

**CLYDE TOWNSHIP POND ORDINANCE
ORDINANCE NO. 67**

THE TOWNSHIP OF CLYDE ORDAINS:

SECTION 1: PURPOSE

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this ordinance to allow for the creation of ponds, lagoons and lakes for private recreational use, while regulating the construction to maintain public welfare and safety.

SECTION 2: DEFINITIONS

1. **BUILDING INSPECTOR:** The Clyde Township Building Inspector.
2. **LAGOON:** A body of fresh water consisting of more than 5,000 square feet but less than 10,000 square feet of surface area.
3. **LAKE:** body of fresh water consisting of more than 10,000 square feet of surface area.
4. **PLANNING COMMISSION:** The Clyde Township Planning Commission.
5. **POND:** A body of fresh water consisting of less than 5,000 square feet of surface area.
6. **SWAMP:** Any body of stagnant water greater than 1,000 square feet.
7. **TOWNSHIP BOARD:** The township board of trustees, the governing body of Clyde Township.

SECTION 3 APPLICATION

- 1, Prior to construction of any pond, lagoon, or lake the applicant must submit an application to the Building Inspector. This application shall include:
 - a. Name and address of the property owner(s).
 - b. Legal description of the property on which the construction is planned.
 - c. A site plan drawn to a scale showing:
 1. Proposed site
 2. All structures on the property
 3. Any utility easements, county drains, or watercourses
 4. Any septic fields or wells
 - d. Depth of excavation and all slopes or grading.

- e. Name, address, and license of individual or company responsible for said construction.
 - f. Any permits required by the State of Michigan or St. Clair County, and all other applicable laws, rules, and regulations.
 - g. Any other relevant information deemed necessary by either the Township Board, Planning Commission, or Building inspector.
2. Upon receipt of an application, the Building Inspector shall verify all the information has been completed. All applications for lagoons and lakes shall be sent to the planning commission for review.

SECTION 4. REGULATIONS

All ponds, lagoons, and lakes shall conform to the following conditions:

1. Excavation shall be completed in 90 days or a time period deemed adequate by the Planning Commission. In the event of unusual circumstances (i.e., bad weather, mechanical problems) the applicant may apply to the Planning Commission for an extension within 30 days of the original permit expiration date.
2. No ponds, lagoons, or lakes shall be constructed closer than 100 feet from any property line. None shall be placed closer than 100 feet to any septic system.
3. No construction of any pond, lagoon or lake shall impede or interfere with any natural or man-made drain or watercourse causing said drain or watercourse to alter its direction of flow.
4. All ponds, lagoons, and lakes shall be constructed with slopes no greater than 1 to 4 (vertical to horizontal). All swimming areas shall have slopes no greater than 1 to 6.
5. All the disturbed areas around the site shall be graded, landscaped and seeded with an adaptable grass and legumes within the prescribed time period.
6. Removal from the site of soil, gravel or mineral shall be restricted to Residential Agriculture zoned districts. As such they shall be considered quarries and subject to the provisions of Ordinances 12 and 16.
7. Any condition that results in the creation of a swamp is considered a health hazard and is prohibited and subject to the penalties of this Ordinance.
8. Signs and Water Safety.
At least one permanent safety station consisting of a sign warning of danger, a Coast Guard approved life buoy or ring, with 100 ft of ¼ inch rope attached; all mounted on a post, shall be provided nearest the deepest portion of the pond, lagoon, or lake, and erected prior to the completion of the pond.

9. Explosives shall not be used in the construction or modification of a pond, lagoon or lake

SECTION 5. BONDS AND PERMITS

1. Permits for ponds shall be issued by the Building Inspector upon receiving and reviewing the completed application. Fees shall be paid to the Township Clerk.
2. Any applicant applying for a permit for a lagoon or lake will be responsible for posting a performance bond. The amount of the performance bonds shall be set by resolution of the Township Board.
3. The performance bond shall be for a period of time set by resolution of the Township Board. Upon the expiration of this period the applicant shall forfeit said bond for non-completion of the project.
4. A permit fee as established by resolution of the Township Board shall accompany the application for a permit. Said fee shall be used to defray the cost of investigation, publication and other miscellaneous administrative expenses endured by Clyde Township.
5. Applications for lagoons or lakes shall be sent by the Building Inspector to the Planning Commission for review. After review by the Planning Commission, the application will be sent to the Township Board for consideration. A permit for construction of a lake or lagoon may be issued by the Building Inspector after approval of the application by the Township Board. Bonds and fees shall be paid to the township Clerk.

SECTION 6. ENFORCEMENT AUTHORITY

This ordinance shall be enforced by such persons who shall be so designated by the Township Board.

SECTION 7. VIOLATIONS

1. **NOTIFICATION.** The owner and the occupant of any property upon which any violation(s) set forth in the ordinance are found to exist, shall be notified in writing to remove or eliminate such violation(s) from such property. Such notice may be personally delivered to an occupant or posted in a conspicuous location on the property, but shall also be delivered by first class mail to the addressee listed in the Township tax rolls.
2. **GRANTING OF ADDITIONAL TIME.** Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such violations are in progress. The determination of bonafide efforts shall be the sole discretion of the enforcement authority.

3. **FAILURE TO COMPLY.** Failure to comply with notice of violation within fourteen (14) days shall constitute a violation of this ordinance. The enforcement authority must then relate the failure to comply to the Township Board. If the Township Board agrees that the violations have not been removed as set forth in this ordinance, a penalty as set forth in Section 8 shall be assessed.
4. **REMEDIAL MEASURES.** After a determination of failure to comply with the ordinance is made by the Township Board, the violations may be removed by the township upon the direction of the Township Board. The entire cost of removal of such violation shall be billed to the owner of the subject property, and all invoices which remain unpaid for more than thirty (30) days shall become a lien on the property and assessed on the tax rolls of the Township.

SECTION 8. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection 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.

SECTION 9. REPEAL

This Ordinance repeals Clyde Township Ordinances 31, 52, 52A, 52B, & 52C.

SECTION 10. PENALTY

Any person or persons, firm or corporation violating or failing to comply with the provisions of this ordinance shall be guilty of a municipal civil infraction and upon conviction shall be punished in accordance with Ordinance 56, the Clyde Township Civil Infraction Ordinance, as amended.

SECTION 11. EFFECTIVE DATE

This ordinance shall become effective (30) days after publication.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 67 duly adopted by the Township Board of Clyde Township, County of St Clair, Michigan, at a special meeting held on June 27, 2011 at which the following members were present:

Marks, Turner, Gerspach, Vincent, Simpson, DeShon & Muir.

That said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act being 267, Public Acts of Michigan, 1976 as amended, and that the Minutes were kept and will be and have been made available as required by said Act.

I further certify that the members voted for the adoption of said Ordinance: 67 7 Ayes, and 0 Nays against.

I further certify that said Ordinance has been recorded in the Ordinance book of the Township and that such recording has been authenticated by the Supervisor and Township Clerk. (Kathleen Turner)

I, Kathleen Turner, Clerk of Clyde Township, do hereby certify that Ordinance No. 67 adopted by Clyde Township at a special meeting of the Board held at the Clyde Township Hall on the 27th of June was published as provided by law, once in the Times Herald, a paper published in the County of St. Clair and circulated in Clyde Township on 5th of July, 2011 this being the first and final day of publication of this ordinance.

Signature on file
Kathleen Turner, Clerk

Adopted: June 27, 2011
Published: July 5, 2011
Effective: August 4, 2011