

June 6, 2023, Approved Minutes

**Official Proceedings  
Pontiac City Council  
92<sup>nd</sup> Session of the Eleventh Council**

**Call to order**

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, June 6, 2023, at 6:04 p.m. by Council President Mike McGuinness.

**Invocation** – Minister Veronica Taylor

**Pledge of Allegiance to the Flag of the United States**

**Moment of Silence**

**Roll Call**

**Members Present** – William Carrington, Kathalee James, Mike McGuinness, Brett Nicholson, William Parker, Jr., and Melanie Rutherford

Mayor Greimel was present.

A quorum was announced.

**Amendments to and Approval of the Agenda**

**Motion to approve the agenda.** Moved by Councilperson Parker and second by Councilperson Carrington. Discussion.

**Motion to add a Resolution to approve an application for Juneteenth Fireworks as the new item #9.** Moved by Councilperson Carrington and second by Councilperson Parker.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, and Carrington

No: None

**Motion Carried**

**Motion to add four discussions items (Warrant Clinic Debriefing, Pride & Beautification Nomination, Woodward Dream Cruise, and South Boulevard Dumping) to the agenda before Closed session.** Moved by Councilperson Rutherford, and second by Councilperson James.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, and Carrington

No: None

**Motion Carried**

The vote was taken to approve the agenda as amended.

Ayes: Carrington, James, McGuinness, Nicholson, Parker, and Rutherford.

No: None

**Motion Carried**

**Consent Agenda**

23-214 **Resolution to approve the consent agenda for June 6, 2023.** Moved by Councilperson Parker and second by Councilperson Nicholson.

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Whereas, the City Council has reviewed the consent agenda for June 6, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for June 6, 2023, including May 25, 2023, City Council Special Meeting Minutes on the Budget, and May 30, 2023 City Council Meeting Minutes.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, and James.

No: None

**Resolution Passed**

### **Special Presentations**

Celebrating Pontiac High School Graduating Seniors Recognized as Oakland County Top Scholars: Maria Alvares, Jonathan Lopez, Dalia Martinez, Leonel Martinez, Angel Serna, Se'Cora Serene Simmons, and Sarah Zhu.

Celebrating Miami Heat NBA Player – Jamal Cain of Pontiac, Currently Playing in the NBA Finals Championship.

### **Recognition of Elected Officials**

1. Beatrice Wright, Precinct Delegate
2. Tameka Ramsey, Chairperson, Charter Revision Commission
3. Jonathan Wertheimer, State Representative Brenda Carter's Office.

### **Agenda Address**

1. Patrice Waterman addressed items #3, #4, and #17.
2. Dr. Deirdre Waterman addressed item #15.
3. Kermit Williams addressed item #10.
4. Bill Maxey addressed items #3 & #4.
5. Chuck Johnson addressed items #3, #4, and #10.
6. Gloria Miller addressed items #3, #4, and #10.

### **Agenda Items**

#### **Ordinances**

**Motion to split Zoning Ordinance Text Amendment to Amend Article 2, Chapter 5, Section 2.502, to Amend Article 2 Chapter 5, Section 2.506, Add Article 2, Chapter 5, Section 2.507, Amend Article 3, Chapter 2, Section 3.203, Amend Article 4, Chapter 2, Section 4.206 (a) (3), and Amend Article 7, Chapter 2, Section 7.201 into two separate amendments. (Unlicensed Residential Facilities and Keeping of Household Animals or Pets) (Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: Nicholson, Parker, Rutherford, Carrington, James, and McGuinness

No: None

**Motion Carried**

**Motion to amend Zoning Ordinance Text Amendment to Amend Article 2, Chapter 5, Section 2.502, to Amend Article 2 Chapter 5, Section 2.506, Add Article 2, Chapter 5, Section 2.507, Amend Article 3, Chapter 2, Section 3.203, and Amend Article 7, Chapter 2, Section 7.201. (Residential Ordinance)** Moved by Councilperson Rutherford and second by Councilperson Nicholson. Discussion.

Councilman Mikal Goodman arrived at 6:42 p.m.

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**Motion to postpone Zoning Ordinance Text Amendment to Amend Article 2, Chapter 5, Section 2.502, to Amend Article 2 Chapter 5, Section 2.506, Add Article 2, Chapter 5, Section 2.507, Amend Article 3, Chapter 2, Section 3.203, Amend Article 4, Chapter 2, Section 4.206 (a) (3), and Amend Article 7, Chapter 2, Section 7.201 – Residential Ordinance for two weeks.** Moved by Councilperson Nicholson and second by Councilperson Goodman.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, Nicholson, and Parker

No: None

**Motion Carried**

2410 **Zoning Ordinance Text Amendment to Amend Article 4, Chapter 2, Section 4.206 (a) (3). (This Ordinance Amendment pertains to Keeping of Household Animals or Pets) (Second Reading).** Moved by Councilperson Nicholson and second by Councilperson Carrington. Discussion.

**Motion to amend Household Animals from six to three for Chickens.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

Ayes: Goodman, Nicholson, Rutherford, and Carrington

No: James, McGuinness, and Parker

**Motion Carried**

**Motion to Amend Household Pets from nine to four.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

Ayes: Rutherford and Carrington

No: James, McGuinness, Nicholson, Parker, and Goodman

**Motion Failed**

**Motion to Amend Household Pets from nine to six, limit 3 per species.** Moved by Councilperson Nicholson and second by Councilperson James.

Ayes: McGuinness, Nicholson, Carrington, Goodman, and James

No: Parker and Rutherford

**Motion Carried**

2410 **Adoption Amendments to a Zoning Ordinance Text Amendment to Amend Article 4, Chapter 2, Section 4.206 (a) (3). (This Ordinance Amendment pertains to Keeping of Household Animals or Pets) (Second Reading).** Moved by Councilperson Nicholson and second by Councilperson Carrington.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, and Rutherford

No: None

**Ordinance Adopted**

Councilman Parker was absent during the vote.

**\*\*See Ordinance #2410 as Exhibit A after the minutes\*\***

**Motion to separate Transient Housing from Municipal Code Ordinance Text Amendment to Amend Article I, Chapter 18, Section 6 (Prohibited animals; nuisances) to remove chickens and add Subsection (6) regarding livestock; Article I, Chapter 18, Section 18 (Neighborhood Sanitation) to add Subsection (d) regarding Feeding of wild animals; Article II, Chapter 18, Section 52 (Dog kennels or houses; location; maintenance) to add Subsection (d)**

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**regarding restrictions on dog tethering; and Article XXV, Chapter 26 (Transient Housing) to clarify obligations of owners of transient housing facilities. (Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James, and McGuinness

No: None

**Motion Carried**

**Motion to postpone Transient Housing for two weeks.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness, and Nicholson

No: None

**Motion Carried**

2411 **Adoption of a Municipal Code Ordinance Text Amendment to Amend Article 1, Chapter 18, Section 6 - Prohibited animals; nuisances is amended to delete chickens from Subsection (1) and add Subsection (6) for livestock; Amend Article 1, Chapter 18, Section 18 - Neighborhood Sanitation to add Subsection (d) restricting feeding of wild animals; and Amend Article 1, Chapter 18, Section 52 - Dog kennels or houses; location; maintenance is amended to add Subsection (d) to include restrictions on dog tethering.** Moved by Councilperson Nicholson and second by Councilperson Carrington.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, and Parker

No: None

**Ordinance Adopted**

Councilwoman Rutherford was absent during the vote.

**\*\*See Ordinance #2411 as Exhibit B after the minutes\*\***

**Adoption of a Municipal Code Ordinance Text Amendment to Amend Article 2, Chapter 94, Section 26 (Refuse containers and yard waste containers, specifications) to add Subsection (g) regarding regulation of waste containers storage. (Second Reading)** Moved by Councilperson Nicholson and second by Councilperson Carrington. Discussion.

**Motion to postpone Adoption of a Municipal Code Ordinance Text Amendment to Amend Article 2, Chapter 94, Section 26 (Refuse containers and yard waste containers, specifications) to add Subsection (g) regarding regulation of waste containers storage for one week. (Second Reading)** Moved by Councilperson Nicholson and second by Councilperson James.

Ayes: Goodman, James, McGuinness, Nicholson, and Parker

No: Rutherford and Carrington

**Motion Carried**

2412 **Adoption of an Ordinance to Amend the City of Pontiac City Code to Amend Chapter 118 to add Article IV Stormwater Control in Order to Maintain Compliance with State Law. (Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington, and Goodman

No: None

**Ordinance Adopted**

**\*\*See Ordinance #2412 as Exhibit C after the minutes\*\***

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2413           **Adoption of a Zoning Ordinance Text Amendment to Amend Article 2, Charter 6, Section 6.202 (D), and to amend Article 2, Chapter 6, Section 6.208 (required Information) and to Amend Article 2, Chapter 6, Section 7.301 (Definitions). (This Ordinance Amendment pertains to Stormwater Control.) (Second Reading)** Moved by Councilperson Goodman and second by Councilperson Carrington.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman, and James

No: None

**Ordinance Adopted**

**\*\*See Ordinance #2413 as Exhibit D after the minutes\*\***

23-215           **Suspend the Rules to move Resolution to approve the recommended changes to the Engineering Design Standards for the Department of Public Works up after Ordinance #7. (This resolution pertains to the Second Reading of the Stormwater Sewer Ordinance and Zoning Amendment).** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James, and McGuinness

No: None

**Motion Carried**

23-216           **Resolution to approve the recommended changes to the Engineering Design Standards for the Department of Public Works up after Ordinance #7. (This resolution pertains to the Second Reading of the Stormwater Sewer Ordinance and Zoning Amendment).** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, The City of Pontiac Engineering Division has made required revisions to the Engineering Standards and.

WHEREAS, The Department of Public Works, Engineering Division has reviewed the subject document, and.

WHEREAS, the revisions are in compliance with EGLE and the IDEP program,

NOW, THEREFORE IT IS RESOLVED, The Pontiac City Council approves the recommended changes to the Engineering Design Standards for the Department of Public Works.

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness, and Nicholson

No: None

**Resolution Passed**

## **Resolutions**

City Council

23-217           **Resolution Recognizing the City of Pontiac as a City of Resilience.** Moved by Councilperson James and second by Councilperson Parker.

