

**ORDINANCE NO, 35
GRANT TOWNSHIP PRIVATE POND ORDINANCE**

No. 35, Adopted: May 14, 1990

Private ponds for fish, ducks, livestock water, irrigation water, fire protection, and domicile recreation or created for the purposes of obtaining fill dirt for on-site construction purposes shall be permitted subject to the provisions below after first obtaining a zoning compliance permit from the Build Inspector.

SECTION 1: Application shall contain:

- (a) The owner(s) of the property
- (b) Legal description of the property
- (c) A site plan drawn to a scale suitable to demonstrate compliance with applicable regulations.

SECTION 2:

No pond shall be constructed without first obtaining a permit from the Michigan Department of Natural Resources (DNR) if required by the DNR. The obtaining of a permit from the DNR shall not relieve a person from also complying with the requirements of this Ordinance.

Applicants under this section are encouraged to obtain copies of publications concerning ponds from the U.S. Soil Conservation Service and the St. Clair County Cooperative Extension Service. They are encourage to obtain information about dry hydrants from the building inspector or the fire chief.

SECTION 3: All ponds constructed shall comply with the following regulations:

- A. The excavated material remaining on-site shall be leveled over the area around the pond or the property site.
- B. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes.

However, excess excavated earth materials not feasible for use on-site may be removed or sold and taken from the property in compliance with an approved site plan and following requirements. If the applicant proposes to remove any excess excavated earth from the property, he shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to this stated volume and any excess of this stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site plan or physically attached to the plan for purposes of review and approval or denial. Further, any excess earth shall be removed within three months.

ORDINANCE NO, 35

months after excavation except under unusual circumstances (i.e., a long period of bad weather as might occur in winter or spring months) then the applicant may apply to the Planning Commission for one extension of three months.

- C. Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section above shall not be considered as "ponds", but instead shall be considered "quarries" and subject to the applicable provisions of the Ordinance and Provisions of Grant Township's #27 and #29.
- D. All of the disturbed areas around the pond shall be seeded with an adaptable grass and Legumes.
- E. All ponds shall be constructed so as to prevent sewage or run-off by barnyards etc., from draining into the pond.
- F. If the pond is intended for swimming, the area shall be free of all underwater obstacles such as sudden drop-off or deep holes, trees, stumps, brush, wire, or fence.
- G. No pond shall be constructed any closer than 50 feet (50') from a septic disposal field. Nor any closer than 30 feet (30') from all property lines.
- H. The pond shall not be placed within a "required" front yard.

SECTION 4: Permit Fees:

A permit fee as established by resolution of the Township Board shall accompany the application for a permit. Said sum is to be used to defray the cost of pond investigation, publication charges if applicable and other miscellaneous administrative expenses occasioned by processing such application.

SECTION 5: Penalty:

Any person violating any of the provisions of this Ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500) or by imprisonment in the county jail of St. Clair County, not exceeding ninety (90) days or by both fine and imprisonment at the discretion of the Court trying the offender. Each day during which the violation continues shall be considered a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

SECTION 6: Severability:

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section, or sub-section is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

ORDINANCE NO, 35

SECTION 7: Repeal:

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed but only insofar as they conflict with this Ordinance.

SECTION 8: Effective date:

This Ordinance shall become effective thirty (30) days after publication.

Published: May 22, 1990