



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
SEPTEMBER 10, 2018**

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:09 p.m. by President Wood

PRESENT: Council Members Garza, Hussain, Jackson, Spadafore, Washington, Wood

ABSENT: Council Members Dunbar, Spitzley

President Wood asked people to remember Walter Brown, who recently passed away during the moment of Meditation. Council Member Spadafore asked people to remember the victims of September 11, 2001 during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Wood.

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Vice President Washington

To approve the printed Council Proceedings of August 27, 2018

Motion Carried

CONSIDERATION OF LATE ITEMS

By Vice President Washington

To suspend City Council Rule #9 to allow for Consideration of Late Items

Motion Carried

The following item was added to the agenda:

1. Brownfield Plan #70; 735 Hazel LLC, 735 Hazel St.

**COMMENTS BY COUNCIL MEMBERS
AND THE CITY CLERK**

Vice President Washington wished Councilmember Hussain a Happy Birthday and announced the Eastside Neighborhood Organization's Candidate Night.

Council Member Garza announced his next community meeting and spoke about the Lansing Harmony Celebration.

Council Member Hussain announced the cancelation of his next community meeting and spoke about the Lansing Harmony Celebration.

City Clerk Swope spoke about the upcoming election and commented on the Court decision to uphold the law to eliminate of straight ticket voting for this November election.

COMMUNITY EVENT ANNOUNCEMENTS

Loretta Stanaway announced the Friends of Lansing Cemeteries annual walking tour.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Executive Assistant to Mayor Schor, Samantha Harkins, announced the Mayor is not at Council because he is celebrating Rosh Hashanah with his family; she, provided an update on the Citizen's Academy and announced the Neighborhood Advisory Board meeting.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Legislative Matters included the following public hearings:

1. In consideration of An Ordinance to provide for creation of residential street parking zones; hours of use for residential street parking zones; and application, permitting, and payment rates for residential street parking zones

Council Member Spadafore gave an overview of the public hearing.

- Public Comment on Legislative Matters:

Loretta Stanaway spoke about various legislative matters.

Elaine Womboldt spoke about various legislative matters.

Mary Reynolds spoke about various legislative matters.

LEGISLATIVE MATTERS

REFERRAL OF PUBLIC HEARINGS

1. In consideration of An Ordinance to provide for creation of residential street parking zones; hours of use for residential street parking zones; and application, permitting, and payment rates for residential street parking zones

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

CONSENT AGENDA

Vice President Washington asked that all items be removed from the Consent Agenda.

There were no items remaining on the Consent Agenda.

RESOLUTIONS

RESOLUTION #2018-232

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Connect 4 Kids has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Connect 4 Kids as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Connect 4 Kids of 124 W. Michigan, 4th Floor Lansing, MI 48933.

By Council Member Hussain

Motion Carried

RESOLUTION #2018-233

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request to Class C, SDM, Sunday Sales (AM/PM) and Outdoor Service license to Art's Pub, LLC, from RYJT, Ltd at 809 E. Kalamazoo Street; and

WHEREAS, the Committee on General Services reviewed the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request to transfer ownership Class C, SDM, Sunday Sales (AM/PM) and Outdoor Service license to Art's Pub, LLC, from RYJT, Ltd at 809 E. Kalamazoo St

By Council Member Hussain

Motion Carried

RESOLUTION #2018-234

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ruby and William Fowler, sought to eliminate a special assessment of \$9,950.50 for trash and debris removal fees, and all associated penalties and interest, on the property tax bill for 713 Shepard Street (Tax ID #33-01-01-22-227-031); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the amount of \$9,950.50 was denied on August 28, 2018.

THEREFORE, BE IT RESOLVED, that the City Council, hereby, denies the claim of Ruby and William Fowler in the amount of \$9,950.50 for trash and debris removal fees, and all associated penalties and interest on the property tax bill for 713 Shepard Street (Tax ID #33-01-01-22-227-031).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

By Council Member Hussain

Motion Carried

RESOLUTION #2018-235

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ruby and William Fowler, sought to eliminate a special assessment of \$11,607.50 for trash and debris removal fees, and all associated penalties and interest, on the property tax bill for 721 Shepard Street (Tax ID #33-01-01-22-227-042); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the amount of \$11,607.50 was denied on August 28, 2018.

THEREFORE, BE IT RESOLVED, that the City Council, hereby, denies the claim of Ruby and William Fowler in the amount of \$11,607.50 for trash and debris removal fees, and all associated penalties and interest on the property tax bill for 721 Shepard Street (Tax ID #33-01-01-22-227-042).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

By Council Member Hussain

Motion Carried

RESOLUTION #2018-236

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Enforcement Lead Housing Inspector has determined that the building located at 500 Lesher Place, Parcel # 33-01-01-15-104-121 legally described as: Lot 16 Block 2 Assessors Plat No 2, is an unsafe or dangerous building as defined in Section 108.1.1 of the Lansing Housing and Premises Code and the Housing Law of Michigan and was red tagged on 08/27/2008; and

WHEREAS, a hearing was held by the City of Lansing Demolition Board on 3/31/2016, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by 5/24/2018; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on August 13, 2018 to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Enforcement Section has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred.

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within 60 days from the date of this resolution, .

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code

Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Hussain

Motion Carried

RESOLUTION #2018-237

BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the Public Improvement III resolution adopted by this council, a public hearing was held on August 13, 2018 for Assessment Roll # B-097 for sidewalk repairs as part of the Stabler Street Reconstruction Project; and

WHEREAS, the City Assessor has completed the assessment roll for sidewalk repairs, and furnished the following information:

PROPERTY BENEFITTED:

All lands fronting Stabler Street between Holmes Road and Willard Avenue, excepting all public streets and alleys and other land deemed not benefited

ESTIMATED COST OF IMPROVEMENTS:

Assessment Roll Number B-097	Federal And City Contribution	Assessable to Property Owner
Sidewalk and Drive Approaches	\$1,963.50	\$2,590.50
Other Costs	\$756,907.94	0.00
Total	\$758,871.44	\$2,590.50

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that special assessment roll B-097 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

By Council Member Spadafore

Motion Carried

RESOLUTION #2018-238

BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT V

WHEREAS, it was deemed to be a public necessity to repair Sidewalk in the area described below, and

WHEREAS, sidewalk repairs were completed as part of the 2017 Jolly Road Rehabilitation Project, PS #64123 (MDOT JN 133093A); and

WHEREAS, there have been no changes in the Assessment Roll #B-096 as ratified by City Council, and

WHEREAS, the benefitted properties are as follows:

PROPERTY BENEFITTED:

All lands fronting Jolly Road between Wise Road and Pleasant Grove Road, excepting all public streets and alleys and other land deemed not benefited

ROLL B-096	ESTIMATED COST	ACTUAL COST	DIFFERENCE
Jolly Road Rehabilitation	\$9,527.62	\$9,527.62	\$0.00

RESOLVED, by the City Council of the City of Lansing, that the Special Assessment Roll B-096, known as the 2017 Jolly Road Rehabilitation Project, as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to adjust the assessments of all persons who have paid said tax as originally assessed to pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll 90 days after approval.

By Council Member Spadafore

Motion Carried

RESOLUTION #2018-239

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING.

WHEREAS, a certain "Amendment No. 4 to Agreement Between The City Of Lansing And The Board Of Water and Light" related to return on equity, ("Amendment 4"), has been submitted by the Mayor to the Lansing City Council for approval; and

WHEREAS, Amendment 4 extends an existing agreement originally executed in 1992 for a period of two years through June 30, 2020; and

WHEREAS, Amendment 4 has been approved by the Board of Commissioners of the Board of Water and Light; and

WHEREAS, the City Attorney has reviewed and approved the amendment.

NOW, THEREFORE, BE IT RESOLVED, that Amendment 4 is hereby approved and Council staff shall forward it to the Mayor for signature on behalf of the City of Lansing.

By Vice President Washington

Motion Carried

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing Amending the City of Lansing, Michigan Codified Ordinances by adding a new chapter, 1219 to be entitled Post-Construction Stormwater Management Ordinance; to state the findings and purpose; to define terms; to establish procedures

for submission and criteria for approval of plans and projects; to designate those responsible for plan review, processing and approvals; to require performance and maintenance guarantees and agreements; to provide for civil fines, equitable remedies and criminal sanctions and costs for violation of this Ordinance, nuisance abatement, cost reimbursement to the City and establishment of liens; and to establish an effective date.

