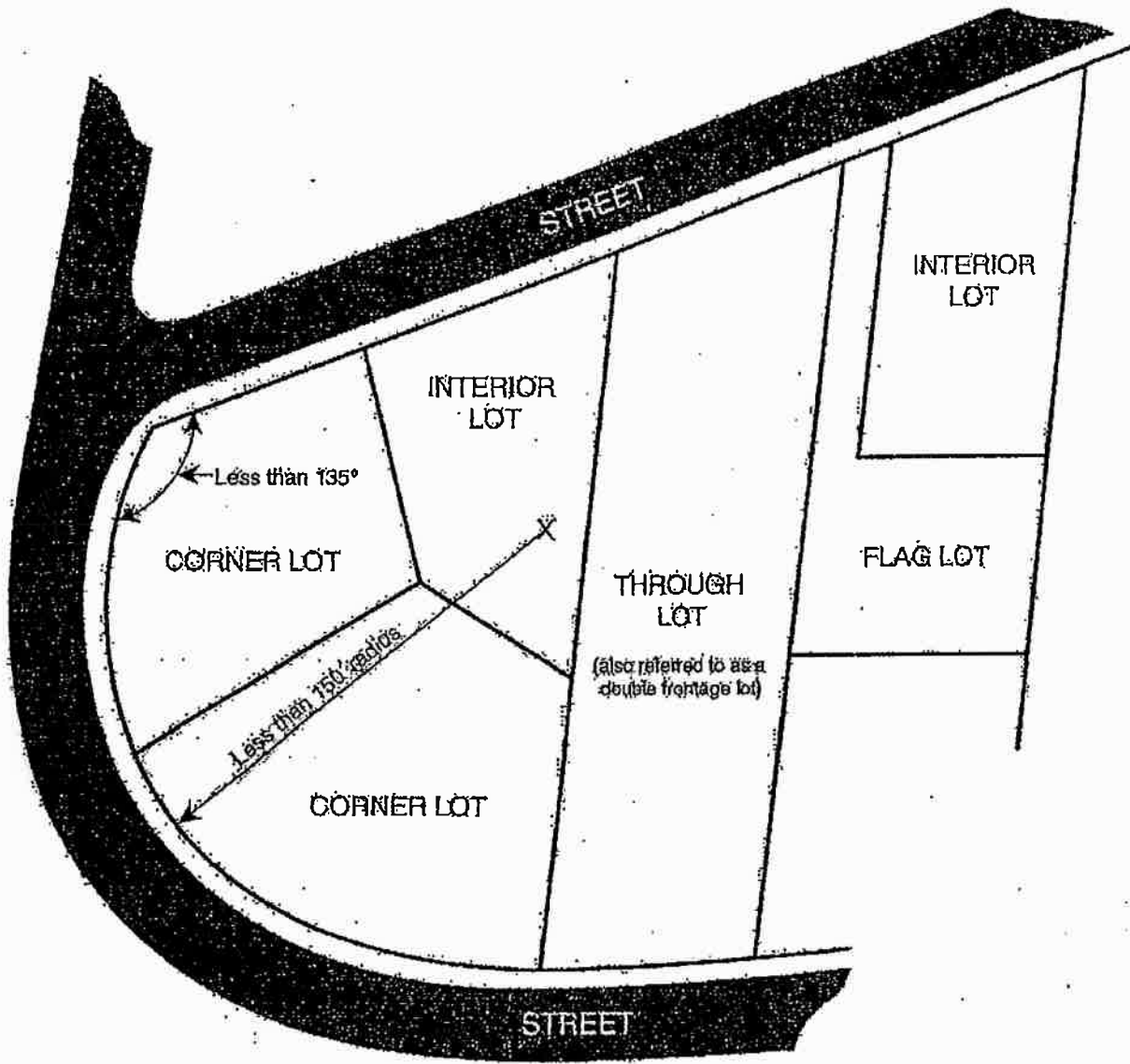
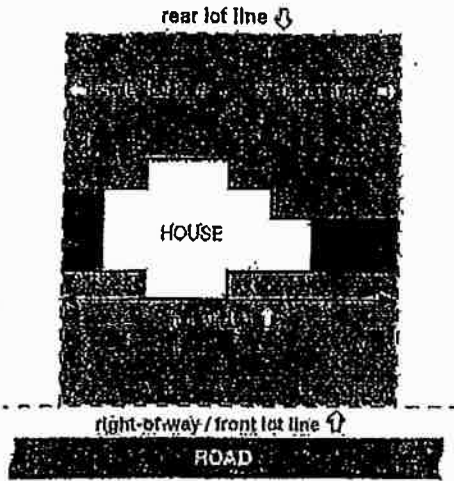


Figure 18-2
LOT LINES and YARDS

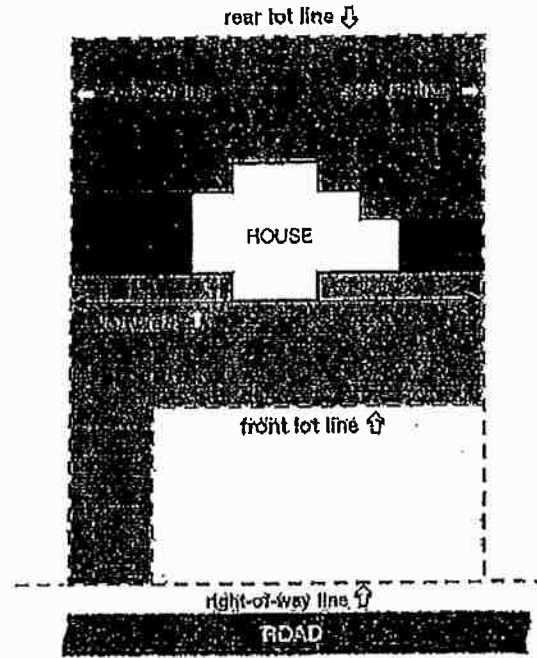


TYPICAL LOT / PARCEL

rear yard
front yard
side yard



A legend for yard types. It consists of three horizontal bars: a dark stippled bar for "rear yard", a cross-hatched bar for "front yard", and a solid black bar for "side yard".