Whereas, resilience is defined as the capacity of individuals, communities, and systems to thrive, adapt, and recover in the face of challenges or traumas; and,

Whereas, becoming a resilience city holds numerous benefits for the well-being and prosperity of our residents; and,

Whereas, one significant challenge that can impact a city's resilience is the prevalence of Adverse Childhood Experiences (ACEs) which refer to traumatic or stressful events occurring during childhood, such as abuse, neglect, or household dysfunction; and,

Whereas, increasing awareness and understanding of ACEs can enhance the resilience of an urban city; and,

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Whereas, the City of Pontiac has seen traumatic acts of violence take the life of a child, as well as other beloved individuals in our community; now, therefore be it  
Resolved, the Pontiac City Council in partnership with Mayor Tim Greimel recognizes the importance of mitigating Adverse Childhood Experiences and building a resilient community that supports the health, safety, and success of all our residents; and further,  
Resolved, the City Council will endeavor to facilitate ongoing education and dialogue to combat the adverse effects of ACEs; and further,  
Resolved, the City Council intends to invite quarterly guest presenters to inform, inspire, and engage the community on resilience and trauma-informed practices to impact the adverse effects of ACEs and to foster resilience and healing throughout our community; and further,  
Resolved, the City Council will endeavor to encourage trauma-informed practices that are essential tools in providing compassionate and sensitive services to individuals and fostering the importance of collaboration and community partnerships in creating comprehensive systems of support for residents impacted by trauma; and further,  
Resolved, the City Council will endeavor to build community resilience by investing in infrastructure such as parks, community centers, youth recreation programming, senior services, and other improvements that can enhance social connections and the overall wellbeing for Pontiac residents.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, and Parker

No: None

**Resolution Passed**

Councilman Nicholson was absent during the vote.

Mayor's Office

23-218

**Resolution to approve an application for Juneteenth Fireworks. (Agenda Add-on)**

Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City has received an application for a permit for a Juneteenth fireworks display to be held at the City of Pontiac-47450 Woodward Ave. on June 17, 2023; and  
WHEREAS, the Michigan Fireworks Safety Act (Public Act 256 of 2011) requires the legislative body of the City to authorize the permit application; and  
WHEREAS, Great Lakes Fireworks LLC of Eastpointe Michigan has agreed to provide pyrotechnics for the event, and has furnished proof of insurance in an amount necessary and approved by the City's insurance agent of record; and  
WHEREAS, the application has been reviewed by Fire Department personnel and a determination has been made that the pyrotechnic operator and location meet the department's requirements for a fireworks display.  
THEREFORE, BE IT RESOLVED that the City Council does hereby approve the application for a fireworks display at the City of Pontiac-47450 Woodward Ave. on June 17, 2023, and authorizes the City Clerk to execute the application on behalf of the City; and  
FURTHER RESOLVED that the Mayor and Deputy Mayor are authorized to execute a contract with Great Lakes Fireworks LLC for the Juneteenth fireworks display in an amount not to exceed \$22,500.00.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker, and Rutherford

No: None

**Resolution Passed**

Finance

23-219

**Resolution to approve the proposed budget amendment for Budget Year 2022-2023. Increase budget appropriation in the following GL accounts: 101-925-992.084 – Debt Services – Ottawa Phoenix Center - \$663,700, 101-925-995.084 – Interest Expense Ottawa Phoenix Center - \$314,777. Decrease the budget appropriation in the following GL account: 585-925-**

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**995.084 – Interest Expense Ottawa Phoenix Center - (\$978,477) to record the Ottawa Phoenix Center debt payment in the General Fund instead of Parking Enterprise Fund.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

WHEREAS, The City Council appropriated \$978,477 in the current fiscal year (FY 2023) in fund 585-Parking Enterprise Fund to pay the principal and interest payment of the Phoenix Center debt.; and,  
WHEREAS, in the current fiscal year, the 585-Parking Enterprise fund does not generate any income to satisfy this obligation; and,  
WHEREAS, the existing appropriation for the debt payment increases the deficit in the Parking Enterprise fund; and,  
WHEREAS, this budget amendment moves the appropriation to the General Fund from the Parking Enterprise fund to satisfy the debt payment in the current fiscal year.  
NOW THEREFORE, BE RESOLVED, that the City Council hereby approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase budget appropriation in the following GL accounts:

101-925-992.084 – Debt Service – Ottawa - Phoenix Center	\$663,700
101-925-995.084 – Interest Expense Ottawa - Phoenix	<u>\$314,777</u>

Decrease the budget appropriation in the following GL account:

585-925-995.084 – Interest Expense Ottawa - Phoenix	(\$978,477)
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Ayes: Goodman, McGuinness, Nicholson, Parker, Rutherford, and Carrington.

No: None

**Resolution Passed**

Councilwoman James was absent during the vote.

23-220      **Resolution to authorize the City Clerk to publish the proposed budget amendment for the Budget Year 2022-2023. Reduce the budget appropriations in Fund 202 – Major Streets and Fund 203 – Local Streets.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the DPW department has been working without adequate Engineering and other staff for the last two fiscal years. Further, due to COVID pandemic, external professional engineering services were also in short supply; and,

WHEREAS the DPW department will not be able to complete all the Major Street (Fund 202) and Local Streets (Funds 203) projects by June 30 of the current fiscal year (2023) for which funds City Council appropriated funds; and,

WHEREAS DPW director is planning to complete these projects in the upcoming budget year and the budget request for the FY 2023-24 includes the necessary funding for these incomplete projects.

NOW THEREFORE, BE RESOLVED, The Pontiac City Council authorizes the City Clerk to publish this budget amendment that reduces the appropriations in the Fund 202 and Fund 203 as given below:

**Fund 202 - Major Streets**

**Dept 463 - Routine Maintenance Roads**

202-463-777.005	STREET LIGHT PARTS & SUPPLIES	(40,000)
202-463-779.003	SURFACE MAINTENANCE - ASPHALT	(40,000)
202-463-779.008	Pavement Markings	(130,000)
202-463-779.009	Other Road Maintenance Supplies	(4,000)
202-463-806.000	Engineering Services	(910,000)

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202-463-806.001	STORMWATER SERVICES	(100,000)
202-463-816.000	Services - Contracted Construction	(400,000)
202-463-818.000	Other Professional Services	(2,000)
202-463-818.006	Contractual Mowing Services	(15,100)
202-463-818.236	PROF. SERVICE - TREE SERVICES	(20,000)
202-463-818.257	PROF SERV - GUARDRAILS	(20,000)
	OTHER PROF. SERV. - STREET	
202-463-818.260	PATCHING	(80,000)
202-463-931.002	Services - Ground Maintenance	(15,000)
202-463-942.000	Services - Equipment Rent Non-City	(37,000)
202-463-977.002	VEHICLES	(370,000)

**Dept 478 - Winter Maintenance**

202-478-749.001	Motor Fuel, Oil & Lubricants	(18,500)
202-478-779.004	SNOW REMOV SUPPLIES	(15,000)
202-478-779.009	Other Road Maintenance Supplies	(5,000)

**Dept 485 - TRAFFIC CONTROL**

202-485-777.001	Traffic Signals	(55,000)
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**Net Reduction in Fund 202 Appropriations** **(2,276,600)**

**Fund 203 - Local Streets**

**Dept 443 - NONMOTORIZED**

203-443-816.000	Services - Contracted Construction	(30,000)
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**Dept 463 - Routine Maintenance Roads**

203-463-779.006	Surface Mount. - Permanent Asphalt	(20,000)
203-463-806.001	STORMWATER SERVICES	(300,000)
203-463-806.002	ASSET MANAGEMENT	(64,000)
203-463-816.000	Services - Contracted Construction	(150,000)
203-463-818.000	Other Professional Services	(15,000)
203-463-818.230	PROF. SERV - STREETLIGHT REPAIR	(10,000)
	OTHER PROF. SERV. - STREET	
203-463-818.260	PATCHING	(50,000)
203-463-942.000	Services - Equipment Rental Non-City	(25,000)
203-463-974.074	ROAD CONSTRUCTION	(245,847)

**Dept 478 - Winter Maintenance**

203-478-719.000	Workers Compensation Insurance	(18,000)
203-478-779.004	SNOW REMOV SUPPLIES	(30,000)
203-478-818.245	PROF. SERV - SNOW REMOVAL	(25,000)

**Net Reduction in Fund 203 Appropriations** **(982,847)**

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, and Carrington

No: None

**Resolution Passed**

Councilman Goodman was absent during the vote.

23-221      **Resolution to authorize the City Clerk to publish the proposed budget amendment for the Budget Year 2022-2023. Increase budget appropriation in the following GL accounts: 101-202-818.061 – Prof. Serv. Innovative Software Serv. - \$65,000, Decrease the budget appropriation**



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**in the following GL account: 101-202-702.000 – Salaries & Wages - (\$65,000).** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS the City Council appropriated \$300,000 in the current fiscal year (FY 2023) for Professional Services (Innovative Software Service) under the Income Tax Administration division in the General Fund; and,

WHEREAS more funding (\$65,000) is necessary to pay the bills through June; and,

WHEREAS the cost increase is due to a greater number of returns processed in the current year; and,

WHEREAS the Deputy Income Tax Administrator position is vacant, the City Council can decrease the appropriations in the Salaries & Wages account by the same amount; and,

WHEREAS this budget amendment moves the appropriation within the General Fund.

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase budget appropriation in the following GL accounts:

101-202-818.061 – Prof. Serv. Innovative Software Serv. \$65,000

Decrease the budget appropriation in the following GL account:

101-202-702.000 – Salaries & Wages (\$65,000)

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, and James

No: None

**Resolution Passed**

Councilman Goodman was absent during the vote.

23-222      **Resolution to authorize the City Clerk to publish the proposed budget amendment for the Budget Year 2022-2023. Increase the budget appropriation in the following GL accounts: 208-756-779.020 – Programming \$10,000, Decrease the budget appropriation in the following GL account: 208-756-922.000 – Utilities Water & Sewer (\$10,000). (Youth Recreation.)** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS the City Council appropriated \$62,500 in the current fiscal year (FY 2023) for Programming in the Youth Recreation Fund; and,

WHEREAS more funding (\$10,000) is necessary to pay the bills through June; and,

WHEREAS the cost increase is due to additional programming activity in the current year; and,

WHEREAS since, there is no building for the Youth Recreation fund, the City Council can remove the appropriations from the Utilities Water & Sewer account; and,

WHEREAS this budget amendment moves the appropriation within the Youth Recreation Fund.

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase budget appropriation in the following GL accounts:

208-756-779.020 – Programming \$10,000

Decrease the budget appropriation in the following GL account:

208-756-922.00 – Utilities Water & Sewer (\$10,000)

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James, and McGuinness

No: None

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~~23-223~~      **Resolution to approve the Proposed Fee Schedule for FY 2023-2024.** Moved by Councilperson Rutherford and second by Councilperson Parker. Discussion.

