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RESOLUTION 2013-3 **TO ADOPT AN ORDINANCE AMENDING THE SOIL** **EROSION AND SEDIMENTATION CONTROL ORDINANCE**

A resolution made and adopted at a regular meeting of the Clinton County Board of Commissioners, County of Clinton, State of Michigan, held at 100 East State Street, St. Johns, Michigan, 48879, on February 26, 2013, at 9:00 a.m.

PRESENT: Commissioners Kam Washburn, David Pohl, Bruce DeLong, Jack Enderle, Robert Showers, Eileen Heideman and Adam Stacey

ABSENT: None

The following Resolution was offered by Commissioner Pohl and seconded by Commissioner DeLong.

WHEREAS, pursuant to the authority set forth in Section 9105(3) of the Natural Resources and Environmental Protection Act, 1994 PA 451 ("Act"), Clinton County ("County") adopted the Soil Erosion and Sedimentation Ordinance ("Ordinance") in the interest of preventing environmental harm caused by sedimentation and erosion; and to provide for, and as authorized by, the orderly and uniform administration of the soil erosion and sedimentation control provisions of the State of Michigan; and

WHEREAS, the County now desires to transfer the responsibilities under Part 91, Soil Erosion and Sedimentation Control of the Act, the administrative rules promulgated by the Michigan

CLINTON COUNTY
ORDINANCE AMENDING THE SOIL
EROSION AND SEDIMENTATION CONTROL ORDINANCE

ORDINANCE NO. 2013-1

Effective March 3, 2013, as amended

CLINTON COUNTY ORDAINS:

Section 1. Purpose. It is the purpose of this ordinance to transfer the responsibilities under Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, being Act 451, Public Acts of 1994 (“Act”), the administrative rules promulgated by the Michigan Department of Environmental Quality, pursuant to the Act, being Rules 323.1701 to 323.1714 (“Rules”), and the Soil Erosion and Sedimentation Control Ordinance (“Ordinance”), as amended, from the Clinton County Drain Commissioner, Deputy Drain Commissioner and Drain Engineer to the Clinton County Building Inspector and designate the Building Department as the County Enforcing Agency for the Act, Rules and Ordinance.

Section 2. Amendment of Article II, Section A, definition of Appointed Local Official. The definition of *Appointed Local Official* in Section A, entitled Definitions, of Article II, of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows.

Appointed Local Official – The Clinton County Building Inspector or any other official legally authorized to issue municipal civil infraction citations.

Section 3. Amendment of Article II, Section A, adding definition. The definition of *Building Inspector* in Section A, entitled Definitions, of Article II, of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby added as follows.

Building Inspector – Clinton County Building Inspector, Building/Zoning Official, or appointed representative of the Clinton County Building Department.

Section 4. Amendment of Article II, Section A, deleting definition. The definition of *Drain Commissioner* in Section A, entitled Definitions, of Article II, of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby deleted from Article II.A.

Section 5. Amendment of Article III. Article III of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows.

In accordance with Section 9105 of the Act, the Clinton County Building Department is hereby designated as the County Enforcing Agency (CEA), and shall act as the county agent to discharge the responsibilities of Clinton County under the Act, the Rules, and this Ordinance.

The Clinton County Building Inspector, or his/her designated county employee or employees, shall have exclusive jurisdiction for the discharge of responsibilities under the Act, the Rules, and this Ordinance in Clinton County, except where an Authorized Public Agency or Municipal Enforcing Agency has jurisdiction, or where an earth change activity is under the jurisdiction of two (2) or more municipalities or county enforcing agencies, then the Michigan Department of Environmental Quality shall act as the enforcing agency.

Section 6. Amendment of Section A of Article V. Section A of Article V of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended to change the address from the Clinton County Drain Commissioner's Office to the Building Department as follows:

A. SESC Permit Application Process. Whenever an earth change activity requires a SESC permit under this Ordinance, a SESC permit shall be obtained from the County Enforcing Agency prior to the commencement of that activity. Any unauthorized work shall be considered a violation of this Ordinance, subject to all enforcement actions and penalties under this Ordinance, regardless of any later actions taken toward compliance.

To make an application for a SESC permit, the landowner or designated agent shall submit to the County Enforcing Agency a completed application form, a fee, and a soil erosion and sedimentation control plan. Application shall be made to:

Clinton County Building Department
Soil Erosion and Sedimentation Control Program
100 E. State St., Suite 1300
St. Johns, MI 48879

The County Enforcing Agency shall review and determine if the application is complete, informing the applicant of any deficiencies found. Pursuant to Section 9112(1) of the Act, the County Enforcing Agency shall approve or deny an application for a SESC permit within thirty (30) calendar days after the filing of a complete application.

Section 7. Amendment of Article X, Section C(1). Subsection 1 of Section C, entitled Municipal Civil Infractions, of Article X of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows.

1) A municipal civil infraction shall name the County and the Clinton County Building Department as Plaintiffs and shall contain the name and address of the Defendant, the municipal civil infraction alleged, the place where the Defendant shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

Section 8. Amendment of Article XI, Section A. Section A, entitled Fees, of Article XI of the *Soil Erosion and Sedimentation Control Ordinance* of Clinton County is hereby amended as follows.

A. Fees. All costs and fees shall be paid to Clinton County Building Department in accordance with a fee schedule determined by resolution by the Clinton County Board of Commissioners, copy attached, which shall be amended from time to time.

Section 9. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 10. Repealer Clause. Any ordinances, resolutions or parts of ordinances or resolutions, in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Effective Date. This Ordinance shall be effective immediately upon publication.