

- (g) Proceed with the proposed work only in accordance with the approved plans and in compliance with this ordinance.
- (h) Maintain all required soil erosion and sedimentation control measures, including but not limited to measures required for compliance with the terms of this ordinance.
- (i) Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil, sediment, debris or other materials within 24 hours shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety.
- (j) Refrain from grading lands at locations near or adjoining lands, public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage.

Sec. 3.06 Building Openings

- (1) No building opening shall be constructed below the following elevations:
 - (a) One foot above the 100-year floodplain.
 - (b) The building opening established at the time of plat or development approval and on file in the Township and/or OCDC.
- (2) A waiver from elevations stated in Section 3.06(1) may be granted by the Township Engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.
- (3) If the OCDC has specified a minimum building opening at the time of plat or development approval or if construction occurs within the 100-year floodplain, upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this ordinance. This certificate shall attest that the building opening elevation complies with the standards of this ordinance. The permittee for the building permit shall submit the certificate to the Township Building Inspections Official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening elevation is below the elevation specified in Section 3.06(1)(a) or (b), that opening must be raised using a method that meets with the approval of the Township. After reconstruction, a registered land surveyor or engineer shall re-

certify that the minimum building opening elevation complies with the standards of this ordinance prior to the commencement of framing and or structural steel placement.

- (4) The Township Building Inspection Official may waive the required land survey under Section 3.06 (3) if the minimum building opening appears to be at or above the elevation of adjacent buildings that have already been certified, or if a grade map shows that the low opening elevation of the building is at least three feet higher than the minimum building opening established pursuant to Section 3.06 (1).

Sec. 3.07 Sump Pump Discharge

- (1) Whenever building footing drains are required or utilized, a direct connection between the footing drains through a sump pump-check valve system to a storm sewer is required. A gravity system is not permitted.
- (2) In cases where item (1) applies, a storm water lateral shall be provided for each parcel at the time of storm sewer construction.
- (3) Laundry facilities or other similar features shall not be connected to a footing drain or pump system discharging to footing laterals and the storm sewer system. Laundry facilities and interior sump pumps must be drained to the sanitary sewage disposal system.

Sec. 3.08 Public Health, Safety and Welfare

Protection of the public health, safety and welfare shall be a primary consideration in the design of all storm water runoff facilities.

Article IV – Prohibitions and Exemptions

Sec. 4.01 Prohibited Discharges

- (1) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with best management practices.
- (2) The Township is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Township's storm water drainage system.

Sec. 4.02 Exempted Discharges

The following non-storm water discharges shall be permissible, provided that they do not result in a violation of State of Michigan water quality standards:

- Water supply line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground water;
- Uncontaminated ground water infiltration to storm drains;
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensate;
- Individual residential car washing;
- Dechlorinated swimming pool water;
- Street wash water;
- Discharges or flows from emergency fire fighting activities; and
- Discharges for which a specific federal or state permit has been issued.

Sec. 4.03 Interference with Natural or Artificial Drains

- (1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain or drainageway without first submitting a drainage plan to the Township and receiving approval of that plan. Any deviation from the approved plan is a violation of this ordinance. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment or the public health, safety, or welfare. When any of the above activity involves an established County Drain, a Drain Use Permit is required from the OCDC.
- (2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodplain/floodway.
- (3) For an overland flow-way:
 - (a) Silt fence shall not be permitted below the top of the bank of a water body.
 - (b) Chain link fences shall be permitted if the Township and the OCDC determine that the fence will not obstruct or divert the flow of water.
 - (c) If a fence is removed by the Township or OCDC for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense, as long as the owner complies with subsection (2) above.

- (d) No shrubs or trees shall be planted below the top of the bank of a water body, or within an easement for a waterway (for example, a backyard swail).
- (4) Shrubs, trees or other aboveground vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

Sec. 4.04 Storage of Hazardous or Toxic Materials in Drainageway

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

Sec. 4.05 - Discharge Prohibitions

(1) Prohibition of Illicit Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, 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. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (b) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or water discharge order issued to the discharger and administered under the authority of the Federal Environmental 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 drain system.

(2) Prohibition of Illicit Connections

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the MS4, or allows such a connection to continue.

Article V – Inspection, Monitoring, Reporting, and Recordkeeping

Sec. 5.01 Inspection and Sampling

To assure compliance with the standards in this pervasively regulated area, the Township may inspect and/or obtain storm water samples from storm water management facilities of any discharger to determine compliance with the requirements of this ordinance. Upon request, the discharger shall allow the Township's or OCDC's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Township shall provide the discharger reasonable advance notice of such inspection and/or sampling. The Township or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

Sec. 5.02 Storm Water Monitoring Facilities

A discharger of storm water runoff shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the Township. The Township 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 in accordance with applicable laws, ordinances and regulations.