**Motion to postpone Resolution to approve the Proposed Fee Schedule for FY 2023-2024 for one week.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, Nicholson, and Parker

No: None

**Motion Carried**

#### **Ordinance Continued**

23-223      **Resolution to approve the First Reading of an Ordinance to appropriate the sums of money necessary to meet the expenditures set forth in the budget recommended for the operation of the City of Pontiac, Michigan: to defray the debts, expenditures, and liabilities of said City for the fiscal year beginning the first day of July, 2023.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to appropriate the sums of money necessary to meet the expenditures set forth in the budget recommended for the operation of the City of Pontiac, Michigan; to defray the debts, expenditures, and liabilities of said City for the fiscal year beginning the first day of July 2023.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of an ordinance to appropriate the sums of money necessary to meet the expenditures set forth in the budget recommended for the operation of the City of Pontiac, Michigan; to defray the debts, expenditures, and liabilities of said City for the fiscal year beginning the first day of July 2023 as presented to the City Council on June 6, 2023.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker, and Rutherford

No: None

**Resolution Passed**

#### **Resolution Continued**

Purchasing

23-224      **Resolution to approve and award the bid to a pre-qualified list of risk assessors for the Home Repair Program and to execute an agreement for a not-to-exceed amount of \$100,000 annually (per fiscal year).** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases.

WHEREAS, the Purchasing Manager is requesting approval to execute a City contract with Environmental Testing and Consulting, Inc., Metropolitan Environmental, LLC, and Intertek PSI;

NOW, THEREFORE, The Pontiac City Council approves the Mayor or Mayor Designee to execute a City contract with the Risk Assessors stated herein.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford, and Carrington

No: None

**Resolution Passed**

#### **Public Comment**

1. Thomas Lawrence
2. Bill Maxey

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3. Julia Ruffin
4. Pastor Kathy Dessureau
5. Dr. Deirdre Waterman
6. Kermit Williams
7. Andrea Manns
8. Chuck Johnson
9. Gloria Miller
10. Tameka Ramsey
11. Darlene Clark
12. Carlton Jackson

**Discussions (Agenda add-ons)**

- A. Warrant Clinic Debriefing
- B. Pride & Beautification Nomination
- C. Woodward Dream Cruise
- D. South Boulevard Dumping

Councilman Mikal Goodman was excused from the meeting.

**Closed Session**

23-225      **Resolution to proceed into Closed Session at 9:57 p.m. pursuant to MCL 15.243(g) and to Sections 8(e) and 8(h) of the Open Meetings Act, to discuss and consider a written confidential legal opinion related to the City's participation in active PFAS litigation and also US Federal District Court Case No 2:12-cv-12830.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, Section 8(e) of the Michigan Open Meetings Act provides that a public body may meet in Closed Session to discuss a written legal opinion regarding pending litigation if an open meeting would have a detrimental financial effect on the litigation or settlement position of the City; and

WHEREAS, counsel for the City requests a closed session pursuant to MCL 15.268(1)(e) to discuss pending litigation in the matter of the City of Pontiac Retired Employees Association V. Louis Schimmel, et al, US Federal District Court Case No2:12-cv-12830; and

WHEREAS, written confidential communications that are the subject of attorney-client privilege are exempt from disclosure and may be discussed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h); and

WHEREAS, the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider material exempt from discussion or disclosure by state or federal statute; and

WHEREAS, Section 13 of the Freedom of information Act provides that a public body may exempt from disclosure as a public record information or records that are subject to the attorney-client privilege (MCL 15.243(1)(g)); and

WHEREAS, the City has written confidential legal opinions related to litigation participation related to contamination of water supplies by per- and polyfluoroalkyl and related substances (PFAS/PFOA),

NOW THEREFORE BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to MCL 15.243(g) and to Sections 8(e) and 8(h) of the Open Meetings Act, to discuss and consider a written confidential legal opinion related to the City's participation in active PFAS litigation and also US Federal District Court Case No 2:12-cv-12830.

Ayes: James, McGuinness, Nicholson, Parker, and Rutherford

No: None

**Resolution Passed**

Councilman Carrington was absent during the vote.

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**Motion to come out of Closed Session at 11:05 p.m.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, and James

No: None

**Motion Carried**

**Communications**

City Council and Mayor's Office

**Mayor, Clerk and Council Closing Comments**

Councilwoman Melanie Rutherford, Councilman Brett Nicholson, Councilman William Parker Jr., Councilman Kathalee James, Council President Pro-Tem William Carrington, and Council President Mike McGuinness made closing comments.

**Adjournment**

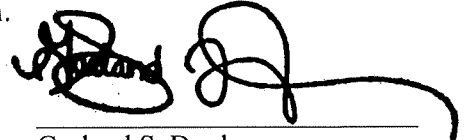
**Motion to adjourn the meeting.** Moved by Councilperson Parker and second by Councilperson Rutherford.

Ayes: Nicholson, Parker, Rutherford, Carrington, James and McGuinness.

No: None

**Motion Carried**

Council President Mike McGuinness adjourn the meeting at 11:17 p.m.

  
\_\_\_\_\_  
Garland S. Doyle  
City Clerk

CITY OF PONTIAC

ORDINANCE No. 2410

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO INCLUDE LIMITATION OF ANIMALS PER HOUSEHOLD AND ADD PERMISSIBLE REQUIREMENTS TO ALLOW CHICKENS AND HENS AS FOLLOWS:

ARTICLE 3, CHAPTER 2, SECTION 3.203

The City of Pontiac Ordains:

Amend Article 4, Chapter 2, Section 4.206 (A)(3) - Keeping of Household Animals or Pets Permitted to include poultry and prohibit livestock.

**4.206 Keeping of Household Animal or Pets.**

A. **Keeping of Household Animals or Pets Permitted.** The keeping of the household animals or pets is allowed without a permit under the following circumstances in any zoning district, unless there are other sections in this ordinance which are in conflict, and the raising and keeping of such animals is not for the purpose of breeding or selling them as a source of income:

1. Common household pets such as dogs, cats, etc., but not including fish or marine animals less than 20 pounds, as long as there are not more than three (3) animals of any one (1) species permanently boarded or kept and not more than six (6) total common household pets. The keeping of more than three (3) common household pets of any one (1) species is a kennel use. Refer to Table 2: Uses Permitted by District for kennel regulations. Common household pets must be kept in compliance with state regulations referred to in Pontiac Municipal Ordinance 18-3.

2. Livestock:

Livestock is prohibited. Livestock includes, but is not limited to, cattle, sheep, new world camelids, old world camelids, llamas, goats, bison, privately owned cervids, ratites, swine, equids, aquaculture species, and rabbits. Common household pets and poultry are not considered livestock.

3. Poultry:

- i. Roosters or male chickens or any other type or class of fowl or poultry are prohibited.
- ii. Only three (3) egg laying hens are allowed at any one time.

- iii. Slaughtering of any chickens at the property is prohibited.
  - iv. Chickens shall be maintained in a fully enclosed structure or a fenced enclosure at all times. Fully enclosed and fenced enclosures are subject to all fence provisions and restrictions contained in Section 2.304 (F) Accessory Structures, Article 2, Chapter 3, in the Pontiac Zoning Code of Ordinances. Enclosed structures shall be constructed of permanent materials and shall be properly maintained. Fenced enclosures may be wire mesh with openings no larger than ¼ inch.
  - v. No enclosed structure or fenced enclosure shall be located within any front yard, side yard, and must comply with Section 2.304 (F) Accessory Structures, Article 2, Chapter 3, in the Pontiac Zoning Code of Ordinances.
  - vi. All structures and enclosures for the keeping of chickens shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure.
  - vii. A zoning or building permit will be required.
    - a. Initial Chicken Coop Inspection must be scheduled at least thirty days from date of permit issuance.
    - b. After Initial Chicken Coop Inspection, a 90-day follow up will be performed for general code compliance.
    - c. All Chicken Permits will expire December 31<sup>st</sup> of current year and a renewal permit will be required.
  - viii. All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers. Ground feeding is prohibited.
  - ix. Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to egg-laying chickens, as amended, except as otherwise provided in this section.
4. Litters shall be exempt from these requirements until weaned.

CITY OF PONTIAC  
ORDINANCE No. 2411

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL CODE TO ADD RESTRICTIONS FOR THE FEEDING OF WILD ANIMALS, INCLUDE RESTRICTIONS ON DOG TETHERING, REMOVE CHICKENS FROM THE PROHIBITED ANIMALS LIST, ADD LIVESTOCK TO THE PROHIBITED ANIMALS LIST, AND CLARIFY ARTICLE XXV TRANSIENT HOUSING:

The City of Pontiac Ordains:

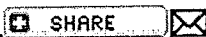
Amend Article 1, Chapter 18, Section 6- Prohibited animals; nuisances is amended to delete chickens from Subsection (1) and add Subsection (6) for livestock;

Amend Article 1, Chapter 18, Section 18- Neighborhood sanitation to add subsection (d) restricting feeding of wild animals; and

Amend Article 1, Chapter 18, Section 52- Dog kennels or houses; location; maintenance is amended to add Subsection (d) to include restrictions on dog tethering.

ARTICLE I. IN GENERAL

**18-6 Prohibited animals; nuisances.**



No person shall sell, keep, possess or maintain within the city any of the following life forms:

- (1) Cows, horses, pigs, goats, geese or ducks;
- (2) Wild, undomesticated or untamed animals;
- (3) *Reserved*;
- (4) Poisonous fish or insects;
- (5) Any other inherently harmful or dangerous animal, reptile, fish or insect.
- (6) Livestock, including but not limited to, cattle, sheep, new world camelids, old world camelids, llamas, goats, bison, privately owned cervids, ratites, swine, aquaculture species, and rabbits.

Provided, that this section shall not prohibit a circus, zoo, menagerie, serpentarium, aquarium, laboratory or Department of Community and Human Services from keeping the above where the same are securely confined under the care and custody of an attendant ensuring that the public will not be harmed.

Provided further, that this section shall not apply to any animal, including but not limited to horses, which is utilized by any police department or any law enforcement agency in the performance of police work.

(Code 1985, § 6-7; Ord. No. 2183, § 1, 6-30-05; Ord. No. 2396, 7-12-22)

#### **18-18 Neighborhood sanitation.**

(a) It shall be a violation of this section for any person to walk any animal on any property, whether public or private, and fail to immediately remove all feces deposited by the animal, by a sanitary method, and transport the feces to a receptacle located on property where the person or animal resides. This does not apply to people employing leader dogs for the blind.

(b) A person described above shall possess the proper equipment to perform the removal and shall display it upon request.

(c) Violation of this section shall be a municipal civil infraction.

(d) Feeding of wild animals and birds prohibited except the feeding of birds and squirrels by means of an elevated feeder.