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Garza, Hussain, Jackson, Spadafore, Washington, Wood

Nays: None

By Council Member Spadafore to give the Ordinance immediate effect

Motion Carried

ORDINANCE #1234

AN ORDINANCE AMENDING THE CITY OF LANSING, MICHIGAN CODIFIED ORDINANCES BY ADDING A NEW CHAPTER 1219 TO BE ENTITLED POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE; TO STATE THE FINDINGS AND PURPOSE; TO DEFINE TERMS; TO ESTABLISH PROCEDURES FOR SUBMISSION AND CRITERIA FOR APPROVAL OF PLANS AND PROJECTS; TO DESIGNATE THOSE RESPONSIBLE FOR PLAN REVIEW, PROCESSING AND APPROVALS; TO REQUIRE PERFORMANCE AND MAINTENANCE GUARANTEES AND AGREEMENTS; TO PROVIDE FOR CIVIL FINES, EQUITABLE REMEDIES AND CRIMINAL SANCTIONS AND COSTS FOR VIOLATION OF THIS ORDINANCE, NUISANCE ABATEMENT, COST REIMBURSEMENT TO THE CITY AND ESTABLISHMENT OF LIENS; AND TO ESTABLISH AN EFFECTIVE DATE.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1219 of the codified ordinances of the City of Lansing, Michigan, is added and reads follows:

TITLE: CHAPTER 1219. – POST-CONSTRUCTION STORMWATER MANAGEMENT

1219.01. – PURPOSE

(A) THE PURPOSE OF THIS ORDINANCE IS TO ESTABLISH MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS TO PROTECT AND SAFEGUARD THE GENERAL HEALTH, SAFETY, AND WELFARE OF THE PUBLIC RESIDING IN THE CITY OF LANSING AND THE WATERSHEDS TO WHICH IT DRAINS AND TO COMPLY WITH THE CITY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND OTHER APPLICABLE FEDERAL AND STATE REGULATIONS.

(B) THIS ORDINANCE SEEKS TO MEET THAT PURPOSE BY MINIMIZING THE NEGATIVE IMPACTS OF INCREASED STORMWATER DISCHARGES FROM NEW LAND DEVELOPMENT AND REDEVELOPMENT THROUGH THE FOLLOWING OBJECTIVES:

(1) TO MINIMIZE INCREASED STORMWATER RUNOFF RATES AND VOLUMES FROM IDENTIFIED LAND DEVELOPMENT AND REDEVELOPMENT.

(2) TO MINIMIZE NONPOINT SOURCE POLLUTION.

(3) TO MINIMIZE THE DETERIORATION OF EXISTING WATERCOURSES, CULVERTS AND BRIDGES, AND OTHER STRUCTURES.

(4) TO ENCOURAGE WATER RECHARGE WHERE GEOLOGICALLY FAVORABLE CONDITIONS EXISTS.

(5) TO MAINTAIN THE ECOLOGICAL INTEGRITY OF STREAM CHANNELS.

(6) TO MINIMIZE THE NEGATIVE IMPACTS OF DEVELOPMENT ON DOWNSTREAM CHANNEL STABILITY.

(7) TO PRESERVE AND PROTECT WATER SUPPLY FACILITIES AND WATER RESOURCES BY CONTROLLING INCREASED FLOOD DISCHARGES, STREAM EROSION, AND RUNOFF POLLUTION.

(8) TO REDUCE THE ADVERSE IMPACT OF CHANGING LAND USE ON WATER BODIES AND, TO THAT END, THIS ORDINANCE ESTABLISHES MINIMUM STANDARDS TO PROTECT WATER BODIES FROM DEGRADATION RESULTING FROM CHANGING LAND USE WHERE STORMWATER MANAGEMENT CONTROLS ARE INSUFFICIENT TO MEET WATER QUANTITY AND QUALITY GOALS.

(9) TO ENSURE THAT STORM DRAINS AND STORMWATER BMPS ARE ADEQUATE TO ADDRESS STORMWATER MANAGEMENT NEEDS WITHIN A PROPOSED DEVELOPMENT, AND FOR PROTECTING DOWNSTREAM LANDOWNERS FROM FLOODING AND DEGRADATION OF WATER QUALITY. THE PROCEDURES, STANDARDS, AND RECOMMENDATIONS SET FORTH IN THIS ORDINANCE AND THE CITY OF LANSING'S STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL (POLICIES MANUAL) ARE DESIGNED FOR THESE PURPOSES.

(10) TO ENSURE THAT ALL STORMWATER FACILITIES NECESSARY FOR A PROPOSED DEVELOPMENT WILL HAVE AN APPROPRIATE GOVERNMENTAL UNIT RESPONSIBLE IN PERPETUITY FOR PERFORMING MAINTENANCE OR; FOR OVERSEEING THE PERFORMANCE OF MAINTENANCE BY A PRIVATE ENTITY.

(11) TO FACILITATE THE INTEGRATION OF STORMWATER MANAGEMENT AND POLLUTION CONTROL WITH OTHER ORDINANCES, PROGRAMS, POLICIES, AND THE COMPREHENSIVE PLANS OF THE CITY OF LANSING.

(12) TO ESTABLISH LEGAL AUTHORITY TO CARRY OUT ALL OF THE INSPECTION AND MONITORING PROCEDURES NECESSARY TO ENSURE COMPLIANCE WITH THIS ORDINANCE.

1219.02. – DEFINITIONS.

AS USED IN THIS CHAPTER:

APPLICANT MEANS ANY PERSON PROPOSING OR IMPLEMENTING THE DEVELOPMENT OR REDEVELOPMENT OF LAND.

BMP OR BEST MANAGEMENT PRACTICE MEANS ANY PRACTICE, OR COMBINATION OF PRACTICES AND DESIGN CRITERIA THAT COMPLY WITH THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL OR EQUIVALENT PRACTICES AND DESIGN CRITERIA THAT ACCOMPLISH THE PURPOSES OF THIS ORDINANCE (INCLUDING, BUT NOT LIMITED TO MINIMIZING STORMWATER RUNOFF AND PREVENTING THE DISCHARGE OF POLLUTANTS INTO STORMWATER) AS DETERMINED BY THE CITY ENGINEER AND/OR, WHERE APPROPRIATE, THE STANDARDS OF THE COUNTY DRAIN COMMISSIONER.

CHANNEL MEANS A NATURAL OR ARTIFICIAL WATERCOURSE WITH A DEFINITE BED AND BANKS THAT CONDUCTS CONTINUOUSLY OR PERIODICALLY FLOWING WATER.

CONVEYANCE FACILITY MEANS A STORM DRAIN, PIPE, SWALE,

OR CHANNEL.

DESIGN ENGINEER MEANS THE REGISTERED PROFESSIONAL ENGINEER RESPONSIBLE FOR THE DESIGN OF THE STORMWATER MANAGEMENT PLAN.

DETENTION MEANS A SYSTEM WHICH IS DESIGNED TO CAPTURE STORMWATER AND RELEASE IT OVER A GIVEN PERIOD OF TIME THROUGH AN OUTLET STRUCTURE AT A CONTROLLED RATE. THE GOALS OF THIS BMP ARE TO CONTROL PEAK DISCHARGE RATES AND PROVIDE GRAVITY SETTLING OF POLLUTANTS.

DEVELOPED OR DEVELOPMENT MEANS THE INSTALLATION OR CONSTRUCTION OF IMPERVIOUS SURFACES ON A DEVELOPMENT SITE THAT REQUIRE, PURSUANT TO STATE LAW OR LOCAL ORDINANCE, CITY OF LANSING APPROVAL OF A SITE PLAN, SITE CONDOMINIUM, SPECIAL LAND USE, PLANNED UNIT DEVELOPMENT, LAND DIVISION APPROVAL, PRIVATE ROAD APPROVAL, OR OTHER APPROVALS REQUIRED FOR THE DEVELOPMENT OF LAND OR THE ERECTION OF BUILDINGS OR STRUCTURES; PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS ARTICLE ONLY, DEVELOPED OR DEVELOPMENT SHALL NOT INCLUDE THE ACTUAL CONSTRUCTION OF, OR AN ADDITION, EXTENSION, OR MODIFICATION TO, AN INDIVIDUAL SINGLE-FAMILY OR A TWO-FAMILY DETACHED DWELLING THAT DISTURBS LESS THAN ONE ACRE.

ENGINEERED SITE GRADING PLAN MEANS A SEALED DRAWING OR PLAN AND ACCOMPANYING TEXT PREPARED BY A REGISTERED ENGINEER OR LANDSCAPE ARCHITECT WHICH SHOWS ALTERATIONS OF TOPOGRAPHY, ALTERATIONS OF WATERCOURSES, FLOW DIRECTIONS OF STORMWATER RUNOFF, AND PROPOSED STORMWATER MANAGEMENT AND MEASURES, HAVING AS ITS PURPOSE TO ENSURE THAT THE OBJECTIVES OF THIS ORDINANCE ARE MET.

EROSION AND SEDIMENT CONTROL PLAN MEANS A PLAN THAT IS DESIGNED TO MINIMIZE THE ACCELERATED EROSION AND SEDIMENTATION RUNOFF AT A SITE DURING CONSTRUCTION.

FEE IN LIEU CONTRIBUTION MEANS A PAYMENT OF MONEY IN PLACE OF MEETING ALL OR PART OF THE STORMWATER PERFORMANCE STANDARDS REQUIRED BY THIS ORDINANCE.

GRADING MEANS ANY STRIPPING, EXCAVATING, FILLING, OR STOCKPILING OF SOIL OR ANY COMBINATION THEREOF AND THE LAND IN ITS EXCAVATED OR FILLED CONDITION.

IMPERVIOUS SURFACE MEANS SURFACE THAT DOES NOT ALLOW STORMWATER RUNOFF TO SLOWLY PERCOLATE INTO THE SOIL.

