

GOODLAND TOWNSHIP

AMENDMENT 801.2 TO EARTH MATERIAL REMOVAL ORDINANCE 801, as amended

An ordinance to amend sections of the Goodland Township Earth Removal Ordinance No. 801, as amended, as to the definitions, issuance of permits, pond construction standards, and private agricultural ditch regulations.

THE TOWNSHIP OF GOODLAND ORDAINS:

The following sections of the Earth Removal Ordinance No. 801 are hereby amended to provide as follows:

ARTICLE II – DEFINITIONS

AGRICULTURAL ENTITY—shall be defined as an operation that is registered with the United States Department of Agriculture, Farm Services Agency.

DITCHES, PRIVATE AGRICULTURAL—For the purposes of this Ordinance, a private agricultural ditch shall mean any long, narrow furrow or trench excavated in the ground for the purposes of irrigation or drainage by a private, agricultural entity (e.g. that which is not under the jurisdiction of the Lapeer County Drain Commission or other public agency or governmental authority) and which is not created for the express purpose of earth material removal as regulated herein. The excavation of ditches for the purpose of irrigation or drainage and in a manner that meets the construction and permitting requirements of Section 3.13, Private Agricultural Ditch Regulations, is exempt from the Earth Material Removal requirements of Sections 3.01, 3.02, 3.03, and 3.05 through 3.11.

POND, FARM OR RESIDENTIAL—a small body of water formed naturally or artificially, used for aesthetics, recreation, irrigation, storm water management, and/or agricultural aquaculture; and which under normal circumstances can hold water to a depth of three (3) feet or more. The excavation of ponds that meet the construction and permitting requirements of Section 3.12 is exempt from the Earth Material Removal Ordinance, No. 801, as amended.

ARTICLE III – REMOVAL OF EARTH MATERIALS

Section 3.04 ISSUANCE OF PERMITS—*amended to read as follows:*

D) Exemptions Farm Ponds and Residential Ponds; Private, Agricultural Ditches. Farm ponds, residential ponds and private, agricultural ditches as defined herein shall be exempt from the Earth Material requirements contained herein (Sections 3.01, 3.02, 3.03, and 3.05 through 3.11), provided that such ponds and ditches comply with the size, construction and permitting requirements of Sections 3.12 and 3.13, as applicable.

Section 3.08 D. (deleted in its entirety)

~~A farm pond may be installed up to 2 acres without meeting the requirements of this ordinance with a permit and a fee established by the township board for 18 months.~~

SECTION 3.12 FARM/RESIDENTIAL POND CONSTRUCTION STANDARDS

The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.

- A. General Provisions and Definitions

1. Private residential ponds accessory to a single family home and agricultural or farm ponds may be permitted on a single parcel of land within any zoning district subject to the following:
 - a. Pond, for the purposes of this section, shall mean any natural or artificial body of water (excluding non-earthen swimming pools) that under normal circumstances can hold water to a depth of three (3) feet or more.
 - b. Construction shall mean the digging of a new pond and/or the horizontal enlargement of an existing pond.
 - c. Cleaning (or deepening) of an existing pond shall mean the removal of accumulated silt or other soil materials in order to restore the pond's original and established slopes and contours.
 - d. Enlargement of an existing pond shall mean a horizontal increase in the area of the dimensions of the existing slopes.
 - e. Ponds are limited to twenty-five (25%) percent of the parcel size, up to a maximum of three (3) acres. The size is determined by the area where the slopes begin (the grade begins to fall).
 - f. Four (4) inches of top soil must be left on the property for reclamation. The remaining material may be removed from the property.
2. A pond permit shall be required from the Goodland Township Zoning Administrator for the construction or enlargement of all ponds. The property owner and/or his contractor shall submit a pond application to the Goodland Township Zoning Administrator accompanied with two (2) copies of the site plan drawn to scale and containing the following information:
 - a. Area of parcel, in acres
 - b. Date, north point, and scale
 - c. Dimensions of all property lines
 - d. Dimensions and locations of the proposed and/or existing pond(s) to be excavated along with other existing bodies of water
 - e. Indications of slopes for proposed pond
 - f. Location of all structures on property either existing or proposed
 - g. Location of all wells and/or septic systems
 - h. Location of all existing or proposed roads, driveways, and easements
 - i. Location of all overhead transmission lines
 - j. Location of all watersheds, wetlands and drainage areas or runs whether natural or man made
 - k. Location of any proposed discharge, runoff, or overflow path for proposed pond.
3. All ponds shall meet the minimum setback requirements for the applicable zoning district in which the pond located, as set forth in the Goodland Township Zoning Ordinance 100, as amended.
4. There shall be a minimum of fifty (50) feet from any structure.
5. There shall be a minimum setback—from any septic tank, septic field, or well—of at least seventy-five (75) feet.
6. There shall be a minimum of fifty (50) feet from the edge of the pond excavation to all overhead transmission lines.
7. There shall be no slope in excess of 3:1 (three feet horizontal to one foot vertical) until the water reaches a depth of six (6) feet. Upon reaching six (6) feet of water depth, the slopes shall be allowed to increase to 2:1 (two feet horizontal to one-foot vertical). This requirement shall be clearly demonstrated on the applicant's site plan.
8. No pond shall be allowed to cause additional water overflow to runoff onto adjacent lots or parcels.
9. All approved ponds shall be completed within twelve (12) months of the issuance of a permit. The Goodland Township Zoning Administrator may grant a single six (6) month extension of the permit for just cause.
10. The pond permit applicant shall be responsible to obtain any additional permits required under state or federal law. Securing a pond permit from Goodland Township shall not be construed or considered as a determination or verification that the permit applicant has obtained any other permits. This obligation is solely that of the applicant/owner.