- (i) It shall be unlawful for any person to feed any wild animal in any area in the city. Wild animals shall include all raccoons, skunks, rodents, rabbits, crows, wild birds, including without limitation, pigeons, doves, and seagulls, feral cats, mice, fowl, waterfowl, gophers, groundhogs, moles, opossums, squirrels, and every other wild animal.
- (ii) All ground feeding is prohibited. The scattering of food or food scraps on the ground by an individual shall be prima facie evidence that the individual intended to provide the food or food scraps for ground feeding.
- (iii) This prohibition shall not apply to the feeding of wild birds or squirrels provided that such feeding is done only from containers and supports which prohibit access by other rodents and/or wild animals, and are elevated at least 48 inches above ground level.

(Ord. No. 2149, § 1, 10-17-02; Ord. No. 2396, 7-12-22)



## ARTICLE II. DOGS<sup>1</sup>

### DIVISION 1. GENERALLY

#### 18-52 Dog kennels or houses; location; maintenance.

- (a) No dog kennels, houses, yards, pens, coops or runs may be located:
- (1) In the front yard of a residential lot, tract or parcel;
  - (2) Within ten feet of a side or rear lot line; or
  - (3) Within 20 feet of an adjacent residential structure.
- (b) All doghouses shall be centered in a strategically located place to provide adequate shade in the summer months and shall be maintained in a clean and sanitary condition, devoid of rodents, vermin, debris and excrement, and free from objectionable odors.
- (c) A doghouse or other suitable shelter shall be provided for any dog left outside for more than three hours.
- (d) An owner, possessor, or person having custody shall not tether a dog unless the following requirements are met:
- (i) The tether is at least three times the length of the dog and is attached to a harness or nonchoked collar designed for tethering; and
  - (ii) The tethering is limited to no more than three hours per day for no more than two hours at a time.

“Tethering” means the restraint and confinement of a dog by use of a chain, rope, or similar device.

(Code 1985, § 6-49; Ord. No. 2396, 7-12-22)

CITY OF PONTIAC

ORDINANCE No. 2412

AN ORDINANCE TO AMEND THE CITY OF PONTIAC CITY CODE TO AMEND CHAPTER 118 TO ADD ARTICLE IV STORMWATER CONTROL IN ORDER TO MAINTAIN COMPLIANCE WITH STATE LAW AS FOLLOWS:

CHAPTER 118, ARTICLE IV

The City of Pontiac Ordains:

Amend Chapter 118 to add Article IV Stormwater Control, as follows:

**ARTICLE IV. STORMWATER  
CONTROL**

**DIVISION 1. GENERAL PROVISIONS**

118-300 – 118-323 Reserved

**118-324 General Provisions.**

Authority. This Ordinance is enacted in accordance with the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1251 et seq., as amended; Part 31 of the Natural Resources and Environmental Protection Act of 1994 ("Part 31"), MCL 324.3101 et seq., as amended; the "Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s)" issued by the Michigan Department of Environment, Great Lakes, and Energy pursuant to Part 31, as amended; Act 288 of 1967 (Subdivision Control Act), MCL 560.101 et seq., as amended by the Land Division Act, MCL 560.101 et seq.; Act 283 of 1909 (County Road Law), MCL 224.1 et seq., as amended; Act 40 of 1956 (Drain Code), MCL 280.1 et seq., as amended; and Act 96 of 1987 (Mobile Home Commission Act), MCL 125.2301 et seq., as amended.

Purpose. Prevention of pollution from stormwater runoff and the protection of the quality of the waters of the state of Michigan is of utmost importance to the People of the City of Pontiac. It is the purpose of this Ordinance and any rules promulgated pursuant to this Ordinance:

- (A). To protect the environment against pollution and other effects from stormwater runoff, and to protect the public health and safety;
- (B). To provide for the implementation of a stormwater control program in the City of Pontiac to protect public and private property by minimizing and preventing flooding, streambank erosion, pollution, and other negative impacts from uncontrolled, excess stormwater runoff;

- (C). To establish standards and criteria for the design and construction of stormwater control systems subject to the requirements of this Ordinance;
- (D). To establish best management practices for the design, construction, maintenance, and operation of stormwater control systems subject to the requirements of this Ordinance;
- (E). To provide for the issuance of stormwater construction approvals for construction activities subject to the requirements of this Ordinance;
- (F). To provide for the long-term preservation and maintenance of stormwater control systems subject to the requirements of the Ordinance;
- (G). To authorize the inspection of stormwater control systems subject to the requirements of this Ordinance; and
- (H). To provide for the administration, implementation, and enforcement of this Ordinance.

Administration. This Ordinance shall be administered by the City of Pontiac, or its designees.

State Rules. Unless otherwise specifically provided in this Ordinance, the provision of this Ordinance shall control over less stringent rules of the Michigan Department of Environment, Great Lakes, and Energy, unless contrary to law.

No Waiver of Other Obligations. Nothing in this Ordinance or any rule promulgated pursuant to the Ordinance shall be construed to reduce, abated, alter, modify, amend, or affect any duty or obligation to preserve and protect the environment, including the Clinton River and Rouge River watersheds or other waters of the state, to control soil erosion and sedimentation, to protect wetlands, or to prevent air, water, or other pollution.

Incorporation by Reference. Rules, regulations, other regulatory standards or statutory provisions incorporated or adopted by reference in the Ordinance, or any rules promulgated pursuant to this Ordinance shall have the same force and effect given to any provision of this Ordinance.

Severability and Conflict. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is declared by a Court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this Ordinance shall remain valid and enforceable. To the extent the terms and requirements of this Ordinance conflict

with other City rules or regulations concerning stormwater control. The terms and requirements of this Ordinance shall control.

#### **118-325 Definitions.**

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The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approved* means the approval of the City of Pontiac representative(s) and or City departments.

*Applicant* - A property owner, or the property owner's authorized agent or representative, responsible for regulated construction activity on a development site and who is seeking to obtain stormwater construction approval.

*Best management practice, or BMP* - A practice or combination of practices that have been determined by the City to be the preferred method of preventing, minimizing, or reducing pollution and other effects of stormwater and stormwater runoff. BMPs include but are not limited to schedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of Pollutants directly or indirectly to storm water, receiving waters, stormwater control systems, City storm drains, or MS4. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage, as regulated by this Ordinance.

*Bioretention area* - A component of a stormwater control system that is comprised of a depressed land area that contains specific soil, plant materials, and other features and is used for channel protection and/or water quality control.

*Bridge* - A structure, including supports, built to carry a feature over surface water or watercourse, with a clear span of more than 20 feet measured along the center of the feature being carried.

*Buffer strip* - A zone that is used for filtering stormwater and to direct stormwater runoff into a stormwater control system and/or for providing maintenance access to a stormwater control system.

*Catch basin* - A structure designed to collect water from the surface and convey it into a closed conduit.

*City* - The City of Pontiac and their designated representative or representatives.

*City storm drain(s)* means the "City of Pontiac Storm Sewer System" and the City of Pontiac Drainage System and Facilities".

*Closed conduit* - An enclosed conveyance designed to carry stormwater runoff such that the

surface of the water is not exposed to the atmosphere, including without limitation storm sewers, culverts, closed City drains, and pipes.

*Construction activity* – A manmade activity, including without limitation, clearing, grading, excavating, construction and paving, that results in an earth change or disturbance in the existing cover or topography of land, including any modification or alteration of a site or the “footprint” of a building that results in an earth change or disturbance in the existing cover or topography of land.

*Construction Permit* – A construction permit issued by the City after the issuance of a stormwater construction approval in accordance with this Ordinance and the rules promulgated hereunder.

*Conveyance* – Any structure or other means of safely conveying stormwater and stormwater runoff within a stormwater control system, including without limitation a watercourse, closed conduit, culvert, or bridge.

*WRC* – The Oakland County Water Resources Commissioner of Oakland County, Michigan.

*County drains* – Drains established pursuant to the Michigan Drain Code of 1956, MCL 280.1 et seq., as amended.

*County road* – Shall include roads and road rights-of-way within the jurisdiction of the Road Commission of Oakland County.

*Culvert* – A structure, including supports, built to carry a feature (i.e., roadway) over a surface water or watercourse, with a clear span of less than 20 feet measured along the center of the feature being carried.

*Design storm* – A rainfall event of specified size and return interval that is used to calculate the water volume and peak flow rate that must be handled by a stormwater control system.

*Detention or Detain* – The temporary storage of stormwater and stormwater runoff to control peak flow rates and/or provide pollutant removal before discharging the water to a surface water or closed conduit.

*Detention system* – A component of a stormwater control system, either aboveground or belowground, that detains stormwater and stormwater runoff. Detention systems may include, without limitation, open detention basins and underground detention systems.

*Development site* – The property on which regulated construction activity will occur or is occurring or has occurred.

*Director* – The Director of the City of Pontiac Department of Public Services or their designee.

*Drainage area* – The entire upstream land area from which stormwater runoff drains to a

particular location, including any off-site drainage area.

*Extended detention* – The storage and gradual release of stormwater from a detention system over a period of not less than 48 hours.

*Flood control* – Methods used to reduce or prevent negative impacts of stormwater runoff.

*Forebay* – A component of a stormwater control system that is comprised of surface water that is used as a pretreatment system.

*Illicit Connections.* An illicit connection means either of the following:

- (a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter a stormwater control system, MS4, County drain, road drain, or receiving waters including but not limited to any conveyances which allow a non-stormwater discharges, including sewage, Wastewater, wash water to enter the stormwater control system, and any connection to the storm drain system from indoor drain and sinks, regardless of whether said drain or connection had been allowed, permitted or approved by the City; or
- (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the authorized City department.

*Long-Term Maintenance Agreement* – Long-Term Maintenance Permit fully executed by the City, Property Owner and other public entity approved by the City, together with a resolution issued by the City.

*Long-Term Maintenance Permit* – A Long-Term Maintenance Permit issued by the City, including the long-term maintenance plan approved by the City, pursuant to this Ordinance and the rules promulgated pursuant to this Ordinance.

*Long-Term Maintenance Plan* - A written document submitted as part of the construction permit application that identifies all the stormwater control system components, maintenance responsibilities and schedule, and is included in the Long-Term Maintenance Permit executed by the City and the Property Owner and other public entity approved by the City.

*Manufactured treatment system* - A component of a stormwater control system that is comprised of a manmade device or structure that is used as a pretreatment system.

*MS4* - Municipal Separate Storm Sewer System is a system of drainage (including, but not limited to, roads, storm drains, pipes and ditches) that is publicly owned, not a combined sewer or part of a sewage treatment plant.

*MS4 Permit* - A permit under Section 402 of the Federal Water Pollution Control Act of 1972, as amended, and under Part 31 of the Michigan Natural Resources and Environmental Protection Act of 1994, as amended, that authorizes communities with MS4s to discharge stormwater to the waters of the state.

