

ARGENTINE TOWNSHIP
WETLANDS ORDINANCE
ORDINANCE #40

The Township of Argentine ordains:

SECTION 1.01 SHORT TITLE

This Ordinance shall be known and may be cited as the Argentine Township Wetland, Watercourse, Floodplains Protection Ordinance.

SECTION 2.01 PURPOSE

The wetlands of the Township of Argentine are indispensable and sensitive natural resources subject to flooding, soil bearing capacity limitations, and other hazards. In their natural state, wetlands serve multiple functions for flood control, stormwater storage and release, pollution control, erosion control, wildlife habitat, aesthetics, open space and recreation. The continued destruction and loss of wetlands constitutes a distinct and immediate danger to the public health, safety, and general welfare. It is therefore, the policy of the Township of Argentine:

1. To provide for the protection, preservation, proper maintenance, and use of Township watercourse, wetlands, and floodplains in order to minimize disturbance to them and to prevent; damage from erosion, turbidity, or siltation; a loss of fish or other beneficial aquatic organisms; a loss of wildfire and vegetation; and/or the destruction of the natural habitat thereof.
2. To provide for the protection of the Township's potable fresh water supplies from the dangers of drought, overdraft, pollution, or mismanagement.
3. To secure safety from floods; to prevent loss of life, property damage or other losses and risks associated with flood conditions; to reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to protect individual and community riparian rights; to preserve the location, character, and extend of natural drainage courses.
4. To provide for the enforcement of this section and coordination of appropriate local ordinances and state statutes with the corresponding County or State agency.
5. To provide a procedure for appeal for review under the Requirements of this Ordinance.
6. To provide penalties for the Violation of the Ordinance.

SECTION 2.02

VALIDITY

The authority, for the adoption of this Ordinance is provided by Act 203, P.A. 1979, known as the Geomaere-Anderson Wetland Protection Act. The Township Board declares that this Ordinance is essential to the health, safety, and general welfare of the people of the Township of Argentine and is based upon reasonable standards.

SECTION 3.01

DEFINITIONS

With this section the following terms, phrases, words and their derivatives shall have the meaning given herein, unless the context otherwise requires:

1. BOTTOMLAND shall mean the land area of a lake, stream, or watercourse which lies below the ordinary high water mark, and which may or may not be covered by water.
2. CHANNEL shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water under normal or average flow conditions.
3. COMMISSION means the Planning Commission of Argentine Township organized under P.A. No. 168 of Public Acts of 1959.
4. DEPOSIT shall mean to fill, place, or dump.
5. DISCONTINUANCE shall mean cessation of use.
6. DRAINAGE COURSE shall mean an artificial waterway constructed to control runoff so as to prevent flooding of or creation of floodlands.
7. FLOOD shall mean an overflow of flood water onto lands not normally covered by water. Floods have these essential characteristics: the inundation of land is temporary and results from unusually heavy precipitation; and the land is adjacent to and inundated by overflow from a watercourse, lake, or other body of standing water, or is flooded by natural runoff.
8. FLOOD PLAIN shall mean the relatively flat area or low lands adjoining the channel of a watercourse or

a body of standing water, which has been or may be covered by floodwater.

9. FLOODWAY shall mean the channels and area adjacent to the channel necessary to carry and discharge the ordinary or seasonal flood. Floodway channel limits shall be the ordinary high water mark boundaries of the channel.
10. FLOODWAY (100 YEAR) shall mean the calculated channel and area adjacent to the channel necessary to carry and discharge the 100 year flood.
11. LOCATE shall mean construct, place, insert, or excavate.
12. MATERIAL shall mean soil, sand, gravel, clay, peat, debris, and refuse, or any other material, organic or inorganic.
13. NATURAL OBSTRUCTION shall mean any rock, tree, or other natural matter that is an obstruction and has been located in a floodway by a non-human cause.
14. NONCONFORMING LOCATION shall mean location of an operation, obstruction, or structure which lawfully existed upon the waters, bottomlands, floodlands or 100 year flood plain at the time of adoption of this ordinance or amendments thereto, and which does not conform to the requirements of this ordinance.
15. NONCONFORMING OPERATION shall mean an operation or use which lawfully occupied an obstruction, structure, or land at the time of adoption of this section or amendments thereto, and which does not conform to the requirements to this section.
16. OBSTRUCTION shall mean artificial obstructions such as: any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, bridge, conduit, refuse, fill, plant, materials, or other structures or matter in, along, across, or projecting into any floodway which may impede, retard, change the direction of the flow of water, increase the flood height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
17. OFFICIAL MAP shall mean the Official Wetlands Map and map of Argentine township, as amended and/or updated from time to time.

