

PONDS (RECREATIONAL AND FARM)

AMENDMENT TO ZONING ORDINANCE #30

This is an Ordinance to preserve, promote and protect the health, safety and general welfare of the citizens and to protect the environment and natural resources of London Township. The creation and expansion of ponds and similar man-made or altered bodies of water accessory to farming, residential or recreational uses shall be subject to the following:

London Township, Monroe County, Michigan Ordains:

Section 5.605 of the London Township Zoning Ordinance is amended to read as follows:

Section 1. Purpose

A. The purpose of this Ordinance is to:

1. Encourage the use of land to its fullest extent for the purpose for which it was zoned, for the preservation of land value, safety, and beautification.
2. Prohibit land misuse in any form which would contribute to devaluation of property within the Township.
3. Meet the needs of recreation and the natural surroundings such as wildlife, forestry, and the general atmosphere.
4. Prevent and prohibit any form of contamination or use of toxic materials and to maintain the goals of the zoning ordinance.
5. Keep the site free from devaluating neighboring properties by not allowing the site to be used for a purpose which violates the Zoning Ordinance and to ensure the general peace or well-being of the community.
6. Provide regulation of the land use to ensure that all township residents and properties are protected from misuse in any form contributing to or causing devaluation or harm.

Section 2. Definitions

- A. Landscape Pond: A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, ground water or a public or private water distribution system. This ordinance exempts landscape ponds of 600 square feet or less.
- B. Farm or recreational pond: Any open and substantially earthen artificial, man-made, or natural impoundment of water created, altered, or enhanced by any excavation, cutting, stripping, grading, digging, filling, removal, or movement of any soil matter or earth material, or by the installation of any dam, levy, or other retention device or structure which diverts the natural flow of water to or from an area thus creating altering or enhancing an impounded body of water. Pond size is from 600 square feet or up to 20 percent of the proposed parcel. No more than one pond up to 4.99 acres per parcel. Pond size is defined as surface area including slopes.

Section 3. General Requirements

- A. An approved site plan for any pond is required as directed by this section, prior to issuance of permit for a pond construction. Review and inspection fees as defined in Township fee schedules will apply.
1. The pond must be located on a parcel of at least five (5) acres in size.
 2. The pond must be set back a minimum of 50 feet from property lines and 25 feet from dwellings.
 3. The pond shall be constructed in conformance with the design standards of the Soil Conservation Service, and have an approved permit from the Monroe County Drain Commission in accordance with the provisions of Act 451 of 1994, as amended, The Soil Erosion and Sedimentation Act.
 4. Life saving measures, warnings signs and safety equipment shall be shown on the site plan drawing. The Planning Commission may suggest life saving stations based upon the size and location of the proposed pond. The life saving station shall, at a minimum, have a flotation device attached to a safety rope. And each such safety station shall have an approved U.S. Coast Guard life ring with 100 feet of rope and a ten-foot pole on a wooden post extending four feet above grade on which a deep water warning sign shall be mounted. The maintenance of life saving equipment is the sole responsibility of the Owner.
 5. In reviewing a request for a pond, the Planning Commission shall take into consideration the proximity of housing on the surrounding properties.
 6. No pond created under the provisions of this Ordinance, except for ponds incidental to the development of a golf course or public park facility, shall be utilized for any commercial or public use.
 7. Excavation for ponds and resulting spoils shall not be placed within 50 feet of the area of a designated 100-year flood plain; floodplain perimeter must be shown on submitted drawing. Flood plain delineation within 500' of flood plain delineation must be validated by the Michigan Department of Environmental Quality (MDEQ). Applicants must follow FEMA and London Township Flood Plain Resolution.
 8. The Inland Lakes and Streams Act (PA 346 of 1972), being MSA §11.475 (1) et seq., as amended, or any similar successor Act applies and will be enforced, if the proposed pond is five acres in area or the pond will connect to or be within 500 feet of the ordinary high water mark of a lake, stream, and county drain as defined in said Act.
 9. Provide proof of compliance with, or exemption or waiver from the provisions of the Natural Resources and Protection Act, Act 451 of 1994, as amended, the rules promulgated thereunder by the Water Resources Commission of the Michigan Department of Natural Resources and the Monroe County Resolution for Soil Erosion and Sediment Control Rules or Resolution, if applicable. Submit a copy of any application, all submittals filed, approval letters from the Monroe County Drain Commission, and/or other appropriate enforcing agencies.
 10. The property, as situated at the time application for a pond permit is made, shall not subsequently be split, divided or partitioned in a manner that would result in nonconformance with the requirements contained herein. The applicant must have a deed restriction that the parcel will not have future splits that violates the Township Zoning Ordinance.