*Non-stormwater Discharge* - Any discharge to a storm water control system, MS4, County drain, road drain, or receiving waters that is not composed entirely of stormwater.

*Open detention basin* - A component of a stormwater control system that is comprised of a surface water that is used as a detention system.

*Ordinance* - The City of Pontiac Stormwater Control Ordinance.

*Peak flow rate* - The maximum instantaneous rate of flow at a particular location within a stormwater control system, usually in reference to a specific design storm event.

*Permit* - A construction permit or long-term maintenance permit, as applicable, issued by the City pursuant to this Ordinance.

*Permit Office* - The Permit Office of the City of Pontiac Department of Public Services, Engineering Division.

*Permit Holder* - A person granted a permit pursuant to this Ordinance.

*Person* - A natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, limited company, limited liability company, s corporation, c corporation, partnership, limited liability partnership, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district, or other political subdivision, department, bureau, agency or instrumentality of federal, state, or local government, or other entity recognized by law as the subject of rights and duties, whether organized in the State of Michigan or another state, country or territory.

*Pollutant* - Any substance introduced into the environment that may adversely affect the public health, safety, welfare, or the environment, or the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; wastewater, sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

*Premises* - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking areas.

*Pretreatment system* - A structure, feature, or appurtenance, or combination thereof, either aboveground or belowground, that is used as a component of a stormwater control system to remove incoming pollutants from stormwater and stormwater runoff. Pretreatment systems may include, without limitation, forebays, manufactured treatment systems, and bioretention areas.

*Property Owner* - A person with legal title to real property on which a stormwater control system is constructed pursuant to this Ordinance.

*Regulated construction activity* - Construction activity that is subject to the provisions of this Ordinance or a rule promulgated pursuant to this Ordinance.

*Retention or Retain* - The storage of stormwater and stormwater runoff to provide gravity settling of pollutants and to promote infiltration into the soil, rather than to discharge the stormwater or stormwater runoff to a surface water or closed conduit.

*Retention basin* - A component of a stormwater control system that retains stormwater and stormwater runoff with no outlet to the receiving drainage system. Retention basins discharge via infiltration and evaporation.

*Stormwater* - Water resulting from precipitation, including without limitation rain, snow, and snowmelt.

*Stormwater construction approval* - An approval issued pursuant to this Ordinance and rules promulgated pursuant to this Ordinance.

*Stormwater control program* - The ordinances, orders, rules, regulations, and other mechanisms that provide for the control of stormwater and stormwater runoff to prevent and reduce flooding and to ensure the restoration and/or protection of surface waters in Pontiac with respect to the City, stormwater control program consists of the requirements of this Ordinance and any rules or regulations promulgated under this Ordinance, the Oakland County Water Resources Commissioner Stormwater Engineering Design Standards Manual, and activities mandated by the City of Pontiac Municipal Separate Storm Sewer System (MS4) Permit as issued by the Michigan Department of Environment, Great Lakes, and Energy to the City.

*Stormwater control system* - Any structure, feature, or appurtenance subject to this Ordinance or a rule promulgated pursuant to this Ordinance that is designed to collect, detain, retain, treat, or convey stormwater or stormwater runoff, including without limitation buffer strips, swales, gutters, catch basins, closed conduits, detention systems, pretreatment systems, wetlands, pavement, unpaved surfaces, structures, watercourses, or surface waters. Stormwater control system also includes, City of Pontiac Storm Sewer System, County drains, County road drainage system and receiving waters.

*Stormwater Engineering Design Standards* - A manual published separately by the Oakland County Water Resources Commissioner and updated periodically that outlines key elements of this Ordinance and the Rules and assists with their implementation. Specifically, the manual describes: performance standards for stormwater control systems, design criteria for the various components of stormwater control systems, and design and maintenance information for various BMPs.

*Stormwater runoff* - The excess portion of precipitation that does not infiltrate the ground, but "runs off" and reaches a conveyance, surface water, or watercourse.

*Surface water* - A body of water, including without limitation seasonal and intermittent waters, in which the surface of the water is exposed to the atmosphere, including without limitation lakes, open detention basins, forebays, watercourses, bioretention areas, retention basins,



wetlands, and impoundments.

*Underground detention system* - One or more underground pipes and/or other structures that are utilized as a detention system.

*Watercourse* - A natural or artificial channel through which water flows, including without limitation rivers, streams, vegetated swales, open channels, and open County Drains.

*Wastewater* - Any water or other liquid, other than uncontaminated storm water discharged from a facility.

*Watershed* - The complete area or region draining into a watercourse, surface water, or closed conduit.

*Wetland* - Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

118-326 – 118-360 Reserved.

## DIVISION 2. APPLICABILITY

### 118-361 General.

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This ordinance and rules promulgated to this ordinance shall apply to all the following:

- (a) construction activity that negatively impacts or may negatively impact stormwater runoff into or around new or existing road rights-of-way within the jurisdiction of the City;
- (b) construction activity that negatively impacts or may negatively impact stormwater runoff into or around City storm sewers or any part of the storm sewer system and/or WRC drains;
- (c) construction activity that negatively impacts or may negatively impact stormwater runoff in projects that are subject to the requirements of Act 288 of 1967 (Subdivision Control Act), MCL 560.101 et seq., as amended;
- (d) construction activity that negatively impacts or may negatively impact stormwater runoff from projects that are subject to Act 96 of 1987 (Mobile Home Commission Act), MCL 125.2301 et seq., as amended;
- (e) construction activity that negatively impacts or may negatively impact stormwater runoff into, on, or through property owned by the City;
- (f) construction activity that negatively impacts or may negatively impact new or existing storm sewer systems owned, operated, or controlled by the City; and

(g) construction activity that occurs within and negatively impacts or may negatively impact water quality or water resources in watersheds or sub-watersheds impacted by discharges authorized by the Michigan Department of Environment, Great Lakes, and Energy pursuant to the City of Pontiac Municipal Separate Storm Sewer Systems (MS4) Permit. Construction activity that negatively impacts or may negatively impact stormwater runoff or water quality includes, without limitation, construction activity that: increases stormwater runoff rates, velocities, or volumes; increases water pollution or transports pollutants; causes erosion and/or sedimentation of waterways; causes a lack of ground infiltration; increases water temperatures; exceeds the safe receiving capacities of storm sewer systems owned, operated, or controlled by the City; or endangers public health or safety.

Notwithstanding the foregoing Section 118-361, this Ordinance shall not apply to emergency repairs within a City right-of-way.

#### **118-362 Requirements.**

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(A) Nothing in this Ordinance, or in any rule promulgated pursuant to this Ordinance, invalidates any rule, regulation, or ordinance prior to the Effective Date of this Ordinance.

(B) Nothing in this Ordinance or in any rule promulgated pursuant to this Ordinance shall apply to construction activity that is subject to a stormwater control program enacted by the City that imposes requirements equal to or more stringent than the minimum applicable requirements of this Ordinance.

(C) The City, in its sole discretion, and to the extent permitted by law, may enter into an agreement with any permit holder, property owner, or person, government, municipality, or agency for the purpose of implementing, in whole or in part, this Ordinance and/or any rule promulgated pursuant to this Ordinance, with respect to construction.

**118-363 Prohibition of Illegal Discharges and Illicit Connections.**

- (a) **Illegal Discharges.** It shall be a violation of this ordinance for any person to discharge into the stormwater control system, MS4, County drain, road drain, receiving waters or watercourses, any materials, including but not limited to: pollutants or water containing pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater unless otherwise approved by this Article.
- (b) **Illicit Connections.** The construction, use, maintenance, or continued existence of an illicit connections to the stormwater drain system, MS4, County drain, road drain, receiving waters or watercourses is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law and practices applicable at the time of connection. A person is considered in violation of this Ordinance, if the person connects a line conveying sewage to the MS4, County drain, road drain, receiving waters or watercourses or allows such a connection to continue.

**118-364—118-375 Reserved.**

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**DIVISION 3. STORMWATER CONSTRUCTION  
APPROVALS**

**118-376 General requirements.**

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It shall be a violation of this Ordinance to engage in regulated construction activity except in accordance with this Ordinance and rules promulgated pursuant to this Ordinance, and pursuant to a valid stormwater construction approval and construction permit issued by the City. A stormwater construction approval shall be issued in a form and manner approved by the City and may be incorporated into a construction permit or other approval issued under or required by another ordinance, statute, or regulation.

**118-377 Application for stormwater construction approval.**

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(A) Applicants shall submit a written application for a stormwater construction approval to the City. The application shall be made in a form and manner approved by the City and shall include all information and documentation required by the City pursuant to this Ordinance or rules promulgated pursuant to this Ordinance. While an application for stormwater construction approval and a construction permit may be executed by an authorized representative or agent of the property owner on whose land the stormwater control system is or will be located, a long-term maintenance permit shall be executed by the property owner itself, the City and approved by

(B) After issuance of a stormwater construction approval, but prior to commencement of construction activity, the Applicant shall obtain a construction permit from the City.

(C) All proposed modifications to a stormwater control system shall be submitted to the City in writing, together with all information and all supporting documentation required by the City pursuant to this Ordinance or rules promulgated pursuant to this Ordinance to support the proposed modification. A person shall not commence regulated construction activity associated with a proposed modification without a stormwater construction approval and construction permit from the City.

(D) All construction permits issued by the Permit Office shall expire not later than two (2) years after the date of issuance, unless extended in writing by the Permit Office for good cause shown by the Permit Holder.

#### **118-378 Financial assurance for regulated construction activity.**

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(A) The City may require an Applicant to provide financial assurance for regulated construction activity.

(B) Financial assurance provided pursuant to this section shall be in the form of a performance bond, cashier's or certified check, or unconditional irrevocable letter of credit. The City may accept, with prior approval, an equivalent instrument as financial assurance for regulated construction activity.

(C) The City may establish the form and amount of financial assurance to be provided; the events, circumstances, or occurrences that will cause the City to release the financial assurance; and other requirements for financial assurance to satisfy the purposes of this Ordinance.

(D) The City will only release the construction permit and financial assurance after the City receives a recorded copy of the resolution and fully executed long-term maintenance permit, including the maintenance plan and schedule, pursuant to Division 6 of this Ordinance, and all fees assessed pursuant to this Ordinance have been paid, in accordance with this Ordinance and the rules promulgated pursuant to this Ordinance.

**DIVISION 4. DESIGN AND CONSTRUCTION  
REQUIREMENTS FOR STORMWATER CONTROL SYSTEMS**

**118-391 General.**

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(A) Except as provided below, stormwater control systems shall be designed in accordance with the minimum requirements for performance and design that are set forth in this Ordinance and in rules promulgated pursuant to this Ordinance.