FLAG LOT / PARCEL

Balance of Page Blank

End of Chapter 18

Balance of Page Blank

End of Chapter 18

Chapter 17 – Application for Building Permit and Plan Review

Village of Michiana

National Pollution Discharge Elimination System

December 2015

2150298

Application for Building Permit and Plan Review Village of Michiana

4000 Cherokee Drive, Michiana, MI 49117 269-469-4600

Date _____ Permit # _____

1. Applicant/Contractor: _____ Phone: _____

Address _____ City _____ State & Zip _____

Job Address _____

Property Owners Name _____ Address _____

Property ID _____ Phone _____

Class of work: New _____ Addition _____ Alteration _____ Repair _____ Demolish _____

2. Contractor: _____ Phone _____

Address _____

State License # _____ Exp _____ Federal ID# _____

Certificate of Insurance _____ Exp _____

3. Type of Improvement - Check all that apply

<input type="checkbox"/> New	<input type="checkbox"/> Addition	<input type="checkbox"/> Alteration/repair	<input type="checkbox"/> Demolition
<input type="checkbox"/> Relocate	<input type="checkbox"/> Foundation	<input type="checkbox"/> Pool	<input type="checkbox"/> Other
<input type="checkbox"/> Accessory Building		<input type="checkbox"/> Garage	

Describe work to be done: _____ Estimated Cost of Work \$ _____

4. Building Data

Framing: wood masonry steel reinforced concrete other
 Heating: gas oil electric #of fireplaces Air Cond. other
 Foundation: Basement Crawl space Slab
 Bed/Bath: # Bedrooms #full baths #1/2 baths
 Garage: Attached Garage Detached garage
 Fire suppression: yes no

Size of building _____ Height of building _____
Set backs: Front _____ Left Side _____ Right Side _____ Back _____

5. Plan Review Information

A set of construction documents are required with each application for a permit, unless waived by the building official when code compliance can be determined based on the description in the application.

Construction documents must be sealed and signed by an architect or professional engineer in accordance with 190, PA 299 as amended. The seal and signature are not required for dwellings less than 3,500 square feet of calculated floor area and public works less than \$15,000 in total construction cost.

Architect _____

Address _____ Phone _____

Plans reviewed ___/___/___ by _____

Dimensions/Data:	Existing	Alterations	New
Basement	_____	_____	_____
1st & 2nd floor	_____	_____	_____
Total Area	_____	_____	_____

Special Conditions _____

Other Permits	Req'd	Rec'd
DEQ	_____	_____
Zoning	_____	_____
Health Dept	_____	_____
Soil Erosion	_____	_____
Plumbing	_____	_____
Mechanical	_____	_____
Electrical	_____	_____
Tree	_____	_____
Other	_____	_____

Section 23a of the state construction code act of 1972, Act #230 of the Public Acts of 1972, being section 123. 1523a of the Michigan Compiled Laws Prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators are subject to civil fines.

Signature _____ Date: _____

Homeowner's Affidavit
I hereby certify the building work described on this application shall be installed by myself in my own single family dwelling in which I am living or about to occupy. All work shall be installed in accordance with the State Building Code as adopted by the village of Michiana and shall not be covered up or put into operation until it has been inspected and approved by the Building Inspector. I will cooperate with the Building Inspector and assume the responsibility to arrange for necessary inspections.

Homeowner's Signature: _____ Date _____

Authorized by: _____ Date _____

Building Permit Fees

Effective October 11, 2013 Building Permit Fees will be calculated upon the following schedule according to actual/contracted construction costs. Signed affidavit required.

Site and Plan Review: \$125 plan review. Plan reviews required by changes, additions or revisions to plan \$50 per review.

Building Inspections and re-inspections per occurrence: \$100 Needs to be paid in full prior to Certificate of Use and Occupancy. The first 5 inspections required by the State of Michigan and the Village Michiana Building Code will be included as part of the Building Fee.

Building Permit Fee - New, remodel or additions: 1.5% of the actual cost of the project. Documentation on the costs will require Sworn Statement as to the actual true cost by the homeowner if self-financed; by the lending agency/contractor if used to fund and finance and by the agent/contractor hired to perform the work as described in the permit. Any misrepresentation may result in legal action to collect the 1.5% fee due the Village.

Demolition Fee Permit \$100

Certificate of Use and Occupancy: \$50 for each inspection and re-inspection until the Certificate is issued.

Variances: Fee's as covered in The Village of Michiana Zoning Board of Appeals chapter 8.

Plan review fee	\$ _____	Received check # _____
Base Building Permit Fee	\$ _____	Date _____
Total Fee	\$ _____	

Permits expire one year from application date unless extended in writing by Village of Michiana Building Inspector. See Ordinance #2013-04 for other conditions on expired permits.