

CLINTON COUNTY BOARD OF COMMISSIONERS

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Jack Enderle
Eileen Heideman
Adam C. Stacey
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COURTHOUSE
100 E. STATE STREET
ST. JOHNS, MICHIGAN 48879-1571
989-224-5120



Administrator
Ryan L. Wood
Clerk of the Board
Diane Zuker

RESOLUTION 2013 - 17 **RESOLUTION TO ADOPT AN ORDINANCE AMENDING THE SOIL** **EROSION AND SEDIMENTATION CONTROL ORDINANCE**

A resolution made and adopted at a regular meeting of the Clinton County Board of Commissioners, County of Clinton, State of Michigan, held at 100 East State Street, St. Johns, Michigan, 48879, on August 27, 2013, at 9:00 a.m.

PRESENT: Commissioners Kam Washburn, David Pohl, Bruce DeLong,
Jack Enderle, Robert Showers, Eileen Heideman and Adam Stacey

ABSENT: None

The following Resolution was offered by Commissioner Stacey and seconded by Commissioner Washburn.

WHEREAS, pursuant to the authority set forth in Section 9105(3) of the Natural Resources and Environmental Protection Act, 1994 PA 451 ("Act"), Clinton County ("County") adopted the Soil Erosion and Sedimentation Ordinance ("Ordinance") in the interest of preventing environmental harm caused by sedimentation and erosion; and to provide for, and as authorized by, the orderly and uniform administration of the soil erosion and sedimentation control provisions of the State of Michigan; and

WHEREAS, the County received correspondence from the Michigan Department of Environmental Quality (“MDEQ”) recommending changes to the Ordinance in order to comply with Part 91 of the Act; and

WHEREAS, the County has determined that making such suggested changes is in the best interests of the health, safety, and general welfare of the people of this County.

THEREFORE, the County Board of Commissioners of Clinton County resolves as follows:

1. The County resolves to adopt the Ordinance amending the Soil Erosion and Sedimentation Control Ordinance attached as Exhibit A.
2. The County Clerk is required to publish the Ordinance as required by law.
3. The County Clerk shall forward a copy of the Ordinance to the Department of Environmental Quality.
4. Any resolutions or portions of resolutions that are inconsistent with this resolution are hereby repealed.

STATE OF MICHIGAN)
) ss.
COUNTY OF CLINTON)

I, the undersigned, the duly qualified Clerk of the Board of Commissioners of Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Board of Commissioners at a regular meeting held pursuant to the Open Meetings Act on the 27th day of August, 2013.

Diane Zuker
Clerk, Clinton County

CLINTON COUNTY
ORDINANCE AMENDING THE SOIL
EROSION AND SEDIMENTATION CONTROL ORDINANCE

ORD. NO. 2013-2

Effective September 1, 2013, as amended

CLINTON COUNTY ORDAINS:

Section 1. Purpose. It is the purpose of this ordinance to conform the Clinton County Soil Erosion and Sedimentation Control Ordinance to the regulations of Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, being Act 451, Public Acts of 1994 (“Act”) as recommended by the Michigan Department of Environmental Quality.

Section 2. Amendment of Article II, Section A, definition of Agricultural Practices. The definition of *Agricultural Practices* in Section A, entitled Definitions, of Article II, of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows:

Agricultural Practices -- All land farming operations except the plowing or tilling of land for the purpose of crop production or the harvesting of crops.

Section 3. Amendment of Article II, Section A, definition of Grading. The definition of *Grading* in Section A, entitled Definitions, of Article II, of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows:

Grading – To level off to a smooth horizontal or sloping surface.

Section 4. Amendment of Article III. Article III of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows:

In accordance with Section 9105 of the Act, the Clinton County Building Department is hereby designated as the County Enforcing Agency (CEA), and shall act as the county agent to discharge the responsibilities of Clinton County under the Act, the Rules, and this Ordinance. The Clinton County Building Inspector, or his/her designated county employee or employees, shall have exclusive jurisdiction for the discharge of responsibilities under the Act, the Rules, and this Ordinance in Clinton County, except where an Authorized Public Agency or Municipal Enforcing Agency has jurisdiction.

Section 5. Amendment of Article IV, Section B(5). Subsection 5 of Section B of Article IV of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows:

5) Earth change associated with a metallic mineral mining activity regulated under a mining and reclamation plan that contains soil erosion and sedimentation control provisions and that is approved by the Michigan Department of Environmental Quality under Part 631 or 632 of Act 451, Public Acts of 1994, as amended.

Section 6. Amendment of Article IV, Section B(6). Subsection 6 of Section B of Article IV of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows:

6) Earth change associated with well locations, surface facilities, flow lines, or access roads relating to oil or gas exploration and development activities regulated under Part 615 of Act 451, Public Acts of 1994, as amended, if the application for a permit to drill and operate under Part 615 contains a soil erosion and sedimentation control plan that is approved by the Michigan Department of Environmental Quality under Part 615. However, those earth changes shall conform to the same standards as required for a permit under Part 91 of Act 451, Public Acts of 1994, as amended. This subsection does not apply to a multisource commercial hazardous waste disposal well as defined in Section 62506a of Act 451, Public Acts of 1994.

Section 7. Amendment of Article V, Section B(3). Subsection 3 of Section B of Article IV of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows:

3) Protect exposed soils with temporary or permanent vegetation, mulch, or other approved erosion resistance material, as soon as practical after earth disturbance. A person shall complete permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area within 5 calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or if significant earth change activity ceases, then a person shall maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

Section 8. Amendment of Article V, Section G. Section G of Article V of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows:

G. SESC Permit Transfers.

1) Except as provided in subsection (2) below, if property subject to a SESC permit is transferred, both of the following are transferred with the property:

- a. The SESC permit, including the SESC permit obligations and conditions.
 - b. Responsibility for any violations of the SESC permit that exist on the date the property is transferred.
- 2) If property is subject to an SESC permit and a parcel of the property, but not the entire property, is transferred, both of the following are transferred with the parcel:
- a. The SESC permit obligations and conditions with respect to that parcel, but not the SESC permit itself.
 - b. Responsibility for any violations of the SESC permit with respect to that parcel that exist on the date the parcel is transferred.
- 3) If property subject to a SESC permit is proposed to be transferred (in whole or in part), the transferor shall notify the transferee of the SESC permit in writing on a form developed by the Michigan Department of Environmental Quality and provided by the CEA. The notice shall inform the transferee (1) that the transferee is the owner of property that is subject to a SESC permit and (2) the transferee is responsible for compliance with the terms of the SESC permit that apply to that property. The notice shall also inform the transferee of the requirements of Section 1 or 2 above, as applicable. The notice shall include a copy of the SESC permit. The transferor and transferee shall sign the notice, and the transferor shall submit the signed notice to the CEA before the property is transferred.
- 4) No fee shall be required for transferring a SESC permit.

Section 9. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 10. Repealer Clause. Any ordinances, resolutions or parts of ordinances or resolutions, in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Effective Date. This Ordinance shall be effective immediately upon publication.