

**IDA TOWNSHIP
COUNTY OF MONROE
STATE OF MICHIGAN**

ORDINANCE NO. 25

AMENDMENT TO IDA TOWNSHIP ZONING ORDINANCE

**AN ORDINANCE TO AMEND SECTION 5.46, PONDS, OF THE IDA TOWNSHIP
ZONING ORDINANCE.**

THE TOWNSHIP OF IDA ORDAINS:

I. AMEND SECTION 5.46 PONDS: (Without Spoils Removal)

Section 5.46 is hereby amended to read as follows:

SECTION 5.46 PONDS (without Spoils Removal)

Ponds (without spoils removal) shall be by permit issued by the Township and designed and/or regulated in accordance with the following criteria:

Size/Location Requirements

- (a) No pond construction will be permitted on a parcel of land containing less than five (5) acres. Such pond shall not exceed twenty percent (20%) of the total parcel area. No soil, sand, earthen rock, gravel or other materials shall be removed from the parcel.
- (b) A pond shall be permitted as an accessory use in the AG-1, AG-2, RA-1, RB districts on a parcel of land with a principal residence. No pond permit shall be issued until a principal residence "rough in" is inspected and approved by the Township Building Inspector, except that a pond designed to provide water to an established irrigation system with associated pumps, pipes and sprinklers, including a design (ie. well or aquifer) for replenishing the pond water, may be an accessory use to the growing of farm crops and produce pursuant to an established bonafide farm operation as a permitted principle use, in an agricultural district.
- (c) No pond shall be located closer than one hundred (100) feet from the side and rear lot lines, nor closer than one hundred fifty (150) feet from the front right-of-way line, nor closer than fifty (50) feet from the required principal use structure, nor closer than one hundred (100) feet from any septic tank and/or septic field.
- (d) All earth excavated during construction of the pond shall be disposed of and evenly graded out on the parcel consistent with the approved design plans.

(e) No pond shall be located closer than fifty (50) feet from any telephone, electrical or other utility line located above or below ground.

(f) A pond shall be constructed in such a manner that no overflow, spillage, or seepage shall encroach on adjacent lots or parcels.

(g) The side slopes of the pond shall be stable and be no steeper than a horizontal to depth ratio of 3:1, except that sand banking shall be no steeper than a horizontal to depth ratio of 4:1, to a depth of six (6) feet, and that a pond without soil sides or bottom, such as peat, shall not be permitted.

(h) The pond shall have a minimum depth of eight (8) feet in the middle of the pond measured from the anticipated low water mark.

Township Approval Process

(i) A pond shall not be created, built, or used until a plan is submitted, and a permit shall have been obtained from the Township Building Inspector and a permit fee and any inspection fees shall have been paid in an amount as set by the Township Board.

A professionally drawn plot plan application form shall be provided by the Township to be completed by the applicant.

The plot plan shall be a scale drawing that must provide sufficient information and details concerning the following:

- (1) The size and dimensions of the proposed pond including at least one (1) cross section of the pond.
- (2) The proposed location of the pond and its relationship to all existing dwellings within one hundred (100) feet, existing or proposed buildings on the subject parcel, livestock pens or other structures, easements existing septic system and drainfield on the subject parcel and adjacent parcels, utility lines including gas, electric, telephone and cable, property line of the subject parcel with verification by a mortgage survey, and dimensions from all property lines and the street right-of-way.
- (3) Proposed site grading and finished elevations shall be illustrated on the site plan in sufficient detail to determine the direction of storm water runoff and the drainage system to receive the runoff.
- (4) The area of the pond and its percentage of the total ground surface area of the lot upon which the pond is located.
- (5) All Rivers, streams, lakes, ponds, wetlands and floodplains which are located on the subject property.

(j) The applicant shall provide evidence that all appropriate permits have been applied for and granted, as may be required for the Monroe County Drain Commissioners, County Environmental Health Office, MDEQ and other agencies within jurisdiction.