INFILTRATION MEANS THE PERCOLATION OF WATER INTO THE GROUND, EXPRESSED IN INCHES PER HOUR.

LAND DISTURBING ACTIVITY MEANS ANY ACTIVITY THAT CHANGES THE VOLUME OR PEAK FLOW DISCHARGE OF RAINFALL RUNOFF FROM THE LAND SURFACE. THIS MAY INCLUDE THE GRADING, DIGGING, CUTTING, SCRAPING, OR EXCAVATING OF SOIL, PLACEMENT OF FILL MATERIALS, PAVING, CONSTRUCTION, SUBSTANTIAL REMOVAL OF VEGETATION, OR ANY ACTIVITY THAT BARES SOIL OR ROCK OR INVOLVES THE DIVERSION OR PIPING OF ANY NATURAL OR MAN-MADE WATERCOURSE.

MAINTENANCE AGREEMENT MEANS A BINDING AGREEMENT THAT ESTABLISHES THE TERMS, MEASURES, AND CONDITIONS FOR THE MAINTENANCE OF STORMWATER SYSTEMS AND FACILITIES.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT MEANS THE PERMIT ISSUED TO THE CITY OF LANSING BY THE MICHIGAN DEPARTMENT OF ENVIRONMENT QUALITY FOR POINT SOURCE DISCHARGES OF STORMWATER FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS.

NON-STRUCTURAL MEASURE MEANS A STORMWATER CONTROL AND TREATMENT TECHNIQUE THAT USES NATURAL PROCESSES, RESTORATION OR ENHANCEMENT OF NATURAL SYSTEMS, OR DESIGN APPROACHES TO CONTROL RUNOFF AND/OR REDUCE POLLUTANT LEVELS. SUCH MEASURES ARE USED IN LIEU OF OR TO SUPPLEMENT STRUCTURAL PRACTICES ON A LAND DEVELOPMENT SITE.

OFFSITE FACILITY MEANS ALL OR PART OF A DRAINAGE SYSTEM THAT IS LOCATED PARTIALLY OR COMPLETELY OFF THE DEVELOPMENT SITE WHICH IT SERVES.

PEAK RATE OF DISCHARGE MEANS THE MAXIMUM RATE OF STORMWATER FLOW AT A PARTICULAR LOCATION FOLLOWING A STORM EVENT, AS MEASURED AT A GIVEN POINT AND TIME IN CUBIC FEET PER SECOND (CFS).

PERMANENT STORMWATER BMP MEANS A STORMWATER BEST MANAGEMENT PRACTICE (BMP) THAT WILL BE OPERATIONAL AFTER THE CONSTRUCTION PHASE OF A PROJECT AND THAT IS DESIGNED TO BECOME A PERMANENT PART OF THE SITE FOR THE PURPOSES OF MANAGING STORMWATER RUNOFF.

PLAN MEANS WRITTEN NARRATIVES, SPECIFICATIONS, DRAWINGS, SKETCHES, WRITTEN STANDARDS, OPERATING PROCEDURES, OR ANY COMBINATION OF THESE WHICH CONTAIN INFORMATION PURSUANT TO THIS ORDINANCE.

POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) MEANS DRAWINGS AND WRITTEN INFORMATION PREPARED BY A REGISTERED ENGINEER, REGISTERED LANDSCAPE ARCHITECT, OR REGISTERED SURVEYOR WHICH DESCRIBE THE WAY IN WHICH ACCELERATED SOIL EROSION AND/OR STORMWATER FLOWS FROM A PARTICULAR SITE ARE PROPOSED TO BE CONTROLLED, BOTH DURING AND AFTER CONSTRUCTION, HAVING AS ITS PURPOSE TO ENSURE THAT THE OBJECTIVES OF THIS ORDINANCE ARE MET.

RECEIVING STREAM OR CHANNEL MEANS THE BODY OF WATER OR CONVEYANCE INTO WHICH STORMWATER RUNOFF IS DISCHARGED.

RECHARGE MEANS THE REPLENISHMENT OF UNDERGROUND WATER RESERVES THROUGH PERCOLATION.

REDEVELOPMENT MEANS A CHANGE TO A PREVIOUSLY EXISTING, IMPROVED PROPERTY, INCLUDING BUT NOT LIMITED TO THE DEMOLITION OR BUILDING OF STRUCTURES, FILLING, GRADING, PAVING, OR EXCAVATING, BUT EXCLUDING ORDINARY MAINTENANCE ACTIVITIES, REMODELING OF BUILDINGS ON THE EXISTING FOOTPRINT, RESURFACING OF PAVED AREAS, AND EXTERIOR CHANGES OR IMPROVEMENTS THAT DO NOT MATERIALLY INCREASE OR CONCENTRATE STORMWATER RUNOFF OR CAUSE ADDITIONAL NONPOINT SOURCE POLLUTION.

RESPONSIBLE PARTY MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK, COMPANY, TRUST, ESTATE, GOVERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY; OR THEIR REPRESENTATIVES, AGENTS, OR ASSIGNS THAT IS NAMED ON A STORMWATER MAINTENANCE AGREEMENT AS

RESPONSIBLE FOR LONG-TERM OPERATION AND MAINTENANCE OF ONE OR MORE STORMWATER BMPS.

RETENTION MEANS A HOLDING SYSTEM FOR STORMWATER, EITHER NATURAL OR MAN-MADE, WHICH DOES NOT HAVE A DIRECT OUTLET TO ADJOINING WATERCOURSES OR WETLANDS.

RUNOFF MEANS THAT PART OF PRECIPITATION, WHICH FLOWS OVER THE LAND.

SEDIMENT MEANS MINERAL OR ORGANIC PARTICULATE MATTER THAT HAS BEEN REMOVED FROM ITS SITE OF ORIGIN BY THE PROCESSES OF SOIL EROSION, IS IN SUSPENSION IN WATER, OR IS BEING TRANSPORTED.

STORMWATER BMP MEANS ANY FACILITY, STRUCTURE, CHANNEL, AREA, PROCESS OR MEASURE WHICH SERVES TO CONTROL STORMWATER RUNOFF IN ACCORDANCE WITH THE PURPOSES AND STANDARDS OF THIS ORDINANCE.

STORMWATER MANAGEMENT DESIGN MANUAL MEANS THE DOCUMENT THAT PROVIDES A DETAILED EXPLANATION OF THE DESIGN CRITERIA AND SPECIFIC CONSTRUCTED APPROACHES FOR ACHIEVING COMPLIANCE WITH THE CITY'S POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE.

STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL MEANS THE DOCUMENT THAT PROVIDES A DETAILED EXPLANATION OF THE POLICIES AND PROCEDURES FOR ACHIEVING COMPLIANCE WITH THE CITY'S POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE.

STREAM BUFFER MEANS AN AREA OF LAND AT OR NEAR A STREAMBANK, WETLAND, OR WATERBODY THAT HAS INTRINSIC WATER QUALITY VALUE DUE TO THE ECOLOGICAL AND BIOLOGICAL PROCESSES IT PERFORMS OR IS OTHERWISE SENSITIVE TO CHANGES WHICH MAY OTHERWISE RESULT IN SIGNIFICANT DEGRADATION TO WATER QUALITY.

WATERCOURSE MEANS ANY NATURAL OR MANMADE WATERWAY OR OTHER BODY OF WATER HAVING REASONABLY WELL DEFINED BANKS. RIVERS, STREAMS, CREEKS, BROOKS, AND CHANNELS, WHETHER CONTINUALLY OR INTERMITTENTLY FLOWING, AS WELL AS LAKES AND PONDS ARE WATERCOURSES FOR PURPOSES OF STORMWATER MANAGEMENT.

WATERSHED MEANS AN AREA OF LAND DRAINING TO A COMMON OUTLET OTHERWISE KNOWN AS A DRAINAGE OR CATCHMENT AREA.

WETLANDS MEANS AS DEFINED BY MICHIGAN'S WETLAND STATUTE, PART 303, WETLANDS PROTECTION, OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, AS AMENDED.

1219.03. – APPLICABILITY

(A) THIS ORDINANCE SHALL BE APPLICABLE TO ALL LAND DEVELOPMENT (NEW DEVELOPMENT AND REDEVELOPMENT), INCLUDING BUT NOT LIMITED TO, SITE PLAN, PLOT PLAN AND PLAT APPLICATIONS AS WELL AS ANY GRADING APPLICATIONS. IN ADDITION, THIS ORDINANCE SHALL BE APPLICABLE TO PUBLIC IMPROVEMENT PROJECTS THAT DISTURB ONE (1) ACRE OR MORE.

THE CITY ENGINEER MAY WAIVE THE CHANNEL PROTECTION REQUIREMENTS, WATER QUALITY REQUIREMENTS AND/OR FLOOD CONTROL REQUIREMENTS OF SECTION 1219.08(D) OF THIS ORDINANCE FOR:

- PROJECTS THAT ARE WITHIN AREAS OF THE CITY OF

LANSING'S SEWER COLLECTION SYSTEM THAT ARE SERVED BY COMBINED SEWERS; OR

- PROJECTS THAT DISTURB LESS THAN ONE (1) ACRE AND ARE NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE THAT WOULD DISTURB ONE (1) ACRE OR MORE.