(B) The City encourages the development and use of innovative stormwater control system designs and construction techniques, including without limitation the use of non-structural practices to reduce stormwater runoff and/or its water quality impacts, to achieve the flood control and water quality objectives of this Ordinance and the rules promulgated hereunder.

(C) Notwithstanding any provision in this Ordinance or a rule promulgated pursuant to this Ordinance, the City may require stormwater control systems to satisfy performance and/or design standards more stringent than the minimum requirements for performance and design set forth in this Ordinance and in rules promulgated pursuant to this Ordinance when necessary to address unique flood control or water resources protection issues at a development site that negatively impacts or may negatively impact adjacent properties or downstream of a development site.

**118-392 Requirements for design of a stormwater control systems.**

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(A) Stormwater control systems under City jurisdiction shall meet the standards of the Oakland County Water Resources Commissioner, Storm Water Engineering Design Standards, latest edition and the requirements of this Ordinance and the rules promulgated pursuant to this Ordinance. It shall be the responsibility of the Applicant or its designee, subject to obtain the approval of the City pursuant to this Ordinance and rules promulgated pursuant to this Ordinance to. The City may deny a stormwater construction approval for a system design that is not in compliance with these requirements.

(B) In designing a stormwater control system, the Applicant shall consider all relevant and appropriate factors, including without limitation the following:

- (1) the public health, safety, welfare, and the environment;
- (2) the inconvenience caused by stormwater runoff on the subject property;
- (3) the long-term impact of regulated construction activity on stormwater runoff on, from, and beyond the property;
- (4) the natural drainage pattern of the land;
- (5) the impact of the regulated construction activity on the affected watershed(s);
- (6) the effect of complete upstream development on the subject property as determined by applicable master plans and/or stormwater plans; and;
- (7) the extent of downstream improvements necessary for proper stormwater drainage.

**118.393-118.399 Reserved.**

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## **DIVISION 5. FEES FOR STORMWATER CONSTRUCTION APPROVALS**

### **118-400 General.**

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A City agency may recommend to the City Council a written schedule to be adopted by the City to establish a fee system for administering and implementing the stormwater control program. The fee system may include fees for application submittal and review, permit issuance, project overview, compliance inspections, and any other task or service performed by the City to administer or implement the requirements of this Ordinance or rules promulgated hereunder. Fees may be refundable or nonrefundable, as determined appropriate by the City, and may include charges for time and materials utilized by the City in implementing and administering the requirements of this Ordinance or rules promulgated pursuant to this Ordinance. The fees described in this Article are separate and distinct from the financial assurance that may be required pursuant to Section 118-378 of this Ordinance. The schedule of fees shall be established from time to time by resolution of the City Council.

**118-401—118-405 Reserved.**

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## **DIVISION 6. LONG TERM**

## MAINTENANCE

### 118-406 Demonstration of long-term maintenance.

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The property owner where the stormwater construction occurs shall demonstrate to the City in the application or during the application review process, as determined appropriate by the City, that the stormwater control system shall be maintained in perpetuity. This demonstration shall be made by entering into an agreement with the City in the manner specified in this Ordinance and in rules promulgated pursuant to this Ordinance.

### 118-407 Scope of long-term maintenance.

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For purposes of this Ordinance and rules promulgated pursuant to this Ordinance, long-term maintenance shall include: site monitoring, inspection and preventative maintenance activities necessary to ensure that a stormwater control system functions properly as designed; maintenance of structural and vegetative BMPs installed and implemented to meet the performance standards; remedial actions necessary to repair, modify, or reconstruct the system in the event the system does not function properly as designed at any time; notification to subsequent owners of limitations or restrictions on the property; actions necessary to enforce the terms of restrictive covenants or other instruments applicable to the property pursuant to this Ordinance and rules promulgated pursuant to this Ordinance; and such other actions as may be set forth in rules promulgated hereto, all such actions to be performed in perpetuity.

### 118-408 Long-term maintenance agreement process.

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The long-term maintenance agreement shall be between the owner of the property on which the stormwater control system is constructed and the City. The City will approve long-term maintenance agreement for the project pursuant to this Ordinance that identifies, among other things, the limits of the stormwater control system, the party responsible for maintenance, and the activities required to ensure that the system functions effectively. Long-term maintenance shall begin after construction of the stormwater control system has been completed, the City has performed a final inspection of the completed stormwater control system which it approves, and the City has received the engineer's certificate of construction for the completed stormwater control system. After the City's approval of the final inspection of the stormwater system and the City receives the engineer's certificate of construction for the completed stormwater system and prior to the expiration date of the construction permit, the Property Owner shall obtain a resolution issued by City Council to execute the long-term maintenance agreement on

behalf of City in accordance with this Ordinance and the rules promulgated pursuant to this Ordinance. The City will not release the construction permit and financial assurance until all the above are completed.

#### **118-409 Recording.**

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After the City's approval of the long-term maintenance agreement, the long-term maintenance permit together with the resolution shall be recorded at the Oakland County, Michigan Register of Deeds. No long-term maintenance permit shall be recorded prior to the City's approval. The long-term maintenance agreement shall run with the land and be binding on the Property Owner and any successors or assigns.

#### **118-410—118-425 Reserved.**

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### **DIVISION 7. AUTHORITY AND DUTIES OF INSPECTORS**

#### **118-426 Authority.**

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Upon presentation of proper credentials and identification, and after stating the authority and purpose of the inspection, City inspectors shall be promptly permitted to enter and inspect a development site. The inspection shall be for the purpose of investigating the development site's stormwater control systems or components of the stormwater control systems, to determine compliance or non-compliance with this Ordinance, rules or regulations promulgated pursuant to this Ordinance, stormwater construction approvals, permits issued and agreements pursuant to this Ordinance.

#### **118-427 Duties of inspectors.**

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While entering and performing an inspection on private property pursuant to Section 118-26 above, a City inspector shall observe and comply with all safety rules applicable to the premises.

#### **118-428 —118-445 Reserved.**

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### **DIVISION 8. COMPLIANCE AND ENFORCEMENT**



**118-446 General.**

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All persons subject to the requirements of this Ordinance shall fully cooperate with the City to ensure that the requirements of this Ordinance, rules promulgated pursuant to this Ordinance, stormwater construction approvals and permits issued hereunder are satisfied. Whenever possible, the City shall attempt to enter into voluntary agreements to resolve violations of this Ordinance, rules promulgated pursuant to this Ordinance, stormwater construction approvals and permits issued hereunder.

**118-447 Investigations, notices of violations, informal conferences, and voluntary agreements.**

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(A) If the City believes that a violation of this Ordinance, a rule promulgated pursuant to this Ordinance, a stormwater construction approval or permit issued hereunder may have occurred or exists, the City shall, as soon as practicable, initiate an investigation.

(B) Based upon the findings of the investigation, the City shall informally attempt to verbally counsel the Permit Holder or violator on proper methods of remediation.

(C) If, after the investigation and informal attempt at obtaining compliance, the City determines that a violation still exists, the City shall provide written notice of the violation or violations to the Permit Holder or violator, such notice to be given by US mail to the Permit Holder or violator at the address on file with the Permit Office or to the Permit Holder or violator by email to the email address on file with the Permit Office. A written notice of violation shall include a statement of facts upon which the violation is based.

1. Permit Holder or violator shall have fourteen (14) days after notice of violation is given to enter into a Consent Agreement with the City that resolves or corrects the violation to the City's satisfaction.

2. Within seven (7) days after notice of violation is given, the Permit Holder or violator may request an informal conference be held within the fourteen (14) day period after notice of violation is given.

3. All notices hereunder shall be deemed given on the day of mailing (if by US Mail) or on the day of transmission (if by email).

(D) The City shall provide an opportunity for Permit Holder or violator to enter into a voluntary agreement (Consent Agreement) designed to bring the Permit Holder or violator into compliance. If a Consent Agreement is not entered into, the City shall take appropriate enforcement action pursuant to this Ordinance and other applicable provisions of law.

#### **118-448 Administrative compliance orders.**

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(A) If the City determines that a violation of this Ordinance, a rule promulgated pursuant to this Ordinance, a stormwater construction approval or permit issued hereunder has occurred or exists, the City may issue an Administrative Compliance Order pursuant to this Section 118-148.

(B) Except as provided in Section 118-149, the City may issue an Administrative Compliance Order in the following circumstances:

(i) the City determines that a person has violated a Consent Agreement entered with the City; or

(ii) the City determines that a person has violated or continues to violate this Ordinance, a rule promulgated pursuant to this Ordinance, a stormwater construction approval or permit issued hereunder, and the City has attempted to resolve the violation pursuant to Section 118-147, but no Consent Agreement has been entered.

(C) The Administrative Compliance Order shall contain a statement of facts upon which the order is based, a description of the actions that must be taken to correct the non-compliance, a compliance schedule, and other requirements as might be reasonably necessary to address the non-compliance. Administrative Compliance Orders also may contain administrative fines and penalties, and such other monetary relief for the non-compliance, including without limitation, amounts necessary to compensate the City for costs incurred investigating, administering, and enforcing this Ordinance or rules promulgated hereto.

(D) Within twenty-eight (28) days after the issuance of an Administrative Compliance Order, the person or persons receiving the order may appeal the issuance of the order by providing notice to the Director of the City's Department of Public Services or its designee, such notice specifically identifying the matter being appealed and the basis for

the appeal. The Director shall address the appeal within 56 days of receiving the same. The Director shall consider the appeal and decide whereby it affirms, rejects, or modifies the action being appealed. In considering such appeal, the Director may consider the recommendations of its staff and the comments of other persons having knowledge of the matter. Any person dissatisfied with the Director's decision may exercise his or her appeal rights outlined in Division 9 of this Ordinance.

#### **118-449 Emergency administrative orders.**

(A) The City may issue an emergency administrative order (Emergency Order) without attempting to resolve a violation by using the enforcement procedures described in Section 118-147 and 118-148 if the City finds that a violation of this Ordinance, a rule promulgated pursuant to this Ordinance, or a stormwater construction approval issued hereunder constitutes or causes, or will constitute or cause, a substantial injury to the public health, safety, welfare, or the environment, and that it would be prejudicial to the interests of the people of the City to delay action.

(B) Emergency Orders issued pursuant to this Section 118-149 shall contain a statement of facts upon which the order is based and notification to the person that it must immediately take action to discontinue, abate, correct, or otherwise address the imminent and substantial injury caused or likely to be caused by the non-compliance.

(C) Within seven (7) days after issuance of an Emergency Order, the City shall provide the person an opportunity to be heard and to present any proof that the non-compliance does not or will not constitute imminent and substantial injury to the public health, safety, welfare, or the environment.