18. ONE HUNDRED (100) YEAR FLOOD shall mean a flood having an average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year.
19. OPERATION shall mean depositing, or engagement in any construction use or activity, or a combination thereof which in any way modifies the conditions of watercourses or lands subject to this Ordinance under Section One (1) of this Ordinance as they exist on the effective date hereof.
20. ORDINARY HIGH WATER MARK shall mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an island lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary highwater mark.
21. OWNER shall mean any person who has dominion over, control of, or title to an obstruction, natural obstruction or to wetland properties.
22. PERSON shall mean any individual, firm, partnership, association, corporation, company, organization, or legal entity of any kind, including governmental agencies conducting operations within the Township.
23. PRECIPITATION shall mean the deposit on a property of rain, snow, sleet, hail, or mist.
24. REMOVE shall include to dig, dredge, suck, pump, bulldoze, dragline, or blast.
25. RUNOFF shall mean surface discharge of precipitation to a watercourse or low area. Delayed runoff can occur from sudden warming after winter precipitation accumulated as snow and ice.
26. SEASONAL shall mean any intermittent or temporary operation which occurs annually and is subject to interruption from changes in weather, water level, or time of the year, and may involve annual removal and replacement of an operation, obstruction, or

structure.

27. SOILS: POORLY DRAINED are those soils from which water is removed so slowly that the soil remains wet for a large part of the time. The water table is commonly at or near the surface during a considerable part of the year. Poorly drained conditions are due to a high water table, to a slower permeable layer within the soil profile, to seepage, or to some combination of these conditions. In Michigan, poorly drained soils may be light gray from the surface downward with or without mottlings.
28. SOILS: VERY POORLY DRAINED are those soils from which water is removed from the soil so slowly that the water table remains at or on the surface a greater part of the time. Soils of this drainage class usually occupy larger or depressed sites and are frequently ponded. Very poorly drained soils in Michigan commonly have dark gray or black surface layers and are light gray, with or without mottlings in the deeper parts of the soil profile.
29. STRUCTURE shall mean any assembly of materials above or below the surface of the land or water, including but not limited to houses, buildings, plants, bulkheads, seawalls, piers, docks, rafts landings, dams, or waterway obstructions.
30. TEMPORARY shall mean a time period as specified in the use permit, or if unspecified shall mean an uninterrupted time period less than one (1) year duration.
31. TOWNSHIP shall mean Argentine Township, Genesee County, Michigan.
32. TOWNSHIP BOARD shall mean the Board of Trustees of Argentine Township, Genesee County, Michigan.
33. UPLAND shall mean the land area adjoining a lake, stream, or watercourse, above the ordinary highwater mark, uses for which are essential nonaquatic.
34. WATERCOURSE shall mean any waterway or other body of water having well defined banks, including rivers, streams, creeks, and brooks, whether continually or intermittently flowing, and lakes and ponds, and/or as shown on the Official Watercourse and Wetland Map.
35. WETLANDS shall mean poorly drained and very poorly

drained soils of 1/2 acre or more. Poorly and Very Poorly drained soil are those which are either covered with water or on which the watertable is at or near the surface for a considerable part of the year and which, by nature of their surface and/or subsurface water supply, or are self-contained water resources, including marshes, swamps, and bogs, and/or as shown on the Official Wetlands Map.

SECTION 3.02 GENERAL PROVISIONS

Land to which this Ordinance applies. This Ordinance shall apply to all lands within the jurisdiction of Argentine Township upon which any of the following conditions exist:

1. Lands subject to one hundred (100) year flooding and flood hazards, as defined and/or as identified on the Official flood and Drainage Map of Argentine Township.
2. Watercourse as defined in this Ordinance and/or as identified on the official Wetlands Map of Argentine Township.
3. Wetlands as defined in this Ordinance and/or as identified on the Official Wetlands Map of Argentine Township.

SECTION 4.01 WETLAND MAP

The Official Wetlands Map which designates wetlands in the community including amendments that may be made from time to time, and are on file, are incorporated into this Ordinance and made a part of this Ordinance by reference.