(B) THE PROCEDURES AND STANDARDS SET FORTH IN THIS POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE, AND THE POLICIES, PROCEDURES, AND DESIGN DATA SPECIFIED IN THE CITY OF LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL (POLICIES MANUAL) AND THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL (DESIGN MANUAL) PROVIDE THE MINIMUM STANDARDS TO BE ADHERED TO BY DEVELOPERS AND IN NO WAY LIMITS THE AUTHORITY OF THE CITY OF LANSING TO ADOPT OR PUBLISH AND/OR ENFORCE HIGHER STANDARDS AS A CONDITION OF APPROVAL OF DEVELOPMENTS.

(C) NO SITE PLAN, PLOT PLAN, OR PLAT SHALL BE APPROVED UNDER PART 12 OF THE CITY CODE UNTIL APPROVAL BY THE CITY ENGINEER THAT SAID DEVELOPMENT OR REDEVELOPMENT MEETS ALL:

- SOIL EROSION AND SEDIMENTATION CONTROL MEASURES CONSISTENT WITH THE REQUIREMENTS OF CHAPTER 1218 OF THE CITY CODE;
- REQUIREMENTS FOR AN APPROVED POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) AS OUTLINED IN SECTION 1219.07 OF THIS ORDINANCE; AND
- RELATED LAND DEVELOPMENT REGULATIONS.

(D) IN ORDER TO ENSURE COMPLETION OF CONSTRUCTION OF THE PERMANENT STORMWATER BMPS SPECIFIED IN THE APPLICANT'S STORMWATER PLAN AS OUTLINED IN SECTION 1219.07 AND 1219.08 OF THIS ORDINANCE, A COMPLETION BOND MUST BE PROVIDED TO THE CITY OF LANSING IN CONJUNCTION WITH THE SITE PLAN OR PLOT PLAN SUBMITTED CONSISTENT WITH PART 12 OF THE CITY CODE. THE VALUE OF THE COMPLETION BOND MUST BE IN AN AMOUNT EQUIVALENT TO THE VALUE OF THE PERMANENT STORMWATER BMPS SPECIFIED IN THE APPROVED STORMWATER PLAN. CONSISTENT WITH SECTION 1219.10(G) OF THIS ORDINANCE, THE COMPLETION BOND WILL BE RELEASED BY THE CITY OF LANSING FOLLOWING FINAL VERIFICATION OF THE CONSTRUCTION BY A REGISTERED PROFESSIONAL ENGINEER.

(E) FOR AN EXISTING STORMWATER BASIN CONSTRUCTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE, AN APPROVED STORMWATER PLAN MUST BE SECURED PRIOR TO ANY SIGNIFICANT EXPANSION, REPAIR, OR MAINTENANCE OF SAID STORMWATER BASIN.

1219.04. – EXEMPTIONS

(A) NOTWITHSTANDING THE REQUIREMENTS OF SECTION 1219.03, A STORMWATER PLAN SHALL NOT BE REQUIRED FOR ACTIVITIES PROTECTED BY THE RIGHT TO FARM ACT 93 OF 1981.

(B) THE INSTALLATION OR REMOVAL OF INDIVIDUAL MANUFACTURED HOMES WITHIN A MANUFACTURED HOME PARK IS EXEMPTED FROM THE REQUIREMENTS OF THIS ORDINANCE. THIS EXEMPTION SHALL NOT BE CONSTRUED TO APPLY TO THE CONSTRUCTION, EXPANSION, OR MODIFICATION OF A MANUFACTURED HOME PARK.

(C) PLATS THAT HAVE RECEIVED PRELIMINARY PLAT APPROVAL AND OTHER DEVELOPMENTS WITH FINAL LAND USE

APPROVAL PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE ARE EXEMPTED FROM THE REQUIREMENTS OF THIS ORDINANCE, WHERE SUCH APPROVALS REMAIN IN EFFECT.

(D) ANY EMERGENCY PROJECTS THAT ARE IMMEDIATELY NECESSARY FOR THE PROTECTION OF LIFE, PROPERTY, OR NATURAL RESOURCES, ARE EXEMPTED FROM THE REQUIREMENTS OF THIS ORDINANCE.

(E) LINEAR CONSTRUCTION PROJECTS, SUCH AS PIPELINE OR UTILITY LINE INSTALLATION, THAT DO NOT RESULT IN THE INSTALLATION OF ANY IMPERVIOUS COVER, AS DETERMINED BY THE CITY ENGINEER, ARE EXEMPTED FROM THE REQUIREMENTS OF THIS ORDINANCE.

1219.05. – LIABILITY

ANY PERSON WHO UNDERTAKES OR CAUSES TO BE UNDERTAKEN ANY LAND DEVELOPMENT SHALL ENSURE THAT SOIL EROSION, SEDIMENTATION, INCREASED POLLUTANT LOADS AND CHANGED WATER FLOW CHARACTERISTICS RESULTING FROM THE ACTIVITY ARE CONTROLLED SO AS TO MINIMIZE POLLUTION OF RECEIVING WATERS. THE REQUIREMENTS OF THIS ORDINANCE AND OTHER APPLICABLE CITY OF LANSING ORDINANCES ARE MINIMUM STANDARDS AND A PERSON'S COMPLIANCE WITH THE SAME SHALL NOT RELIEVE SUCH PERSON FROM THE DUTY OF ENACTING ALL MEASURES NECESSARY TO MINIMIZE POLLUTION OF RECEIVING WATERS TO THE MAXIMUM EXTENT PRACTICABLE.

1219.06. - DESIGNATION OF STORMWATER AUTHORITY; POWERS AND DUTIES

(A) THE CITY ENGINEER SHALL ADMINISTER AND ENFORCE THIS ORDINANCE, AND MAY FURNISH ADDITIONAL POLICY, CRITERIA AND INFORMATION INCLUDING SPECIFICATIONS AND STANDARDS AND/OR ESTABLISHMENT OF A PERMITTING PROGRAM, FOR THE PROPER IMPLEMENTATION OF THE REQUIREMENTS OF THIS ORDINANCE AND MAY PROVIDE SUCH INFORMATION IN THE FORM OF A STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL AND/OR STORMWATER MANAGEMENT DESIGN MANUAL.

(B) THE CITY OF LANSING'S STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL AND/OR STORMWATER MANAGEMENT DESIGN MANUAL MAY BE UPDATED AND EXPANDED FROM TIME TO TIME, AT THE DISCRETION OF THE CITY ENGINEER BASED ON REGULATORY REVISIONS AND/OR IMPROVEMENTS IN ENGINEERING, SCIENCE, MONITORING AND LOCAL MAINTENANCE EXPERIENCE.

(C) REPRESENTATIVES OF THE CITY ENGINEER SHALL HAVE THE RIGHT TO ENTER UPON ANY LAND FOR THE PURPOSES OF MAKING AN INSPECTION OR ACQUIRING INFORMATION TO DETERMINE WHETHER OR NOT THE PROPERTY CONFORMS TO THE REQUIREMENTS OF THIS ORDINANCE.

1219.07. - CONTENTS OF POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN

(A) THE STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) SHALL UTILIZE TO THE MAXIMUM EXTENT PRACTICABLE SITE PLANNING AND DESIGN TECHNIQUES THAT REDUCE RUNOFF RATES, VOLUMES, AND POLLUTANT LOADS. SUCH TECHNIQUES INCLUDE, BUT ARE NOT LIMITED TO, MINIMIZATION AND/OR DISCONNECTION OF IMPERVIOUS SURFACES; DEVELOPMENT DESIGN THAT REDUCES THE RATE AND VOLUME OF RUNOFF; RESTORATION OR ENHANCEMENT OF NATURAL AREAS SUCH AS RIPARIAN AREAS, WETLANDS, AND FORESTS; AND DISTRIBUTED PRACTICES THAT

INTERCEPT AND TREAT RUNOFF FROM DEVELOPED AREAS.

(B) THE STORMWATER PLAN SHALL BE PRESENTED AS FOLLOWS:

(1) THROUGH PLANS, ILLUSTRATIONS, REPORTS, AND CALCULATIONS, THE STORMWATER PLAN SHALL DISPLAY THE REQUIRED INFORMATION SPECIFIED IN THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL (DESIGN MANUAL).

(2) THE STORMWATER PLAN MUST BE SUFFICIENTLY DETAILED TO SPECIFY THE TYPE, LOCATION, AND SIZE OF STORMWATER MANAGEMENT FACILITIES.

(3) IF IT IS PROPOSED TO DEVELOP A PARCEL IN TWO OR MORE PHASES, THE STORMWATER PLAN SHALL BE PREPARED AND SUBMITTED FOR THE TOTAL PROJECT.

(C) THE STORMWATER PLAN SHALL BE PREPARED BY A REGISTERED CIVIL ENGINEER IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN THE DESIGN MANUAL. OTHER PERSONS AND PROFESSIONALS MAY ASSIST IN THE PREPARATION OF THE PLAN. ALL PLANS SHALL BE PROPERLY SEALED.