Sec. 5.03 Accidental Discharges

- (1) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the Township and/or OCDC concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the Township and OCDC within five days. The written report shall specify:
 - (a) The composition of the discharge and the cause thereof.
 - (b) The exact date, time, and estimated volume of the discharge.
 - (c) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
 - (d) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (2) A properly-reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this ordinance against a discharger for such

discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of Section 5.03(1).

Sec. 5.04 Record Keeping Requirement

Any person subject to 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.

Article VI – Enforcement

Sec. 6.01 Sanctions for Violation

- (1) Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction and subject to a fine of not less than \$50.00 for a first offense, and not less than \$250.00 for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in Section 6.01(2) shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this ordinance.

For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The Township supervisor, director of public works, zoning administrator, building inspector, or ordinance enforcement officer is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this ordinance.

- (2) Any person who neglects or fails to comply with a stop work order issued under Section 6.02 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment in the county jail for not more than 93 days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

- (3) Any person who aids or abets a person in a violation of this ordinance shall be subject to the sanctions provided in this section.

Sec. 6.02 Stop Work Order

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this ordinance, the Township is authorized to issue a stop work order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The Township may also undertake, or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work.

Sec. 6.03 Failure to Comply; Completion

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the Township may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the Township for all costs of such work.

Sec. 6.04 Emergency Measures

When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the Township 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 Township for all of such costs.

Sec. 6.05 Cost Recovery for Damage to Storm Drain System

A discharger shall be liable for all costs incurred by the Township as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this ordinance. Costs include, but are not limited to, those penalties levied by the EPA or MDEQ for violation of an NPDES permit, attorney fees, and other costs and expenses.

Sec. 6.06 Collection of Costs; Lien

Costs incurred by the Township and the OCDC pursuant to Sections 6.02, 6.03, 6.04 and 6.05 shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the Township Treasurer who shall enter the lien on the next tax roll against the premises and 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 Township or the Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Sec. 6.07 Appeals

Any person to whom any provision of this ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Township Board the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Township Board shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Township Board may consider the recommendations of the Township Engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the Township Board may grant a 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 practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this ordinance, nor result in less effective management of storm water runoff.

6.08 - Suspension of MS4 Access

- (1) **Suspension Due to Illicit Discharges in Emergency Situations**

The Township may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the Township may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to the health or welfare of persons.

- (2) **Suspension Due to the Detection of Illicit Discharge**

Any person discharging to the MS4 in violation of this ordinance may have the person's MS4 access terminated if such termination would abate or reduce an illicit discharge. The Township will notify a violator of the proposed termination of the violator's MS4 access. A person commits an offense if the person

reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Township.

Article VII – Storm Water Easements and Maintenance Agreements

Sec. 7.01 Applicability of Requirements

The requirements of this Article concerning storm water easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the Township for review and approval.

Sec. 7.02 Storm Water Management Easements

The developer shall provide all storm water management easements necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance required by the Township and shall record such easements as directed by the Township. The easements shall assure access for proper inspection and maintenance of storm water runoff facilities and shall provide adequate emergency overland flow-ways.

Sec. 7.03 Maintenance Agreements

The developer shall provide all storm water maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance as required by the Township, along with payment to cover the costs of recording such documents with the Ottawa County Register of Deeds. The Township, upon approving the agreements, shall record such agreements with the Ottawa County Register of Deeds. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance of storm water runoff facilities and adequate emergency overland flow-ways.

Sec. 7.04 Establishment of County Drains

Prior to final approval, all storm water management facilities for platted subdivisions and site condominium developments shall be established as county drains, as authorized in Section 433, Chapter 18 of the Michigan Drain Code (P.A. 40 of 1956, as amended) for long-term maintenance.

Article VIII – Performance and Design Standards

Sec. 8.01 Performance Standards

In order to achieve the goals and purposes of this ordinance, the following three storm water management zones (Zones A, B and C) are hereby established. The Zones are shown on the map attached as Appendix A and made a part of this ordinance.

- (1) Zone A represents areas where sandy soils are present or where high quality waters may be impacted. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. In this zone, when site conditions permit, infiltration of runoff via storm water retention shall be required, or extended detention implemented, rather than standard detention or the directed flow of storm water runoff into water bodies. This storm water management practice provides greater protection for surface water quality, and also assists in augmenting stream base flow, reduction of flash storm flows and prevention of stream bank erosion.
- (2) Zone B represents areas where sandy soils are not present and where high quality waters are not impacted. The goal of Zone B is the control of storm water runoff in order to prevent destabilizing of streams and other water bodies. In this zone, the use of detention ponds, the maintenance and enhancement of buffer strips and other measures to reduce directly-connected impervious areas are specified. The management practices for this zone are intended to maintain existing water quality and to alleviate adverse downstream impact on water bodies.
- (3) Zone C consists of non-mandated detention zones: areas located at the lower portions of all watersheds impacted by a given project, as determined by the OCDC. Among the measures required in Zone C are the use of sediment basins, the maintenance and enhancement of buffer strips along water bodies and excavation of additional floodplain storage. An important element of storm water management practice in Zone C is the control and prevention of sedimentation, in order to reduce pollution of water bodies.

