

**Birch Run Township
Ordinance No. 2023-02**

An ordinance to amend the Birch Run Township Zoning Ordinance by amending Article 14 to improve the Pond review and approval process.

The following ordinance was offered by Riley Kiessling and seconded by Sheridan.

THE TOWNSHIP OF BIRCH RUN, SAGINAW COUNTY, MICHIGAN, ORDAINS:

Article I. Article 14 of the Birch Run Township Zoning Ordinance is hereby amended by making the following changes as shown below. New text is indicated in red, with text to be removed shown in ~~strikethrough~~.

Section 14.15 Artificial Ponds

A. The following site and developmental requirements shall apply:

1. The minimum size of a parcel on which an artificial pond is to be established shall be five (5) acres.
2. An artificial pond shall be set back a minimum of fifty (50) feet from all lot lines ~~except where such pond crosses a lot line to occupy a portion of an abutting lot. No single pond occupying a portion of more than one (1) parcel shall be approved except upon the recording of an easement found acceptable to the site plan approving body, after consultation with the Township Attorney, that ensures a practical and feasible manner for the continued maintenance and use of such pond.~~
3. An artificial pond shall have a minimum depth of (6) feet over a minimum fifty percent (50%) of its maximum design surface area, and no portion of an artificial pond shall be less than two (2) feet deep except along its banks, which shall be at a minimum grade of 1:10 but no greater than 1:1.
4. No artificial pond shall be created within fifty (50) feet of ecologically sensitive sites, including wetlands and streams, unless all applicable county, state and federal permits are obtained.
5. No artificial pond shall cover more than twenty percent (20%) of the area of a lot.

B. Special Performance Standards:

1. Erosion control must be provided for all filled or disturbed surface areas including the water body margin and locations where water is discharged into or out of the artificial pond. These areas must be covered or treated during all phases of construction to prevent material from being wind-blown onto neighboring properties or eroded by runoff. The applicant shall meet all requirements of the most currently published standards and specifications for soil erosion control promulgated by the Saginaw County Soil Conservation District and Saginaw County Drain Commissioner.
2. All excavated material shall be deposited on the property and suitably landscaped to assure the appearance of natural landforms and compatibility with surrounding properties. No berms created by the excavated material shall exceed slopes of 3:1. No less than twelve (12) feet shall exist between the pond and the toe of any berm. Any pond construction that constitutes an extraction operation as defined by this Ordinance shall require a zoning permit for such extraction operation according to Article 5, Procedures for Special Land Uses.
3. All surface areas disturbed by excavation and filling activities, which are intended to be above the water level of the pond, shall be provided with a minimum three (3) inch layer of arable topsoil. The area shall be landscaped with grass or other live material and maintained as such.
4. The application for an artificial pond shall include a plan for the reclamation of the pond site and surrounding disturbed areas should the excavation of the pond not be fully completed or should the pond area be subsequently abandoned or discontinued as a feature on the site. The reclamation plan shall provide for the filling of excavated areas to return said areas to their surface elevations prior to

any pond excavation activities taking place. The reclamation plan shall provide for the continued landscaping of the area previously proposed as the pond, or otherwise disturbed by excavation activities, consisting of live groundcover.

5. The approving body may require screening around the pond, in the form of plant material or fencing, if it finds that such screening or transition strip, because of the pond's location and character in relation to surrounding land uses or circulation systems, is necessary to assure compatibility between land uses or otherwise protect the public health, safety, or welfare. Such fences shall be located a minimum of twenty (20) feet from the edge of the pond.
6. Artificial ponds shall be so located and designed so as to reduce the potential of pollution from nearby sources such as septic tanks, site drainage, and the like, and farm operations when the artificial pond is not intended for agricultural use.
7. The construction and maintenance of an artificial pond shall not adversely impact neighboring uses by changes in surface drainage or underwater aquifers.
8. ~~An engineering report~~ **A sketch or drawing** must be submitted **to the Zoning Administrator** with the following ~~minimum~~ information:
 - a. A water body profile with elevations and changes in slope illustrated at two (2) foot intervals.
 - b. Soil evaluation for the site with any necessary soil modifications due to seepage or other concerns.
 - c. Specifications for spillway or drain, foundation preparation, and fill placement.
 - d. A detailed plan for stormwater runoff and erosion control provisions.
9. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless the Township, its officials, agents, and employees, from all manner of liability, whatsoever, that may arise as a result of such pond construction.
10. The applicant shall have the responsibility and obligation to stop work and immediately notify the Township or the proper utility, at any time during such pond construction, when an underground electrical line or conduit is uncovered and shall continue such work stoppage until an inspection of same can be made by said personnel.
11. ~~No Pursuant to the Birch Run Nuisance Ordinance, section IV(b)(8), no~~ machinery or equipment used in association with the construction of an artificial pond in a Conservation or Residential District shall enter, exit, or operate on the site between the hours of 8:00 p.m. ~~and 7:00 a.m.~~ **sundown.**
12. ~~The applicant shall demonstrate to the satisfaction of the approving body that the proposed design of the pond will~~ **must** not result in stagnation, odors, mosquito infestation, or other nuisance-causing conditions.
13. **Ponds must be completed within 90 days of the commencement of the excavation.**
14. **Applicant must notify Birch Run Township that pond construction is complete within 30 days of the completion of the pond.**

ARTICLE II. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE III. All ordinances and provisions of ordinances of the Birch Run Township in conflict herewith are hereby repealed.

ARTICLE IV. This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CERTIFICATION

ADOPTED

YEAS: Watts, K. Kiessling, Letterman, C. Trinklein, Sheridan, D. Trinklein Jr., R. Kiessling,

NAYS: None

ABSENT: None

State of Michigan, County of Saginaw,

I, the undersigned Township Clerk for the Township of Birch Run, Saginaw County, Michigan, certify that the above [Ordinance] adopted by the Township Board of Trustees of the Township of Birch Run on the 14th day of [March] [2023], and was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date.

Dated: [March 15th, 2023]

Riley Kiessling, Clerk

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