1219.08. - STANDARDS FOR POST CONSTRUCTION STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) APPROVAL

(A) ALL DEVELOPMENTS REQUIRING A STORMWATER PLAN SHALL BE DESIGNED, CONSTRUCTED, AND MAINTAINED TO PREVENT FLOODING, MINIMIZE STREAM CHANNEL IMPACTS, PROTECT WATER QUALITY, AND ACHIEVE THE PURPOSES OF THIS ORDINANCE, AS STATED ABOVE. THE CITY OF LANSING HAS ADOPTED PERFORMANCE STANDARDS TO MEET THE OBJECTIVES OF MANAGING THE QUANTITY AND QUALITY OF STORMWATER RUNOFF FROM A SITE AS DESCRIBED BELOW AND IN THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL (DESIGN MANUAL).

(B) DESIGNERS MAY SELECT ANY COMBINATION OF STORMWATER BMPS WHICH MEET THE PERFORMANCE STANDARDS PROVIDED THE SELECTIONS:

(1) COMPLY WITH THE REQUIREMENTS IDENTIFIED IN THIS ORDINANCE AND THE ASSOCIATED CITY OF LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL (POLICIES MANUAL) AND DESIGN MANUAL;

(2) COMPLY WITH ALL OTHER LOCAL, COUNTY, STATE, OR FEDERAL REQUIREMENTS; AND

(3) DO NOT CONFLICT WITH THE EXISTING LOCAL STORMWATER MANAGEMENT AND WATERSHED PLANS.

(C) THE PARTICULAR FACILITIES AND MEASURES REQUIRED ON-SITE SHALL TAKE INTO CONSIDERATION THE NATURAL FEATURES, UPLAND AREAS, WETLANDS, AND WATERCOURSES ON THE SITE; THE POTENTIAL FOR ON-SITE AND OFFSITE ADVERSE STORMWATER IMPACTS, WATER POLLUTION, AND EROSION; AND THE SIZE OF THE SITE.

(D) THE FOLLOWING ON-SITE STORMWATER MANAGEMENT CONCEPTS MUST BE FOLLOWED:

(1) NATURAL TOPOGRAPHY AND SITE DRAINAGE SHALL BE PRESERVED AND SITE GRADING SHALL BE MINIMIZED TO THE MAXIMUM EXTENT REASONABLY ACHIEVABLE CONSIDERING THE NATURE OF THE DEVELOPMENT.

(2) THE PREFERRED CONVEYANCE STRATEGY IS TO TRANSPORT, WHEREVER POSSIBLE, UNTREATED AND TREATED RUNOFF IN CONVEYANCE FACILITIES OPEN TO THE ATMOSPHERE (E.G. SWALES, VEGETATED BUFFER STRIPS, ENERGY-DISSIPATING STRUCTURES, ETC.), RATHER THAN THROUGH ENCLOSED PIPES, SO AS TO DECREASE RUNOFF VELOCITY, ALLOW FOR NATURAL INFILTRATION, ALLOW SUSPENDED SEDIMENT PARTICLES TO SETTLE, AND TO REMOVE POLLUTANTS.

(3) WATERCOURSES SHALL NOT BE DEEPEINED, WIDENED, DREDGED, CLEARED OF VEGETATION, STRAIGHTENED, STABILIZED, OR OTHERWISE ALTERED WITHOUT APPLICABLE PERMITS OR APPROVALS FROM THE CITY ENGINEER, RELEVANT COUNTY AGENCIES AND THE APPLICABLE STATE OF MICHIGAN DEPARTMENT(S).

(4) THE STORMWATER PLAN AND ASSOCIATED BMPS MUST DEMONSTRATE COMPLIANCE WITH REQUIRED CHANNEL PROTECTION/VOLUME CRITERIA BY PROVIDING RETENTION AS NECESSARY TO MEET VOLUME AND PEAK FLOW LIMITS CONSISTENT WITH THE REQUIREMENTS OF THE DESIGN MANUAL. SPECIFIC DETAILS FOR ACHIEVING COMPLIANCE WITH THE VOLUME/CHANNEL PROTECTION CRITERIA ARE OUTLINED IN THE DESIGN MANUAL.

(5) THE STORMWATER PLAN AND ASSOCIATED BMPS MUST DEMONSTRATE COMPLIANCE WITH REQUIRED WATER QUALITY CRITERIA BY PROVIDING TREATMENT OF TOTAL SUSPENDED SOLIDS (TSS) OR BY PROVIDING RETENTION TO ACHIEVE THE SAME CRITERIA FOR MAXIMUM TSS CONCENTRATIONS IN THE STORMWATER DISCHARGE FROM THE SITE WITH EITHER APPROACH BEING CONSISTENT WITH THE REQUIREMENTS OF THE DESIGN MANUAL. SPECIFIC DETAILS FOR ACHIEVING COMPLIANCE WITH THE WATER QUALITY CRITERIA ARE OUTLINED IN THE DESIGN MANUAL.

(6) THE STORMWATER PLAN AND ASSOCIATED BMPS MUST DEMONSTRATE COMPLIANCE WITH REQUIRED PEAK FLOWRATE AND FLOOD CONTROL CRITERIA BY PROVIDING STORMWATER DETENTION AND/OR RETENTION CONSISTENT WITH THE REQUIREMENTS OF THE DESIGN MANUAL. SPECIFIC DETAILS FOR ACHIEVING COMPLIANCE WITH THE PEAK FLOWRATE AND FLOOD CONTROL CRITERIA ARE OUTLINED IN THE DESIGN MANUAL.

(7) UNDER CERTAIN CONDITIONS, THE CITY OF LANSING, UPON RECOMMENDATION BY THE CITY ENGINEER, MAY IMPOSE THE FOLLOWING ADDITIONAL RESTRICTIONS ON STORMWATER DISCHARGES.

- PEAK DISCHARGE MAY BE FURTHER RESTRICTED WHEN IT CAN BE SHOWN THAT A PROBABLE RISK TO DOWNSTREAM STRUCTURES OR UNIQUE NATURAL AREAS EXISTS OR THAT EXISTING SEVERE FLOODING PROBLEMS COULD BE FURTHER AGGRAVATED.
- MEASURES SHALL BE IMPOSED TO PROTECT AGAINST GROUND OR SURFACE WATER POLLUTION WHERE THE NATURE OF THE SOILS OR BEDROCK UNDERLYING A STORMWATER MANAGEMENT STRUCTURE CONSTITUTES SUBSTANTIAL RISK OF CONTAMINATION, SUCH AS MIGHT BE THE CASE IN LIMESTONE FORMATIONS. SPECIAL PROVISIONS TO BE FOLLOWED IN THESE CASES WILL BE PROVIDED BY THE CITY ENGINEER.

(E) STORMWATER "CREDITS" FOR ONSITE STORMWATER MANAGEMENT MAY BE CONSIDERED IN ACCORDANCE WITH THE PROVISIONS PROVIDED IN THE POLICIES MANUAL.

(F) STORMWATER "OFFSETS" MAY BE CONSIDERED WHERE WATER QUANTITY OR WATER QUALITY BMPS REQUIRED BY THIS ORDINANCE CAN NOT BE FULLY ACCOMMODATED ON-SITE IN ACCORDANCE WITH THE PROVISIONS PROVIDED IN THE POLICIES MANUAL.

1219.09. - STORMWATER MANAGEMENT PLAN AND BMP CONSTRUCTION PLANS SUBMISSION

(A) THE STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) AND THE ASSOCIATED, PROPOSED BMP CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW IN ACCORDANCE WITH THE SITE PLAN SUBMITTAL REQUIREMENTS OF PART 12 OF THE CITY CODE.

(B) THE BMP CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ORDINANCE AND THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL (DESIGN MANUAL).

(C) THE BMP CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE PREPARED BY A LICENSED LANDSCAPE ARCHITECT, CERTIFIED PROFESSIONAL SURVEYOR, OR PROFESSIONAL ENGINEER AND MUST BE SIGNED BY THE PROFESSIONAL PREPARING THE PLAN, WHO SHALL CERTIFY THAT THE DESIGN OF ALL STORMWATER BMPS MEET THE REQUIREMENTS OF THIS ORDINANCE.

(D) NO SUBSTANTIVE CHANGES SHALL BE MADE TO AN APPROVED STORMWATER PLAN WITHOUT REVIEW AND WRITTEN APPROVAL BY THE CITY OF LANSING. THE ENGINEERING DIVISION MAY REQUEST ADDITIONAL DATA WITH A PLAN AMENDMENT AS MAY BE NECESSARY FOR A COMPLETE REVIEW OF THE STORMWATER PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS TO ENSURE THAT CHANGES TO THE PLAN WILL COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE.

(E) COMPLIANCE WITH THE REQUIREMENTS OF THIS ORDINANCE DOES NOT ELIMINATE THE NEED FOR THE PROPRIETOR TO OBTAIN REQUIRED PERMITS AND APPROVALS FROM COUNTY AND STATE AGENCIES.

(F) FOR SITE CONDOMINIUMS, COMPLETE MASTER DEED DOCUMENTS (INCLUDING "EXHIBITS" DRAWINGS) MUST BE SUBMITTED FOR THE CITY'S REVIEW AND APPROVAL PRIOR TO RECORDING.