11. No pond shall be located upon, across, or extended beyond existing lot boundaries. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals or septic systems.
12. Pond construction shall not commence earlier than 7:00 a.m. and shall not continue after 9:00 p.m., unless pond is under extraction operation. If so, extraction operation requirements are to be followed.
13. The cleaning and maintenance of any pond shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However, a pond cleaning permit must be obtained from the Building Inspector prior to commencement of any pond cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application. The fee for the permit shall be determined by the Township Board. Dredging and spoils must stay on site and cannot be spread or stock piled within 50 feet of property lines.

Section 4. Application Process

- A. A permit application and submitted site plan must conform to Section 12.01.C Site Plan Review Process, and must include the following information:
 1. The names, addresses and telephone numbers of the Owners, professional engineer and contractor, if applicable, submitted on 24" x 36" bond paper and designed by a professional engineer licensed in the State of Michigan and/or property owner.
 2. A location map showing the site of the proposed pond, as well as its relationship to roads, adjacent properties, and structures within 100 feet of the property lines of the parcel to contain the proposed pond, including the area of the parcel, the area of the portion to be graded, excavated or disturbed, and the area of the resultant pond.
 3. Identification of all existing lakes streams, open ditch drains, ponds, detention basins, water courses, flood plains, enclosed storm drains, field tile and sanitary drains, and any official wetlands as designated by the Michigan Department of Natural Resources on the proposed property.
 4. Provide the legal description and tax parcel number(s) of the parcel(s) to contain the proposed pond, and note the name(s), address, and tax parcel number(s) of all adjacent parcels to the subject location.
 5. Indicate the location and designation of all existing and proposed buildings, structures, drives, roads, streets, right-of-ways, easements, above ground and below ground utilities, poles, wells, septic tanks and leach beds, water lines and hydrants, sanitary, field tile and storm drains, culverts, manholes, catch basins, areas where livestock are kept, or any other structure or natural feature on the parcel to contain the proposed pond, and within 100 feet of the pond's perimeter, including the distance between the proposed pond and each such structure, underground utility, or use.
 6. Indicate the existing and proposed ground elevations with contour lines of no more than ten foot intervals and/or such other topographic information satisfactory to the Township Planning Commission. Include all elevations of the parcel's lot corners and property lines.
 7. Cross section drawings of the pond indicating the depth, slopes, length, width, height or other grading of the pond and placement of excavated spoils.
 8. A certified statement, signed and sealed by the registered professional, if applicable, that did the original design, is required to list the quantity of excavation and/or fill proposed.

9. The benchmark description and location used for establishing existing and proposed grades, based on Datum, NAVD 1988.
10. Designed water depth of pond shall be at least eight (8) feet to ensure proper aeration and circulation of the water. Pond banks shall have a maximum slope of one (1) foot vertical rise in four (4) feet of horizontal distance, which shall extend below the water's surface to a depth of at least eight (8) feet.
11. Shoreline berms shall not exceed a maximum height of six (6) feet and a maximum slope of one (1) foot vertical incline to each four (4) feet of horizontal distance. Escape ramps with shallower slopes shall be provided to allow adequate means for climbing out of the pond.
12. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
13. Pond excavation and the relocation of excavated materials shall not affect the natural drainage pattern of the area, and shall not cause or exacerbate the drainage of surface water onto adjacent lots or towards any existing structures. Ponds shall be designed and maintained to prevent overflow, spillage or seepage from encroaching upon adjacent lots.
14. Prior to submitting an application for approval to construct a new pond, the property owner shall excavate a test hole to determine the water table and appropriate depth of the pond. The property owner shall then contact the Township Zoning Administrator to inspect the test hole within 48 hours of the excavation to document the water table of the site.
15. Each permittee shall be responsible for the clean up of any spillage of materials, such as dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel routes as approved by the Monroe County Road Commission. Any such material shall be removed within 24 hours of spillage or receipt of notice from the Township Zoning Administrator.
16. The loading and removal of excavated materials shall be limited to between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, and 7:00 a.m., and 12:00 noon on Saturdays. Loading and removal of excavated materials shall be prohibited on Sundays or legal holidays.
17. A map showing truck routes to and from the site; as approved by the Monroe County Road Commission.