Sec. 8.02 Design Standards

The design standards for storm water runoff facilities for Zones A, B and C, as described in Section 8.01, are the following:

	Zone A (This classification covers most of the Township.)	Zone B (This classification either does not exist or is rare in the Township.)	Zone C (This classification exists in the township at the lower end of watersheds.)
Criteria	Areas where sandy soils are present or where high quality waters may be impacted.	Areas where sandy soils are not present and where high quality waters are not impacted.	Areas located at the lower end of all watersheds impacted (non-mandated detention zones).
Storm Water Management & Water Quality Standards	Use retention basins, infiltration trenches, extended detention basins, and/or constructed wetlands.	Use detention ponds; maintain and enhance buffer strips, and reduce directly connected impervious	Use sedimentation control measures, maintain and enhance buffer strips.

	Maintain and enhance buffer strips or provide equivalent treatment.	area or provide equivalent treatment.	
Bank Erosion Control	Storm water runoff shall not exceed the capacity of the downstream conveyance system.	Storm water runoff shall not exceed the capacity of the downstream conveyance system.	Storm water runoff shall not exceed the capacity of the downstream conveyance system.
Flood Control	Detention with infiltration when conditions permit. Release rate of 0.13 cfs/acre per OCDC rules.	Release rate of 0.13 cfs/acre per OCDC rules.	Direct conveyance of storm water runoff within the capacity of downstream system and excavate additional floodplain in lieu of detention.

Sec. 8.03 Resolution to Implement Performance and Design Standards

The Township Board may adopt a resolution establishing more detailed design and performance standards for storm water runoff facilities, consistent with the terms of this ordinance, and in order to further implement its goals and purposes set forth in this ordinance.

Sec. 8.04 - Responsibility to Implement Best Management Practices (BMPs)

The owner or operator of a commercial or industrial establishment shall provide, at the owner's or operator's own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Article IX – Other Matters

Sec. 9.01 Interpretation

Words and phrases in this ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words

and technical phrases which are not defined in this ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

Sec. 9.02 Catch-Line Headings

The catch-line headings of the articles and sections of this ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

Sec. 9.03 Severability

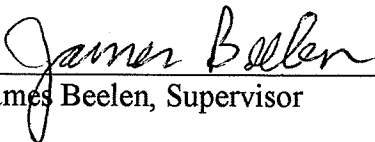
The provisions of this ordinance are hereby declared to be severable, and if any part or provision of this ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

Sec. 9.04 Other Ordinances

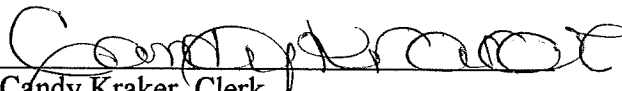
This ordinance shall be in addition to other ordinances of the Township, and shall not be deemed to repeal or replace other ordinances or parts thereof except to the extent that such repeal is specifically provided for in this Article.

Sec. 9.05 Effective Date

This Ordinance is ordered to take effect on the first day after publication of a Notice of Adoption in the Ottawa Advance, a newspaper having general circulation in the Township. This Ordinance was given a first reading on April 26, 2004, and it was published by posting after that first reading. All of this was accomplished pursuant to the provisions of Act No. 359 of the Public Acts of 1945, as amended.



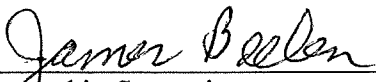
James Beelen, Supervisor



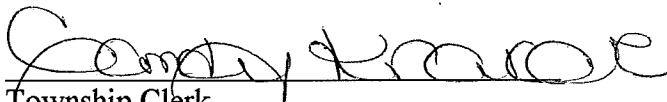
Candy Kraker, Clerk

CERTIFICATE

We, James Beelen and Candy Kraker, the Supervisor and Clerk, respectively, for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Allendale Charter Township Ordinance was adopted at a regular meeting of the Allendale Charter Township Board held on May 10, 2004. The following members of the Township Board were present at the meeting: Beelen, Kraker, Roon, DeJong, Hodson, Knoper, and Mohr. The following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Board, Beelen, Kraker, Roon, DeJong, Hodson, Knoper, and Mohr, voting in favor and members of the Board, none, voting in opposition. This ordinance was published in the Advance Newspapers, the Ottawa Edition, on May 18, 2004.



Township Supervisor



Township Clerk

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