1219.10. - REVIEW PROCEDURES

(A) ALL STORMWATER MANAGEMENT PLANS AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE CITY ENGINEERING DIVISION IN ORDER TO ENSURE CONFORMANCE WITH THE REQUIREMENTS OF THIS ORDINANCE AND THE ASSOCIATED CITY OF LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL AND THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL.

(B) UPON SUBMISSION OF A STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS, AS PROVIDED HEREIN, SUCH PLAN SHALL BE REVIEWED BY THE ENGINEERING DIVISION AND A WRITTEN RESPONSE PREPARED AND SUBMITTED TO THE CITY OF LANSING PLANNING OFFICE. IF THE PROPOSED PLAN IS NOT SUFFICIENT AS ORIGINALLY SUBMITTED, THE ENGINEERING DIVISION WILL NOTIFY THE APPLICANT IN WRITING, SETTING FORTH THE REASONS FOR WITHHOLDING A RECOMMENDATION FOR APPROVAL, AND WILL STATE THE CHANGES NECESSARY TO OBTAIN APPROVAL. FAILURE OF THE

OWNER TO ULTIMATELY DEMONSTRATE THAT THE PROJECT MEETS REQUIREMENTS, AS DETERMINED BY THE CITY OF LANSING, SHALL BE REASON TO DENY APPROVAL OF THE STORMWATER PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS.

(C) BEFORE APPROVAL OF THE FINAL STORMWATER BMP CONSTRUCTION PLANS, COPIES OF ALL NECESSARY WETLAND, FLOODPLAIN, INLAND LAKES AND STREAMS, EROSION CONTROL OR OTHER NEEDED STATE, FEDERAL, OR LOCAL PERMITS RELATING TO STORMWATER MANAGEMENT HAVE BEEN PROVIDED BY THE APPLICANT FOR THE CITY OF LANSING'S FILES.

(D) A SATISFACTORY MAINTENANCE AGREEMENT IN ACCORDANCE WITH SECTION 1219.18 OF THIS ORDINANCE THAT ASSURES LONG-TERM MAINTENANCE OF ALL DRAINAGE IMPROVEMENTS WILL BE IN PLACE BEFORE APPROVAL OF THE STORMWATER PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS. DOCUMENTATION OF THE MAINTENANCE AGREEMENT WILL BE SUPPLIED TO THE ENGINEERING DIVISION AND APPROVED BY THE CITY ENGINEER.

(E) A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT SHALL NOT BE ISSUED UNDER CHAPTER 1218 OF THE CITY CODE UNLESS THE DETAILED STORMWATER PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS MEET THE STANDARDS OF THIS ORDINANCE AND THE ASSOCIATED CITY OF LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL AND THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL.

(F) FOR DEVELOPMENTS THAT WILL RESULT IN DISTURBANCE OF FIVE OR MORE ACRES OF LAND, A COMPLETE NOTICE OF COVERAGE FOR CONSTRUCTION-PHASE STORMWATER MUST BE SUBMITTED TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER RESOURCES DIVISION, TO HAVE THE DISCHARGE AUTHORIZED UNDER A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.

(G) THE APPLICANT WILL MAKE ARRANGEMENTS ACCEPTABLE TO THE ENGINEERING DIVISION FOR INSPECTION DURING CONSTRUCTION AND FOR FINAL VERIFICATION OF THE CONSTRUCTION OF ALL PERMANENT STORMWATER BMPS BY A REGISTERED PROFESSIONAL ENGINEER. FOLLOWING FINAL VERIFICATION OF THE CONSTRUCTION BY A REGISTERED PROFESSIONAL ENGINEER, THE COMPLETION BOND REQUIRED CONSISTENT WITH SECTION 1219.03(D) OF THIS ORDINANCE WILL BE RELEASED BY THE CITY OF LANSING.

(H) ELECTRONIC FILES OF THE AS-BUILT STORM DRAINS AND STORMWATER BMPS WILL BE SUBMITTED BY THE APPLICANT OR HIS/HER ENGINEER TO THE ENGINEERING DIVISION ALONG WITH THE FINAL PLAN FOR EXISTING SYSTEMS, OR UPON COMPLETION OF SYSTEM CONSTRUCTION FOR NEW SYSTEMS.

(I) COMPLETE DEVELOPMENT AGREEMENTS (INCLUDING DEED RESTRICTIONS) MUST BE SUBMITTED FOR THE CITY OF LANSING REVIEW AND APPROVAL PRIOR TO RECORDING.

1219.11. - REVIEW FEES

THE CITY OF LANSING CITY COUNCIL SHALL ESTABLISH APPLICATION FEES AND ESCROW REQUIREMENTS BY RESOLUTION. FEES AND ESCROW ACCOUNT PAYMENTS SHALL BE SUFFICIENT TO COVER ADMINISTRATIVE AND TECHNICAL REVIEW COSTS ANTICIPATED TO BE INCURRED BY THE CITY INCLUDING THE COSTS OF ON-SITE INSPECTIONS.

1219.12. - OFF-SITE STORMWATER MANAGEMENT

REQUIREMENTS FOR OFF-SITE STORMWATER MANAGEMENT MAY BE CONSIDERED IN ACCORDANCE WITH THE OFFSET PROVISIONS PROVIDED IN THE CITY OF LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL.

1219.13. - REVISION OF PLAN

IF IT BECOMES NECESSARY TO ALTER A DEVELOPMENT OR EARTH CHANGE PROPOSAL AFTER THE STORMWATER PLAN HAS BEEN APPROVED, A REVISED STORMWATER PLAN MUST BE SUBMITTED, REVIEWED, AND APPROVED IN ACCORDANCE WITH THE PROCEDURE SET FORTH ABOVE. ALL REQUIREMENTS AND STANDARDS FOR STORMWATER PLANS SHALL APPLY.

1219.14. - DRAINS UNDER THE JURISDICTION OF THE DRAIN COMMISSIONER

(A) DRAINAGE DISTRICTS WILL NOT BE ALTERED WHEN DESIGNING DEVELOPMENT DRAINAGE, EXCEPT AS PROVIDED UNDER SECTION 433 OF ACT 40, PUBLIC ACT 1956, AS AMENDED.

(B) EXISTING COUNTY DRAIN EASEMENTS WILL BE INDICATED ON THE STORMWATER PLAN AS WELL AS THE FINAL STORMWATER BMP CONSTRUCTION PLANS AND WILL BE DESIGNATED AS "INGHAM COUNTY DRAIN", "EATON COUNTY DRAIN", OR THE APPROPRIATE INTER-COUNTY DRAIN AS APPLICABLE. COUNTY DRAIN EASEMENTS PRIOR TO 1956 WERE NOT REQUIRED BY STATUTE TO BE RECORDED IMMEDIATELY; THEREFORE, IT MAY BE NECESSARY TO CHECK THE PERMANENT RECORDS OF THE DRAIN OFFICE TO SEE IF A DRAIN EASEMENT IS IN EXISTENCE ON THE SUBJECT PROPERTY.

(C) A PERMIT WILL BE OBTAINED FROM THE APPROPRIATE DRAIN COMMISSIONER'S OFFICE PRIOR TO DISCHARGING INTO, TAPPING OR CROSSING ANY COUNTY OR INTER-COUNTY DRAIN. THE PERMIT MUST BE OBTAINED PRIOR TO FINAL PLAN APPROVAL.

(D) PROPOSED RELOCATIONS OF COUNTY DRAINS WILL BE PROCESSED THROUGH THE OFFICE OF THE APPROPRIATE DRAIN COMMISSIONER.

1219.15. - AS-BUILT CERTIFICATION

AN AS-BUILT CERTIFICATION FOR STORMWATER BMPS MUST BE PROVIDED TO THE ENGINEERING DIVISION PRIOR TO FINAL APPROVAL OF THE DEVELOPMENT. THE CERTIFICATION SHOULD INCLUDE ALL OF THE REQUIREMENTS NOTED IN THE DESIGN MANUAL.

1219.16. - NOTICE OF CONSTRUCTION COMMENCEMENT

THE APPLICANT MUST NOTIFY THE CITY OF LANSING ENGINEERING DIVISION BEFORE THE COMMENCEMENT OF CONSTRUCTION. IN ADDITION, THE APPLICANT MUST NOTIFY THE CITY OF LANSING ENGINEERING DIVISION IN ADVANCE OF CONSTRUCTION OF CRITICAL COMPONENTS OF THE STORMWATER PRACTICES SHOWN ON THE APPROVED STORMWATER BMP CONSTRUCTION PLANS AND SPECIFICATIONS. THE CITY MAY, AT ITS DISCRETION, ISSUE VERBAL OR WRITTEN AUTHORIZATION TO PROCEED WITH CRITICAL CONSTRUCTION STEPS, SUCH AS INSTALLATION OF PERMANENT STORMWATER BMPS BASED ON STABILIZATION OF THE DRAINAGE AREA AND OTHER FACTORS.