(k) After the Building Inspector finds that all the required plot plan and application materials are submitted and meets the requirements found herein, an on-site visit shall be scheduled for the Building Inspector to review the property where the pond is to be constructed.

(l) The Building Inspector's approval shall become null and void if substantial construction has not been commenced within three months following the final approval of the plot plan, or if construction has not been completed within twelve (12) months following the issuance of a pond permit. A permit issued in accordance with the provisions of this section shall remain valid for twelve (12) months from the day of issuance. Prior to the permit expiration date, the time limit may be extended by the Building Inspector for no more than an additional six (6) months, if in the opinion of the Building Inspector, the applicant is diligently proceeding with construction consistent with the approved plan and the additional time is reasonably necessary to complete the approved improvements.

(m) Prior to the issuance of a permit, Performance guarantees shall be provided by the applicant to the Township in accordance with the terms of the Pond Permit Application to ensure completion, or fill in pond if not in compliance with requirements or time constraints of Section 5.46 of the Ida Township Zoning Ordinance. Performance Guarantee shall extend eighteen (18) months from the date of approval, or until certified completion of the pond. Prior to the release of the Performance Guarantee, the property owner's engineer, surveyor, architect or the Township Building Inspector shall certify in writing that the pond has been constructed according to the approved plan. Performance guarantees shall otherwise be subject to regulations in Section 5.45 of the Ida Township Zoning Ordinance.

(n) All ponds shall have a safety station for each one-half (1/2) acre or fraction thereof of the pond water surface when measured at the high water level, and each such safety station shall have an approved U.S. Coast Guard life ring with one hundred feet (100') of rope and a ten foot (10') pole on a wooden post extending four feet (4') above grade on which a deep water sign shall be mounted.

(o) All ponds in the Township will be accessible to all fire departments located in Monroe County as a water supply for fighting fires anywhere within the County. For this purpose such fire departments shall be allowed an easement for access to the pond water and a dry hydrant shall be constructed with appropriate fittings to facilities access to pond water.

(p) A pond shall be maintained so as to assure the unsanitary conditions or obnoxious odors will not be created by the growth of biological organisms. If a pond is not maintained and becomes a detriment to the health, safety and welfare of the community, the Ida Township Board shall have the authority to have the pond cleaned and properly maintained or filled in, both at the owner's expense.

(q) The requirements of this Ordinance shall not apply to the following operations, provided such operations do not, or are not likely to affect the drainage or lateral support of any adjacent or contiguous property or the safety of any persons, and provided such operations are adequately regulated by other laws, ordinances or regulations:

- (1) The excavation of any swimming pool, storm water detention basin, basement or temporary excavation, pit, hole, trench, or other temporary movement of any soil matter of earth material in which water may potentially accumulate as a result of the bonafide construction of any structures or utilities pursuant to a valid building permit issued by an authorized Township official;
- (2) The removal of any soil matter or earth materials resulting from the clearing, deepening or straightening of any drain under the jurisdiction of the Monroe County Drain Commission, or any ditch or drain under the jurisdiction of any public road authority such as the Monroe County Road Commission;
- (3) The creation of a landscaping pool or fountain comprised of an assemblage of materials (i.e.: concrete, wood, plastic, vinyl, and/or masonry), whether permanent or temporary, portable or non-portable, above or below grade, capable of containing water to a maximum depth of no more than 18 inches measured from the deepest point, and not exceeding more than 200 square feet in water area.

II. PROVISION ADOPTION

Except as modified herein, all provisions of the Ida Township Zoning Ordinance shall remain in full force and effect.

III. EFFECTIVE DATE

The Ordinance shall become effective thirty (30) days following the date of publication hereof.

MOVED BY: _____ SECONDED BY: _____

AYES: _____ NAYES: _____

ABSENT: _____

DATE: _____ PUBLISHED: _____