(D) An Emergency Order issued pursuant to this Section 118-149 is effective on issuance and shall remain in effect until Permit Holder or violator remedies the condition which required the Emergency Order or until an order of the Oakland County Circuit Court is issued. To the extent the Permit Holder or violator does not remedy the condition, the City has the option of taking any action deemed necessary, in the City's discretion, to remedy the condition and assess the costs associated with the same against the Permit Holder or violator, as outlined in Section 118-150.

#### **118-450 Assessment of expenses and attorney fees.**

To the extent the City is required to expend resources, including but not limited to, expenses,

labor, administrative time or attorney fees to enforce this or any other provision of this Ordinance, a rule promulgated pursuant to this Ordinance or a stormwater construction approval, the City shall be entitled to assess the same against the Permit Holder or violator and deduct or assess the same from any bond or other financial assurance.

#### **118-451 Municipal Civil Infractions.**

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- (A) Violation; Municipal Civil Infraction. A person who violates any provision of this Ordinance or rules promulgated hereunder, including without limitation any notice, order, stormwater construction approval, agreement, decision, or determination promulgated, issued, made, or entered by the City under this Ordinance or rules promulgated hereunder, is responsible for a municipal civil infraction for which the City may issue a citation, with the violator subject to payment of a civil fine of One Thousand Dollars (\$1,000.00) for each infraction, plus costs and other sanctions outlined in this Ordinance or otherwise provided by law. The City may issue such infraction or infractions against individual members, shareholders, directors, managers, officers, or other officials of entities, incorporated or not, such as, but not limited to, limited liability companies, limited companies, s corporations, c corporations, partnerships, and limited liability partnerships, whether organized in the State of Michigan or another state or country. Nothing provided for in this section shall impede the City's ability to secure compliance as otherwise outlined in this Article or institute a civil action as provided by Section 118-152 or elsewhere in this Ordinance, rules promulgated pursuant to this Ordinance or as otherwise provided by local or State law.
- (B) Repeat Offenses; Increased Fines.
- (i) Increased fines may be imposed for repeat offenses. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance or rule promulgated hereunder that is committed by a person within a 12-month period from a prior finding or admission of responsibility.
- (ii) The increased fine for a repeat offense under this section shall be as follows:
- (a) The fine for any offense that is a first repeat offense shall be not less than \$2,500, plus costs.
- (b) The fine for any offense that is a second repeat offense, or any subsequent repeat offense shall be not less than \$5,000, plus costs.

(C) Unpaid Fines and Costs. Any fines and costs assessed pursuant to this section that are not paid in full within twenty-eight (28) days after adjudication of the same, the outstanding balance shall double.

(D) Authorized City Officials. The Director of the Department of Public Services or her or his respective designees and authorized representatives are authorized City Officials for purposes of issuing municipal civil infraction citations (directing alleged violators to appear in district court) for violations of this Ordinance.

(E) Procedures. Except as otherwise provided by this section, the procedures for municipal civil infraction citation actions shall be as set forth in Chapter 86, Article X (Municipal Civil Infractions) of the Code of Ordinances of the City of Pontiac.

(F) Remedy Not Exclusive. The City need not exhaust the remedies otherwise outlined in this Ordinance prior to issuing a municipal civil infraction citation, nor must the City exhaust any other remedies prior to issuing a municipal civil infraction.

#### **118-452 Civil actions.**

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The City, by and through Corporation Counsel or its designee, may bring a civil action in the name of the City to enforce the provisions of this Ordinance and rules promulgated pursuant to this Ordinance. Nothing in this Ordinance shall preclude the City from instituting an action for appropriate legal and/or equitable relief in Oakland County Circuit Court to restrain, correct, or abate a violation of this Ordinance, a rule or regulation promulgated pursuant to this Ordinance, or a stormwater construction approval issued hereunder; or to stop an illegal act; or to abate a nuisance; or to prevent pollution or flooding.

#### **118-453 Criminal penalties; imprisonment.**

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Any person who:

(A) Violates this Ordinance, or any notice, order, stormwater construction approval, or decision or determination promulgated, issued or made by the City under this Ordinance; or

(B) Intentionally makes a false statement, representation, or certification in any application for, or

CITY OF PONTIAC

ORDINANCE No. 2413

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO AMEND THE STORMWATER SUBMITTAL REQUIREMENTS AND ESTABLISH THE DEFINITION FOR DISTURB AREA :

ARTICLE 6, CHAPTER 2, SECTION 6.202

ARTICLE 4, CHAPTER 2, SECTION 6.208

ARTICLE 7, CHAPTER 2, SECTION 7.103

The City of Pontiac Ordains:

Amend Article 6, Chapter 2, Section 6.202 – Amend the requirements for site plan review

Amend Article 4, Chapter 2, Section 6.208 – Amend the requirements for utilities review with the City’s Stormwater Ordinance

Amend Article 7, Chapter 2, Section 7.103 – Add a definition of “Disturb Area”

**Chapter 2**

**Site Plan Review**

**6.201 Purpose.**

The procedures, standards and required information in this Chapter are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these site plan review requirements to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City’s land use objectives.

**6.202 Type of Site Plan Review Required.**

Four levels of site plan review are established by this Ordinance: site plan review not required, administrative review, sketch plan review, and site plan review.

The submittal requirements for each kind of review are listed in Table 17 in Section 6.208.

A. **Site Plan Review Not Required.** Site plan review is not required for the construction of single family dwellings and small accessory structures and other activities and improvements that will not generate material off-site impacts. However, any activity or use that is exempt from site plan review may still be subject to the requirements of Article 6, Chapter 7, Permits, Fees, Violations and Penalties.

B. **Administrative Review** is required for certain small scale projects that do not impact neighboring properties.

1. **Authority.** The planning administrator shall have the authority to approve, approve subject to conditions, or deny any plan requiring administrative review. The planning administrator shall from time to time provide the Planning Commission with a summary of administrative review decisions made pursuant to this section.

2. **Request for Planning Commission Review.** The planning administrator or the applicant shall have the option to request Planning Commission consideration of plans eligible for administrative review.

3. Appeals of administrative site plan decisions made by the planning administrator shall be made to the Planning Commission. In such cases, the Planning Commission shall review the plan in accordance with the site plan review procedures set forth in Section 6.204.

C. **Sketch Plan Review** is a Planning Commission review process for smaller scale projects and expansions or changes in use for existing sites. Less detailed information is required for sketch plan review compared to site plan review, and the level of information required is intended to be only that necessary to verify compliance with applicable Ordinance standards.

The application requirements and review procedures for sketch plan review are the same as those established for a one-step site plan review in Section 6.204.

D. **Site Plan Review** is required for larger and more intense projects, including developments that disturb areas one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale, most new developments, major expansions, and redevelopment. Site plan review procedures and requirements are listed in Section 6.204.

Table 16 summarizes what kind of site plan review is required for various development activities. When a combination of more than one kind of development activity is proposed on a site, such as parking improvements required with the construction or expansion of a building, all site improvements shall be reviewed according to the highest level of review required for any one of the individual components of the overall development.

Table 16. Type of Site Plan Review Required

Key:	NR: Not Required	AR: Admin. Review	Sk: Sketch Plan	SP: Site Plan Review
DEVELOPMENT ACTIVITY	NR	AR	Sk	SP
<b>NEW CONSTRUCTION</b>				
Accessory Structures (smaller than 200 sq. ft. or residential)				
In any district, up to 200 sq. ft. in area and accessory structures of any size accessory to a single family dwelling unit (building permits are required)				
Accessory Structures (nonresidential larger than 200 sq. ft.)				
200 sq. ft. in area or greater that are accessory to any use other than a single family dwelling unit. The planning administrator may require sketch plan review if the accessory structure could create negative impacts on the surrounding area.				
Manor House				
New construction of a new 3-4 unit manor house structure on a single lot, or conversion of an existing structure to a 3-4 unit manor house				
Non-Residential or Multiple Family				
Construction of any non-residential structure, multiple-family apartment building with 3 or more units, or manufactured housing community				
One or two family dwellings on a single lot				
<b>BUILDING ADDITIONS, MODIFICATIONS, and ALTERATIONS</b>				
<i>Increases in floor area to existing multiple-family or non-residential buildings based on the cumulative total of expansions in the previous 5 years shall be reviewed as follows. Note that associated site improvements that are required due to the increase in floor area such as parking or landscaping may require a different level of review.</i>				
Architectural Changes				
Modifications to a building facade or architectural features that comply with the standards of this ordinance				

Key:	NR: Not Required	AR: Admin. Review	Sk: Sketch Plan	SP: Site Plan Review
DEVELOPMENT ACTIVITIES				
NR				
AR				
Sk				
SP				
<b>Increase in Floor Area (minor)</b>				
An increase of up to 10% of the existing floor area for any non-residential or multiple family building when all of the following apply. If any of the following do not apply, sketch plan review is required.				
N/A is located on a rear or side facade				
N/A will not be visible from a major or minor thoroughfare				
N/A will not negatively impact surrounding property in the opinion of the planning administrator				
<b>Increase in Floor Area (moderate)</b>				
An increase of more than 10% but less than 15% of the existing floor area for any non-residential or multiple family building				
<b>Increase in Floor Area (major)</b>				
An increase of more than 15% of the existing floor area for any non-residential or multiple family building				
<b>Limited Reconstruction without Expansion</b>				
Demolition of less than 50% of the existing footprint area of a building and reconstruction that expands the building footprint by less than 10%				
<b>Limited Reconstruction with Expansion</b>				
Demolition of less than 50% of the existing footprint area of a building and reconstruction that expands the building footprint by more than 10%				
<b>Major Reconstruction</b>				
Demolition and reconstruction of more than 50% of the existing footprint area of a building				
<b>SITE IMPROVEMENTS WITHOUT SIGNIFICANT BUILDING EXPANSION</b>				
<b>Landscape Changes</b>				
Changes in approved landscaping plans to similar species consistent with the standards of this Ordinance and that do not reduce the total amount of landscaping on the site				
<b>Minor Change During Construction</b>				
due to unanticipated site constraints or to improve safety, protect natural features or comply with unanticipated requirements of outside agencies				
<b>Park Improvements</b>				
<b>Parking Increase (limited)</b>				
Increase in parking and loading areas of up to 10% of the existing area or 6,000 square feet, whichever is less, without any building changes				
<b>Parking Increase (major)</b>				
Increase in parking and loading areas of more than 10% of the existing area or 6,000 square feet, whichever is less, without any building changes				
<b>Parking Lot Improvements without Expansion</b>				
Parking lot improvements, alterations to the internal layout, resurfacing or re-striping, or the installation of pavement and curbs to off-street parking lots				
<b>Utilities and Accessibility</b>				
Utility system improvements and modifications to upgrade a building to improve barrier-free design or to comply with the Americans with Disabilities Act or similar regulations				
<b>USE - CHANGES IN and/or ESTABLISHMENT OF</b>				