1219.17. - CONSTRUCTION INSPECTIONS BY CITY OF LANSING OR ITS REPRESENTATIVES

THE CITY OF LANSING ENGINEERING DIVISION OR ITS REPRESENTATIVES MAY CONDUCT PERIODIC INSPECTIONS OF THE STORMWATER PRACTICES SHOWN ON THE APPROVED STORMWATER BMP CONSTRUCTION PLANS AND SPECIFICATIONS, AND ESPECIALLY DURING CRITICAL INSTALLATION AND STABILIZATION STEPS. ALL INSPECTIONS SHALL BE DOCUMENTED IN WRITING. THE INSPECTION SHALL DOCUMENT ANY VARIATIONS OR DISCREPANCIES FROM THE APPROVED PLAN, AND THE RESOLUTION OF SUCH ISSUES.

1219.18. - MAINTENANCE AGREEMENT

(A) PURPOSE OF MAINTENANCE AGREEMENT - THE PURPOSE OF THE MAINTENANCE AGREEMENT IS TO PROVIDE THE MEANS AND ASSURANCE THAT PERPETUAL, LONG-TERM MAINTENANCE OF STORMWATER BMPS SHALL BE PROVIDED FOR AND UNDERTAKEN. A MAINTENANCE AGREEMENT SHALL BE SUBMITTED TO THE CITY OF LANSING, FOR REVIEW BY THE CITY ENGINEER AND HIS/HER DESIGNEE, AND SHALL BE SUBJECT TO APPROVAL IN CONSISTENT WITH THE APPROVED STORMWATER MANAGEMENT PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS.

(B) RESPONSIBLE PARTY

(1) THE RESPONSIBLE PARTY NAMED IN THE RECORDED STORMWATER MAINTENANCE AGREEMENT SHALL MAINTAIN IN GOOD CONDITION AND PROMPTLY REPAIR AND RESTORE ALL STRUCTURAL AND NON-STRUCTURAL STORMWATER BMPS AND ALL NECESSARY ACCESS ROUTES AND APPURTENANCES. SUCH REPAIRS OR RESTORATION AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE APPROVED STORMWATER BMP CONSTRUCTION PLANS AND SPECIFICATIONS AND THE STORMWATER MAINTENANCE AGREEMENT.

(2) THE RESPONSIBLE PARTY SHALL MAKE RECORDS OF INSTALLATION AND OF ALL MAINTENANCE AND REPAIRS, AND SHALL RETAIN THE RECORDS FOR AT LEAST FIVE (5) YEARS. THESE RECORDS SHALL BE MADE AVAILABLE TO THE CITY OF LANSING DURING INSPECTION OF THE PRACTICE AND AT OTHER REASONABLE TIMES UPON REQUEST.

(C) MAINTENANCE AGREEMENT PROVISIONS

(1) THE MAINTENANCE AGREEMENT SHALL PROVIDE FOR ROUTINE, EMERGENCY, AND LONG-TERM MAINTENANCE OF ALL STORMWATER BMPS.

(2) THE MAINTENANCE AGREEMENT SHALL BE BINDING ON ALL SUBSEQUENT OWNERS OF LAND SERVED BY THE STORMWATER BMPS AND SHALL BE RECORDED IN THE OFFICE OF THE APPROPRIATE COUNTY REGISTER OF DEEDS PRIOR TO THE EFFECTIVENESS OF THE APPROVAL OF THE CITY OF LANSING.

(3) IF IT HAS BEEN FOUND BY THE CITY OF LANSING, FOLLOWING NOTICE AND AN OPPORTUNITY TO BE HEARD BY THE PROPERTY OWNER, THAT THERE HAS BEEN A MATERIAL FAILURE OR REFUSAL TO UNDERTAKE MAINTENANCE AS REQUIRED UNDER THIS ORDINANCE AND/OR AS REQUIRED IN THE APPROVED MAINTENANCE AGREEMENT AS REQUIRED HEREUNDER, THE CITY ENGINEER SHALL THEN BE AUTHORIZED, BUT NOT REQUIRED, TO HIRE AN ENTITY WITH QUALIFICATIONS AND EXPERIENCE IN THE SUBJECT MATTER TO UNDERTAKE THE MONITORING AND MAINTENANCE AS SO REQUIRED, IN WHICH EVENT THE PROPERTY OWNER SHALL BE OBLIGATED TO ADVANCE OR REIMBURSE PAYMENT (AS DETERMINED BY THE CITY OF LANSING) FOR ALL COSTS AND EXPENSES ASSOCIATED WITH SUCH MONITORING AND

MAINTENANCE, TOGETHER WITH A REASONABLE ADMINISTRATIVE FEE. THE MAINTENANCE AGREEMENT REQUIRED UNDER THIS ORDINANCE SHALL CONTAIN A PROVISION SPELLING OUT THIS REQUIREMENT AND, IF THE APPLICANT OBJECTS IN ANY RESPECT TO SUCH PROVISION OR THE UNDERLYING RIGHTS AND OBLIGATIONS, SUCH OBJECTION SHALL BE RESOLVED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE PROPOSED DEVELOPMENT ON THE PROPERTY.

1219.19. - MAINTENANCE INSPECTIONS

THE CITY OF LANSING ENGINEERING DIVISION OR ITS REPRESENTATIVES MAY CONDUCT PERIODIC INSPECTIONS FOR ALL STORMWATER PRACTICES CONSTRUCTED AS PART OF THE APPROVED BMP CONSTRUCTION PLANS AND SPECIFICATIONS. ALL INSPECTIONS WILL BE DOCUMENTED IN WRITING. THE INSPECTION SHALL DOCUMENT ANY MAINTENANCE AND REPAIR NEEDS AND ANY DISCREPANCIES FROM THE STORMWATER MAINTENANCE AGREEMENT.

1219.20. - STORMWATER MANAGEMENT EASEMENTS

(A) NECESSITY OF EASEMENTS FOR ON-SITE STORMWATER BMPS - STORMWATER MANAGEMENT EASEMENTS SHALL BE PROVIDED IN A FORM REQUIRED BY THE CITY OF LANSING ENGINEERING DIVISION, AND RECORDED AS DIRECTED AS PART OF THE APPROVAL OF THE CITY OF LANSING TO ASSURE:

- ACCESS FOR INSPECTIONS;
- ACCESS TO STORMWATER BMPS FOR MAINTENANCE PURPOSES; AND
- PRESERVATION OF PRIMARY AND SECONDARY DRAINAGEWAYS WHICH ARE NEEDED TO SERVE STORMWATER MANAGEMENT NEEDS OF OTHER PROPERTIES.

(B) EASEMENTS FOR OFF-SITE STORMWATER BMPS - THE OWNER SHALL OBTAIN EASEMENTS ASSURING ACCESS TO ALL AREAS USED FOR OFF-SITE STORMWATER MANAGEMENT, INCLUDING UNDEVELOPED OR UNDISTURBED LANDS.

(C) RECORDING OF EASEMENTS - EASEMENTS SHALL BE RECORDED WITH THE APPROPRIATE COUNTY REGISTER OF DEEDS BASED ON JURISDICTION AND ACCORDING TO COUNTY REQUIREMENTS.

(D) RECORDING PRIOR TO BUILDING PERMIT ISSUANCE - THE APPLICANT MUST PROVIDE THE CITY ENGINEERING DIVISION WITH EVIDENCE OF THE RECORDING OF THE EASEMENT PRIOR TO FINAL SUBDIVISION PLAT OR CONDOMINIUM APPROVAL OR OTHER APPLICABLE FINAL CONSTRUCTION APPROVAL.

(E) RIGHT-OF-ENTRY - THE EASEMENTS MUST CONTAIN A PROVISION GRANTING THE CITY OF LANSING AND ITS REPRESENTATIVES THE RIGHT OF ENTRY FOR THE PURPOSES OF INSPECTING ALL STORMWATER BMPS AT REASONABLE TIMES AND IN A REASONABLE MANNER. THIS INCLUDES THE RIGHT TO ENTER A PROPERTY WHEN THE CITY OF LANSING HAS A REASONABLE BASIS TO BELIEVE THAT A VIOLATION OF THIS ORDINANCE IS OCCURRING OR HAS OCCURRED AND TO ENTER WHEN NECESSARY FOR ABATEMENT OF A PUBLIC NUISANCE OR CORRECTION OF A VIOLATION OF THIS ORDINANCE.

1219.21. - SEVERABILITY

IF ANY SECTION, CLAUSE, PROVISION OR PORTION OF THIS ORDINANCE IS ADJUDGED UNCONSTITUTIONAL OR INVALID BY A COURT OF COMPETENT JURISDICTION, THE

REMAINDER OF THIS ORDINANCE SHALL REMAIN IN FORCE AND EFFECT.

