

ORDINANCE No. \_\_\_\_\_

TOWNSHIP OF KOCHVILLE  
COUNTY OF SAGINAW

AN ORDINANCE OF THE TOWNSHIP OF KOCHVILLE, SAGINAW COUNTY, MICHIGAN, TO AMEND THAT PORTION OF THE KOCHVILLE TOWNSHIP CODE OF ORDINANCES, BEING THE KOCHVILLE TOWNSHIP ZONING ORDINANCE, AND FURTHER BEING TITLE XV, CHAPTER 155, ADDING SECTION 155.040 "PONDS".

THE TOWNSHIP OF KOCHVILLE ORDAINS:

**SECTION 1. AMENDMENT.**

The Kochville Township Code of Ordinances, Title XV, Chapter 155, is hereby amended by adding Section 155.040 to read as follows:

**155.040 PONDS**

Any soil excavation for the purpose of constructing a pond shall be permitted in any district subject to the following standards upon issuance of a zoning permit:

**155.041.** The term "pond" as used in this section is defined as any soil excavation, digging, or grading resulting in substantial accumulation or ponding of surface water or pumped water. Ponds of 200 square feet or more will require a zoning permit. Small backyard waterfalls and liner ponds less than 200 square feet are not regulated by this ordinance. Where the pond disturbs a portion of a property that exceeds one (1) acre, a soil erosion permit shall be required from the Saginaw County Dept of Public Works. Where a pond exceeds five (5) acres, a permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), will also be required.

A permit from the EGLE is required (under Part 301, Inland Lakes and Streams, and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, prior to construction of a pond if the pond will be:

- Within 500 feet of a lake or stream, or connected to a lake or stream;
- Within a regulated wetland;
- Within the 100-year floodplain of a river or stream;
- Five surface acres or more in size

Where any of the above conditions exist, no permit for a pond will be issued without EGLE approval and the submission of a copy of the permit to the Kochville Community Development Department.

**155.042. Location of Ponds.** No pond is to be located any closer than as provided below.

From any property line	10 feet
From any septic field	75 feet
From a water supply well	50 feet
From a road ditch or county drain Or underground drainage system	50 feet

The zoning administrator shall require a site plan that accurately shows the location (by dimensions) of the pond including the required isolation distances as provided in this section. No pond shall be located in an area reserved for the replacement of a septic field.

**155.043.** The pond shall not have a steeper slope than one (1) to three (3) on all sides for the first six feet from the bank. Ponds shall not exceed twenty-five (25) feet in total depth and shall not encompass more than 15% of the rear yard surface area.

**155.044.** Construction of a pond shall not cause an increase in runoff or drainage to abutting properties beyond which may have occurred prior to its construction. The zoning administrator shall require that any plan submitted for ponds show an adequate method of preventing overflow or water onto adjacent properties. To accomplish this purpose, the zoning administrator may require a spillway leading to any approved drainage way or grassed berm along one or more sides of the pond or both.

**155.045.** There shall be a distance of not less than thirty (30) feet between the outside edge of the pond and any building.

**155.046.** Construction of a permitted pond shall be completed within six (6) months of the date of the issuance of a permit. Extensions may be granted for just cause. All areas disturbed during construction of the pond shall be seeded and maintained in good condition to prevent erosion.

**155.047. Dangerous Conditions.** The property owner shall take every precaution to ensure the safety of the public. Where conditions, during construction, may be deemed to pose a hazard to people and animals, the zoning administrator may require the installation of temporary barriers until the pond water is filled to an acceptable level where a person or animal could exit the pond without being trapped.

**155.048.** Appropriate lifesaving equipment such as ring buoys shall be placed near the pond and be easily seen and accessible for use during an emergency. Appropriate warning signs shall be provided and maintained.

## **SECTION 2. SEVERABILITY.**

This Ordinance and each of the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part of this ordinance is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

## **SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.**

Any ordinance of Kochville Township or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of within or Ordinance are expressly repealed.

## **SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect 30 days after publication and a copy of the ordinance is available for public use and inspection at the office of the Township Clerk.

This ordinance known as Ordinance No. \_\_\_\_\_, being the amendments to Chapter 155, of the Kochville Township Zoning Ordinance, is hereby declared to have been adopted by the Kochville Township Board, County of Saginaw, State of Michigan, at a regular meeting held on the \_\_\_\_\_ Day of \_\_\_\_\_, and ordered to be given publication in a manner prescribed by law.

Motion by \_\_\_\_\_, and seconded by \_\_\_\_\_ to adopt Ordinance \_\_\_\_\_.

YEAS:

NAYS:

ABSTAINS:

ABSENT:

\_\_\_\_\_  
Jim Loiacano, Supervisor  
Kochville Township

\_\_\_\_\_  
Kevin Machata, Clerk  
Kochville Township

**CERTIFICATION**

State of Michigan, County of Saginaw:

I, the undersigned Township Clerk for the Township of Kochville, Saginaw County, Michigan, certify that the above Ordinance No. \_\_\_\_\_, adopted by the Township Board of Trustees of the Township on the \_\_\_\_\_ Day of \_\_\_\_\_, was recorded in full in the Minutes of Township Board of Trustees on said date. It was signed by the Supervisor and the Clerk of the Township.

Dated:

\_\_\_\_\_  
Kevin Machata, Kochville Township Clerk

Date of Publication:

Newspaper: Township View