1. In case of conflict between the Official maps and the definitions in this Ordinance, the definition shall control.

SECTION 5.01 COMPLIANCE MANDATORY

No operation, structure, or land shall be used and no structure shall be located, extended, converted, or structurally altered without full compliance with terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

SECTION 6.01 PERMITTED ACTIVITIES

The following activities are permitted within a wetland area, provided such use does not violate the purpose and intent of this

Ordinance or any applicable state laws:

1. The operation and maintenance of existing dams and other water control devices, if in compliance with all applicable statutes and Ordinance.
2. Uses that may be permitted in the floodway and 100 year flood plain:
 - a.) Cultivation and harvesting of crops according to recognized soil conservation practices.
 - b.) Pastures, grazing land, and forestry.
 - c.) Wildlife sanctuary, woodland preserves, arboretums.
 - d.) Open space portions of any zoning district.

SECTION 7.01 WETLANDS PERMIT REQUIRED

Except for those activities expressly permitted by Section 6.01, it shall be unlawful for any person to do the following activities without first obtaining a Wetland, watercourse, or floodplains permit:

1. Dredging, removing, or permitting the dredging or removal of material or minerals.
2. Depositing or permitting the placement of fill material.
3. Erecting or building any structure.
4. Constructing, operating, or maintaining any land use or development.
5. Constructing a canal or channel.

SECTION 8.01 WETLAND PERMIT APPLICATION

1. Use Permits Required. All operations affecting flood plains and floodways, watercourses, and wetlands shall require the filing and approval of a Use Permit Application and the issuance of a Use Permit by the Township.
2. Submittal of Application. All use Permit applications must be completed in full, and be submitted to the Township Building Department with the accompanying fee, and the following information:
 - a. A detailed description and purpose of the proposed operation.
 - b. Amount and type of material to be removed and deposited.

- c. A dimensioned site plan showing the legal description, zoning classification (including zoning on adjacent parcels), existing features, and the size and location of all parts of the proposed operation.

- d. Where removal, depositing or grading is proposed, accurate topographical map of these disturbed areas should be drawn to scale not less than 1 inch = 30 feet. If required it shall be prepared and certified by a registered landscape architect, land surveyor, or civil engineer. Preparation of plans by a licensed professional shall not be required for permits reviewed by the Building Department. The Topographical map shall contain:
 - 1. Name and address of owner of record of the affected property, and of applicant if other than owner, (if applicant is not property owner will be notified of permit application); locations and dimensions of all boundary lines; names of the owners of record of adjoining properties and of properties directly across any roads; graphic scale, north arrow and date.

 - 2. Existing contour data for the entire property with a vertical contour interval of no more than five feet, and vertical contour data at an interval of no more than two feet for all areas to be disturbed by the proposed operation, extending for a distance of at least 50 feet beyond the limits of such areas. Indicated elevations shall be based on United States Geological Survey datum.

 - 3. Specification of the extent of all areas to be disturbed, the depth to which removal or deposition operations are proposed, and the angle of repose of all slopes of deposited materials and/or sides of channels or excavations resulting from removal operations.

 - 4. An area map at a scale of not less than 1 inch = 200 ft. showing property lines, normal high water line boundary and elevation, proposed changes in location and extent of existing watercourses, flood lands and drainage courses.

5. The type of operation and the Usable Floor Area as applicable.

6. Any additional information deemed necessary by the Building Inspector, Planning Commission, and/or Township Board.

3. Review of Application. The method of review of the Use Permit Application shall be determined by the extent of the proposed operation as follows:

a. For residential buildings on 1/2 acres or less, and not exceeding 3,500 square feet per building of floor area, and uses normally accessory thereto, or for seasonal operations, the Use Permit Application shall be reviewed by the Building Inspector who, if the proposed operation is found to conform with the requirements of this section, may issue a Use Permit.

b. For any proposed operation not covered by paragraph (a) above, the Building Inspector shall forward the Use Permit Application to the Argentine Township Planning Commission for review for conformance to the requirements and standards outlined in this Ordinance. If the application is approved, the Use Permit shall then be issued by the building Inspector.

4. Appeal of Denial.

a. Appeal from a decision of a Building Inspector or the Township Planning Commission shall be made to the Township Board.

b. In reviewing the appeal, the Township Board shall consider the appropriate standards of this Ordinance before arriving at a decision.

5. Conditions of Issuance.

a. All operations permitted or approved by Use Permits shall be conducted in such a manner as will cause the least possible damage, an encroachment or interference with natural resources and natural processes within the watercourses and wetland areas in the Township defined in this Ordinance.

b. The Township Board or Building Inspector, if a permit is issued pursuant to sec. 3(a), shall:

(1) Impose such condition on the manner and extent of the proposed operation, use or structure or use activity as are necessary to ensure that the intent of this Ordinance is carried out.