11. Excavated material or overburden from private residential, agricultural or farm pond construction shall be graded at a 5' to 1' slope (five feet horizontal for every one foot vertical).
12. All areas distributed during construction shall be seeded with grasses and maintained in good condition to prevent erosion and in no case shall excavated materials be deposited in a manner, which alters the natural drainage of the properties.

SECTION 3.13 PRIVATE AGRICULTURAL DITCH REGULATIONS

The regulations set forth in this Section are designed to provide for the regulation of private, agricultural ditches; to specify the conditions and circumstances under which such ditches may be developed to protect the health, safety, and general welfare of the residents of the community; to preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon public health, surface water quality, and the existing aesthetic character of the township.

- A. General Provisions and Definitions
 1. Private agricultural ditches may be permitted on a single parcel of land within any zoning district subject to the following:
 - a. Ditches shall be limited to ten (10) percent of the parent parcel size—up to a maximum of three (3) acres. The size is determined by the surface area disturbed, based on where the cut begins.
 - b. The ditch shall be excavated to be capable of draining into a natural watercourse.
 - c. Four (4) inches of top soil must be left on the property for reclamation. The remaining material may be removed from the property.
 - d. Sidewall slopes shall be excavated in a manner to allow their stability to be maintained with proper vegetation, to prevent erosion.
 2. This Ordinance does not waive the requirements or regulations imposed by any County, State or Federal entity.
 3. A permit shall be required from the Goodland Township Zoning Administrator for the construction or enlargement of all ditches. The property owner and/or his contractor shall submit an application to the Goodland Township Zoning Administrator accompanied with two (2) copies of detailed sketches and proof of the required County, State, or Federal permits. Such sketches must include the following:
 - a. Area of parcel, in acres
 - b. Date, north point, and scale
 - c. Dimensions of all property lines
 - d. Dimensions and locations of other existing bodies of water
 - e. Indications of slopes for proposed ditches including dimensional, cross-sectional views at no less than 100 foot increments
 - f. Location of all structures on property either existing or proposed
 - g. Location of all wells and/or septic systems
 - h. Location of all existing or proposed roads, driveways, and easements
 - i. Location of all watersheds, wetlands and drainage areas or runs whether natural or man made
 - j. Location of any overhead transmission lines
 - k. Location of any proposed discharge, runoff, or overflow path for proposed ditch.

ARTICLE V – VIOLATIONS

Any person, persons, firm, or corporation, or anyone acting in behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions of the Goodland Township Board, adopted pursuant hereto, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Civil Infraction Ordinance.

The undersigned Supervisor and Clerk of the Township of Goodland hereby certify that this ordinance amendment was duly adopted by the Goodland Township Board at a regular meeting held on the 11th day of July 2006 and was published in the Tri-City Times on the 26th day of July 2006. Said Ordinance amendment shall become effective thirty (30) days after said date of publication. *EFFECTIVE 8/25/06.*

Ron Cischke, Supervisor

Mavis Roy, Clerk

APPROVED 7/11/06