Section 5. Approval Process

A. The approval process will include:

1. Once site plans have been recommended for approval by the Township Engineer and Planning Commission, the final approval will rest with the Board of Trustees. The Board of Trustees may approve, table, or send back to Planning Commission with recommendations;
2. If using a contractor, contractor must have a current state of Michigan excavator license in order to obtain any necessary permits. License must remain current through the entire project. During the permit application process the contractor must provide license with expiration date to the office issuing the permit. If expiration occurs during the duration of the project, renewal of the license must take place and certification of renewal is to be presented to the Township Building Official for the project to continue;
3. If using a contractor, contractor must have current workman's compensation and liability insurance in force before a permit can be issued. As with the licensing requirement, insurance certificate must be presented and be current through the entire duration of the

project. A certificate of insurance, using industry standard form, must be forwarded to London Township from the contractor's insurance carrier before permit will be issued;

4. As a condition of approval of the proposed site plan, the London Township Board of Trustees shall, in its discretion, require the Applicant to post a performance bond payable to the Township in the amount of the estimated cost of the creation of the proposed pond and ancillary work. Said bond may be used for penalty fees for failure to complete the work on schedule as specified in the permit. The performance bond may be a cash bond, certified check, or an irrevocable letter of credit. Every letter of credit shall include, and every cash or certified check deposit shall be subject to, the conditions that the Applicant shall comply with all the provisions of state statutes, rules, regulations, this Ordinance and the special conditions of the approval granted by the London Township Board of Trustees, and shall complete all the work contemplated within 365 days after the date of approval, and shall undertake the installation and completion of all protective and corrective measures as may be required. The Applicant and the person issuing the instrument of credit or making a cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended in causing any and all of such work to be properly performed and completed. In the case of a cash deposit, any unused portion thereof shall be refunded to the Applicant after completion of all work covered by the permit, upon final inspection, and issuance of documentation that the pond has complied with the site plan as approved by the Township. By applying for and being granted a permit, the Applicant agrees to indemnify and save harmless the Township, its elected officials, appointed officers, employees and agents, against an and all claims, actions, suits, proceedings, demands, assessments, judgments, costs, taxes, charges, and expenses, costs and attorney fees incidental to any of the foregoing, in consequence of any injuries to persons or damages to property which arise out of the operations authorized under this Ordinance;
5. **A 90-day inspection will be performed by the Township Engineer and** if during the 90-day inspection by the Township Engineer it is determined that any excavation, embankment, fill, grading, or other activity regulated by this Ordinance, has or may become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment, fill, grading or other regulated activity is located, or other person or agent in control of said property, upon receipt of a notice in writing from the Township Building Official, shall within the period specified therein, repair or eliminate such hazard.

Upon completion of work in accordance with the approved site plan, two sets of an as-built plan prepared by a professional engineer, architect or surveyor, licensed in the State of Michigan, shall be submitted to the Township Clerk who shall deliver one set of said plans to the London Township Building Inspector and the other set to the London Township Planning Commission. Said as-built site plan shall indicate all of the final as-built information, locations, and elevations as required for the original proposed site plan review, all marked as "AS-BUILT." The London Township Building Official shall review the site for conformance with the approved site plan and the accuracy of the as-built plans. If all the work has been completed in accordance with the approved site plan, the London Township Building Official shall recommend to the London Township Planning Commission the issuance of a Certificate of Completion. If all work is not completed in accordance with the approved site plan, the London Township Building Official shall provide notice of specific revisions or site

modifications which must be made by the Applicant as a condition of his recommendation for approval by the Township Planning Commission.

- a. A pond not complete with the 365 day permit cycle, shall be inspected by the Township Engineer and/or appointed official who will issue a report of status of construction with recommendations for completion submitted to the Board of Trustees for action. At that time, a project shall not be allowed to continue more than an additional 365 days, equaling a total of two (2) years, for completion from the original permit date.

Published: March 13, 2019

Effective: April 12, 2019