1219.22. - STOP WORK ORDER

WHERE THERE IS WORK IN PROGRESS THAT CAUSES OR CONSTITUTES IN WHOLE OR IN PART, A VIOLATION OF ANY PROVISION OF THIS ORDINANCE, THE CITY OF LANSING IS AUTHORIZED TO ISSUE A STOP WORK ORDER SO AS TO PREVENT FURTHER OR CONTINUING VIOLATIONS OR ADVERSE EFFECTS. ALL PERSONS TO WHOM THE STOP WORK ORDER IS DIRECTED, OR WHO ARE INVOLVED IN ANY WAY WITH THE WORK OR MATTER DESCRIBED IN THE STOP WORK ORDER SHALL FULLY AND PROMPTLY COMPLY THEREWITH. THE CITY OF LANSING MAY ALSO UNDERTAKE OR CAUSE TO BE UNDERTAKEN, ANY NECESSARY OR ADVISABLE PROTECTIVE MEASURES SO AS TO PREVENT VIOLATIONS OF THIS ORDINANCE OR TO AVOID OR REDUCE THE EFFECTS OF NONCOMPLIANCE HEREWITH. THE COST OF ANY SUCH PROTECTIVE MEASURES SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY UPON WHICH THE WORK IS BEING DONE AND THE RESPONSIBILITY OF ANY PERSON CARRYING OUT OR PARTICIPATING IN THE WORK, AND SUCH COST SHALL BE A LIEN UPON THE PROPERTY.

1219.23. - SANCTIONS FOR VIOLATIONS

(A) ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL BE RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, PLUS COSTS, DAMAGES, EXPENSES, AND OTHER SANCTIONS AS AUTHORIZED UNDER CHAPTER 87 OF THE REVISED JUDICATURE ACT OF 1961 AND OTHER APPLICABLE LAWS, INCLUDING, WITHOUT LIMITATION, EQUITABLE RELIEF; PROVIDED, HOWEVER, THAT THE VIOLATION STATED IN THIS ORDINANCE SHALL BE A MISDEMEANOR. THE CITY OF LANSING IS AUTHORIZED TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS TO ANY PERSON ALLEGED TO BE VIOLATING ANY PROVISION OF THIS ORDINANCE. EACH DAY SUCH VIOLATION OCCURS OR CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE AND SHALL MAKE THE VIOLATOR LIABLE FOR THE IMPOSITION OF A FINE FOR EACH DAY. THE RIGHTS AND REMEDIES PROVIDED FOR IN THIS SECTION ARE CUMULATIVE AND IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW. AN ADMISSION OR DETERMINATION OF RESPONSIBILITY SHALL NOT EXEMPT THE OFFENDER FROM COMPLIANCE WITH THE REQUIREMENTS OF THIS ORDINANCE.

(B) ANY PERSON WHO NEGLECTS OR FAILS TO COMPLY WITH A STOP WORK ORDER ISSUED UNDER THIS ORDINANCE SHALL, UPON CONVICTION, BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN 90 DAYS, OR BOTH, SUCH FINE AND IMPRISONMENT, AND SUCH PERSON SHALL ALSO PAY SUCH COSTS AS MAY BE IMPOSED IN THE DISCRETION OF THE COURT.

(C) ANY PERSON WHO AIDS OR ABETS A PERSON IN A VIOLATION OF THIS ORDINANCE SHALL BE SUBJECT TO THE SANCTIONS PROVIDED IN THIS SECTION.

1219.24. - FAILURE TO COMPLY; COMPLETION

IN ADDITION TO ANY OTHER REMEDIES, SHOULD ANY OWNER FAIL TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE, THE CITY OF LANSING MAY, AFTER THE GIVING OF REASONABLE NOTICE AND OPPORTUNITY FOR COMPLIANCE, HAVE THE NECESSARY WORK DONE, AND THE OWNER SHALL BE OBLIGATED TO PROMPTLY REIMBURSE THE CITY FOR ALL COSTS OF SUCH WORK.

1219.25. - EMERGENCY MEASURES

WHEN EMERGENCY MEASURES ARE NECESSARY TO MODERATE A NUISANCE, TO PROTECT PUBLIC SAFETY, HEALTH AND WELFARE, AND/OR TO PREVENT LOSS OF LIFE, INJURY OR DAMAGE TO PROPERTY, THE CITY OF LANSING IS AUTHORIZED TO CARRY OUT OR ARRANGE FOR ALL SUCH EMERGENCY MEASURES. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE COST OF SUCH MEASURES MADE NECESSARY AS A RESULT OF A VIOLATION OF THIS ORDINANCE, AND SHALL PROMPTLY REIMBURSE THE CITY FOR ALL SUCH COSTS.

1219.26. - COST RECOVERY FOR DAMAGE TO STORM DRAIN SYSTEM

A DISCHARGER SHALL BE LIABLE FOR ALL COSTS INCURRED BY THE CITY OF LANSING AS THE RESULT OF CAUSING A DISCHARGE THAT PRODUCES A DEPOSIT OR OBSTRUCTION, OR CAUSES DAMAGE TO, OR IMPAIRS A STORM DRAIN OR RECEIVING WATERS, OR VIOLATES ANY OF THE PROVISIONS OF THIS ORDINANCE. COSTS INCLUDE, BUT ARE NOT LIMITED TO, THOSE PENALTIES LEVIED BY THE ENVIRONMENTAL PROTECTION AGENCY OR MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY FOR VIOLATION OF AN NPDES PERMIT, ATTORNEY FEES, AND OTHER COSTS AND EXPENSES.

1219.27. - COLLECTION OF COSTS; LIEN

COSTS INCURRED BY THE CITY OF LANSING AND EITHER OF THE DRAIN COMMISSIONERS PURSUANT TO THIS ORDINANCE SHALL BE A LIEN ON THE PREMISES WHICH SHALL BE ENFORCEABLE IN ACCORDANCE WITH ACT NO. 94 OF THE PUBLIC ACTS OF 1933, AS AMENDED FROM TIME TO TIME. ANY SUCH CHARGES WHICH ARE DELINQUENT FOR SIX (6) MONTHS OR MORE MAY BE CERTIFIED ANNUALLY TO THE CITY OF LANSING TREASURER WHO SHALL ENTER THE LIEN ON THE NEXT TAX ROLL AGAINST THE PREMISES AND THE COSTS SHALL BE COLLECTED AND THE LIEN SHALL BE ENFORCED IN THE SAME MANNER AS PROVIDED FOR IN THE COLLECTION OF TAXES ASSESSED UPON THE ROLL AND THE ENFORCEMENT OF A LIEN FOR TAXES. IN ADDITION TO ANY OTHER LAWFUL ENFORCEMENT METHODS, THE CITY OR THE APPROPRIATE DRAIN COMMISSIONER SHALL HAVE ALL REMEDIES AUTHORIZED BY ACT NO. 94 OF THE PUBLIC ACTS OF 1933, AS AMENDED.

1219.28. - EFFECT OF APPROVAL ON REMEDIES

THE APPROVAL OR DISAPPROVAL OF ANY POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN SHALL NOT HAVE ANY EFFECT ON ANY REMEDY OF ANY PERSON AT LAW OR IN EQUITY.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by city council.

**SPEAKER REGISTRATION FOR PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS**

City Clerk Swope announced that the public comment registration

form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Vice President Washington that all items be considered as being read in full and that President Wood make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

1. Letter(s) from the City Clerk re:
 - a. Minutes of Boards, Commissions, and Authorities placed on file in the Clerk's Office
PLACED ON FILE

- b. Rules of Procedure; Board of Public Service
REFERRED TO THE COMMITTEE OF THE WHOLE

- c. Reappointments; Mick Grewal and Jacqueline Straub to the Ingham County/City of Lansing Community Corrections Advisory Board
REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2. Letter(s) from the Mayor re:
 - a. Sole Source Purchase; Department of Information Technology request for Dewpoint as the vendor for Managed Infrastructure Services
REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND TO THE INTERNAL AUDITOR

- b. Sole Source Purchase; Department of Information Technology request for City Sourced as the vendor for Citizen Engagement Platform
REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND TO THE INTERNAL AUDITOR

- c. Issuance and Sale of 2018 Michigan Transportation Fund Bonds
REFERRED TO THE COMMITTEE OF THE WHOLE

- d. Act-5-2018; Vacate Alliance Drive and a portion of Technology Blvd
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- e. Brownfield Plan #70; 735 Hazel LLC, 735 Hazel St.
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- Communications and Petitions, and Other City Related Matters:

1. Claim Appeal, Lilas Smyth for \$2,721.00 in trash fees at 1009 Cady Court
REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. Claim Appeal; Claim #1540, Erika Philips for \$754.31 in trash fees at 919 Westmoreland Avenue
REFERRED TO THE COMMITTEE ON GENERAL SERVICES

3. Claim Appeal; Claim #1603, Thomas Price for \$2,711.50 in trash fees at 5818 Hughes Road
REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4. Communications from Jody Mosley regarding housing needs for

the homeless
PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Council Member Spadafore to excuse Council Members Dunbar and Spitzley from tonight's proceedings.

Motion Carried

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Executive Assistant to Mayor Schor, Samantha Harkins, spoke about the code compliance position posting.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Steven Kukulka spoke about various City matters.

Loretta Stanaway spoke about various City matters.

Elaine Womboldt spoke about various City matters.

Nancy Mahlow spoke about the Eastside Neighborhood Organization.

William Fowler spoke about claim dispositions #1585 and #1586.

Mary Reynolds spoke about various City matters.

ADJOURNED TIME 8:11 P.M.

CHRIS SWOPE, CITY CLERK