(2) Fix a reasonable time within which any construction, removal, or deposition operations must be completed; and

(3) Require the filing with the Township of a cash bond or irrevocable letter of credit, in such form and amount as determined necessary to ensure compliance with approved Use Permit.

c. Where a final preliminary subdivision plat or a final site plan containing work as defined in this section has been reviewed and approved by the Planning Commission in conformance with the requirements of this Ordinance, such approval, together with any additional terms and conditions attached thereto shall be considered to have completed the requirements for a Wetlands Permit under this Section, which shall then be issued by the Building Department.

d. Approved Use Permits shall be readily available and be presented upon request to an authorized agent to the Township.

e. Use Permits for seasonal operations need not be renewed annually unless otherwise stated in the permit.

f. Any change which increases the size, scope, use or hours of operation must be examined as a new operation and shall require the filling of a new Use Permit.

g. Any temporary, seasonal, or permanent operation which is discontinued for one year or one season, shall be considered terminated and the Use Permit automatically voided.

h. A Use Permit shall be obtained prior to issuance of necessary building permits by the Building Department.

6. Fees. Fees for permits required by this section shall be established by and may be changed from time by resolution of the Township Board. All fees shall be paid at the time of application to the Township Treasurer or in such manner as the Board shall direct.

SECTION 9.01 PENALTIES AND ENFORCEMENT.

1. Any person found guilty of violating any of the provisions of this Ordinance shall be punished by a fine not to exceed Five hundred (\$500.00) dollars or imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. The Township Board in addition to other remedies may institute any appropriate action or proceeding to prevent, abate, or restrain the violation. A violation of this Ordinance shall be deemed a public nuisance.

2. Each day's continuance of a violation shall be deemed a separate and distinct offense.

SECTION 10.01 EFFECTIVE DATE

The provisions of this Ordinance shall take effect after Thirty (30) days have elapsed after the publication of this Ordinance pursuant to the provisions of Section 1 of Act 191 of Public Act of 1939, as amended.

Made and passed by the Township Board of the Township of Argentine, Genesee County, Michigan, on this 9th day of April, 1990.

Effective Date: 15th Day of May, 1990

ARGENTINE TOWNSHIP
GENESEE COUNTY, MICHIGAN

* APPLICATION FOR WETLANDS USE PERMITS

(Please type or print, submit 3 copies to Building Dept.)

APPLICANT _____ PHONE NO. _____

ADDRESS _____ ZIP _____

OWNER _____ PHONE NO. _____

ADDRESS _____ ZIP _____

PARCEL NO. _____ ACRES/SQ. FT. _____ CURRENT ZONING _____

LEGAL DESCRIPTION OF PROPERTY: _____

GIVE A DETAILED DESCRIPTION AND PURPOSE OF THE PROPOSED OPERATION

RESIDENCE BUILDING FLOOR AREA (if applicable) SQUARE FEET _____

IS PERMIT REQUESTED FOR SEASONAL OPERATION? _____

AMOUNT & TYPE OF MATERIAL TO BE REMOVED OR DEPOSITED: _____

ATTACH A DIMENSIONED SITE PLAN SHOWING THE LEGAL DESCRIPTION, ZONING CLASSIFICATION (INCLUDING ZONING ON ADJACENT PARCELS), EXISTING FEATURES, AND THE SIZE AND LOCATION OF ALL PARTS OF THE PROPOSED OPERATION.

WHERE REMOVAL, DEPOSITING OR GRADING IS PROPOSED, SECTION _____ IS APPLICABLE.

DATE RECEIVED ___/___/___ _____
Signature of Applicant

FEE _____ REC'D ___/___/___ DATE OF APPLICATION ___/___/___

PLANNING COMM. REC'D ___/___/___ PLAN.COMM. APPROVED/DENIED ___/___/___

TOWNSHIP BOARD REC'D ___/___/___ TWP BOARD APPROVED/DENIED ___/___/___

TWP BOARD CONDITIONS: _____

APPROVED BY _____ PERMIT ISSUED ___/___/___
BUILDING OFFICIAL SIGNATURE

single lots non-refundable
larger operations non refundable

*THIS PERMIT DOES NOT SUPERSEDE THE REQUIRED DNR PERMIT.