Key:	NR: Not Required	AR: Admin. Review	Sk: Sketch Plan	SP: Site Plan Review
DEVELOPMENT ACTIVITY				
Change in Or Establishment of a Permitted Use				
When no significant changes in the existing site design, facilities, structures or amenities are required				
Change in Or Establishment of a Permitted Use				
When significant changes in the existing site design, facilities, structures or amenities are required				
Nonconforming Uses and Sites (substitution or change of use)				
Substitution of a nonconforming use for a more conforming use or a change in the use of a nonconforming site				
Special Exception Uses				
Establishment of or alterations to an approved special exception use, including billboards				
GENERAL				
Any activity that, in the opinion of the planning administrator, is not exempted from site plan review or that does not qualify for administrative or sketch plan review				
Projects and activities of a similar character and intensity to other projects and activities with the same required review procedure, as determined by the planning administrator				

### 6.203 Pre-application Conference.

At the request of an applicant, the city shall conduct a pre-application conference before a committee composed of planning staff, up to three representatives from the Planning Commission, and any other official or representative of the City. The purpose of this conference is to allow discussion with the city to better inform the applicant of the acceptability of any proposed plans or use prior to incurring extensive engineering and other costs which might be necessary for preliminary plan review and final site plan approval. A request for this conference shall be in writing and shall contain whatever information the applicant deems necessary so that full disclosure and discussion of the proposed plan may be held. The committee's decision shall have no binding effect on the Planning Commission or City Council but be designed simply to advise the applicant of the feasibility of the proposal.

### 6.204 Site and Sketch Plan Review Procedure.

A. **Application.** The owner, tenant, or purchaser having an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Planning Department. The site plan shall be prepared in accordance with the provisions of this Article, including all appropriate information required by Section 6.208. A site plan that does not meet the stipulated requirements for either preliminary or final site plan approval shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.

B. **Technical review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate City officials and staff for review and comment. If deemed necessary the plans shall also be submitted to applicable outside agencies and designated City consultants for review and comment.

C. **Preliminary Site Plan Review.** The Planning Commission shall review the site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of Section 6.205 (Standards for Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:

1. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
2. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site

plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.

3. **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.
4. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.

**D. Final Site Plan Review.** The planning administrator shall review the final site plan, including items of information required by Section 6.208 for a final site plan and any requested reports and recommendations from City staff, consultants, and other reviewing agencies. The planning administrator shall then make a determination based on the requirements of this Ordinance, the standards of Section 6.205 (Standards for Approval), and the following considerations:

1. The proposed final site plan is consistent with the approved preliminary site plan in terms of building location and architecture, amount and quality of landscaping, and site details including but not limited to lighting, parking, signs and circulation layout.
2. All conditions imposed during preliminary plan approval are met.
3. The engineering requirements applicable at final site plan approval are met.

**E. Single-step sketch or site plan approval.** Nothing in this ordinance shall prohibit the Planning Commission from granting sketch plan or final site plan approval without first granting a preliminary site plan approval if the plans are in compliance with the requirements of this Ordinance for a sketch plan or final site plan.

**F. Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside state and county agencies. All federal, state and local laws and ordinances shall be met and no unresolved negative comments issued by any governmental agency or public utility shall exist prior to the issuance of a certificate of occupancy.

**G. Records Copy of Approved Plans.** Two copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the city records for future review and/or enforcement. Each copy shall be signed and dated by the chairman of the Planning Commission for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the city records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

**H. Appeal.** The decision of the Planning Commission may be appealed to the City Council by the applicant. A request for appeal must be made in writing to the planning administrator within ten days from final action taken on the site plan review and appearance standards approval.

#### **6.205 Standards for Approval.**

In reviewing an application for any type of sketch or site plan, the reviewing authority for the type of review required shall be governed by the following general standards:

- A. Circulation.** There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic. The Planning Commission may request, at

their discretion, that a traffic study be conducted by an independent source and paid for by the developer, and the results submitted to the Planning Commission prior to final site approval.

**B. Buildings.** The buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.

**C. Natural Features.** As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.

**D. Site Layout and Screening.** Any adverse effects of the proposed development and activities emanating therefrom that affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.

**E. Applications Requiring Site Plan Approval** must comply with all current provisions and standards of the zoning ordinance and the subdivision control ordinance, as applicable.

**F. Applications Requiring Sketch Plan Approval.**

1. Proposed improvements that are part of a sketch plan application shall comply with all ordinance requirements.
2. Existing improvements or features of the site that do not comply with current ordinance standards shall be brought into compliance as nearly as is reasonably possible. The requirement to bring existing improvements into compliance on a site requiring sketch plan approval shall be proportionate and commensurate with the scale of the proposed improvement requiring sketch plan approval. The reviewing authority shall determine what constitutes proportionate and commensurate improvements based on existing conditions on the site and the cost of proposed improvements.

**G. Approval Contingent Upon Variance(s).** The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance(s) with the understanding that without the variance(s), the site plan is disapproved.

If the Planning Commission approves a site plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals within 60 days of site plan approval. Zoning Board of Appeals consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission. This shall not preclude the applicant from seeking a variance or variances from the Zoning Board of Appeals prior to obtaining site plan approval.

#### **6.206 Conformance with Approved Site Plan/Design Appearance.**

**A. Suspension by planning administrator.** Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which has received the approval of the Planning Commission. If construction and development does not conform with the approved plan or design appearance, the approval of the site plan or design appearance shall be suspended by the planning administrator by written notice of the revocation being posted upon the premises involved and mailed to the last known address of the owner.

Upon suspension of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has approved a modification in the site plan or design appearance in accordance with Section 6.207.C.

**B. Rescinding Site Plan Approval.** Approval of a site plan may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special exception approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Article 6, Chapter 9 of this Ordinance (Public Hearing Procedures), at which time the

owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. Determination. Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to the property owner or his or her designated agent.

#### 6.207 General Provisions.

##### A. Expiration of site plans.

1. Preliminary site plans shall expire one year after the date of preliminary approval, unless the final site plan for the project has been submitted to the planning department for review prior to the expiration date.
2. Final site plans.
  - a. Final site plans shall expire one year after the date of final approval, unless building permits have been issued or construction has commenced. The date of final approval is established by the most recent date stamp on the final plans.
  - b. If building permits have been issued or construction has commenced, final site plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than 180 continuous days, said approval shall immediately expire.
3. Extensions. Upon written request received by the City prior to the expiration date, the Planning Commission may grant up to 2 one-year extensions to any site plan application. The extensions may be granted for either preliminary or final approvals, provided that the approved site plan conforms to current Zoning Ordinance standards.

B. **Resubmission.** A site plan that has been denied shall not be resubmitted for a period of 180 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

C. **Revisions to Approved Site Plans.** Minor revisions to an approved site plan may be administratively reviewed by the zoning administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the planning administrator to be minor shall be reviewed by the Planning Commission as an amended site plan, following the procedures of Section 6.204 and the criteria of Section 6.205.

D. **Performance Guarantee.** The reviewing authority and the planning administrator shall have the right and authority to require the developer to file a performance agreement in a form provided by the City at the time of application for a building permit to ensure the development of the site in accordance with the approved site plan/design appearance, conditioned upon the proper construction and development. This agreement shall continue for the duration of the construction and development of the site. If required, the performance guarantee shall comply with the following requirements:

1. The applicant shall submit a signed and sealed estimate of the required site work by a licensed engineer, surveyor, architect or contractor. The performance guarantee shall be in an amount sufficient to complete the required site work based on the estimated cost of site improvements.
2. The performance guarantee, subject to acceptance to the City, shall be in the form of cash, certified check, surety bond or irrevocable bank letter of credit. The performance guarantee shall be released upon completion of site work in accordance with the approved site plan, failing which the amount will be forfeit.

#### 6.208 Required Information.

The information listed in Table 17 is required for all site plan applications, except where the planning administrator or the Planning Commission determines that certain information is not necessary or applicable to the particular site plan application.

Table 17. Required Information

Key:	SP: Site Plan	Sk: Sketch Plan	AR: Administrative Review Plan
DEVELOPMENT ACTIVITY			
DESCRIPTIVE INFORMATION			
Name, address, email (if available), telephone and facsimile numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the site plan, and the property location (address, lot number, tax identification number).	.	.	.
Total area of land in acres or square-feet.	.	.	.
Existing and proposed use(s) of the site	.	.	.
Zoning classification of the property and surrounding parcels (including parcels separated by a street right-of-way).	.	.	.
Legal description of the property.	.	.	.
Architect's, engineer's, surveyor's, or landscape architect's seal.	.	.	.
SITE PLAN DATA AND NOTES			
Site plans shall be drawn to an engineer's scale of not less than one inch equals fifty feet (1" = 50'). A general plan sheet drawn at scale of not less than one inch equals two hundred feet (1" = 200') shall be provided if the project covers more than one plan sheet at 1" = 50'.	.	.	.
Title block, including the scale, north arrow, revision date, name of the City, and a location map drawn at one inch equals 2,000 feet (1" = 2,000') showing surrounding land, water features and streets within one (1) mile of the site boundaries.	.	.	.
Size and dimensions of proposed buildings, including gross and usable floor area, number of stories, overall height and number of units in each building, if applicable.	.	.	.
Detailed parking (including accessible and van accessible parking), residential density and lot coverage calculations.	.	.	.
Construction type and use group of all buildings as defined by the Michigan Building Code. If two or more uses not in the same occupancy classification are proposed, indicate if the structure is being designed for separated or non-separated uses.	.	.	.
EXISTING CONDITIONS			
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains and wetlands, with surface drainage flow directions, including high points, low points and swales.	.	.	.
Existing topography on site and 50 feet beyond the site boundaries at two-foot contour intervals.	.	.	.
Slopes greater than 20% with a 10' or greater elevation change.	.	.	.
Buildings located on adjacent properties within 100 feet of any property line.	.	.	.
Dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	.	.	.
Existing tree survey including the location of all trees 6" or greater diameter at breast height. The tree survey shall include a key showing the tag number, size, species, and condition of all trees located on the site.	.	.	.
Existing site features, including significant natural, historical, cultural and architectural features, buildings and structures, driveway openings, fences, walls, signs and other improvements. The site plan shall clearly note which features will be removed, altered or preserved and provide information regarding the method of preservation or alteration.	.	.	.
Existing and proposed right-of-way lines and the centerline of adjacent roads.	.	.	.
Driveways, sidewalks, paths, public transit routes, streets and curb cuts on the applicant's parcel and all abutting parcels (including across street rights-of-way).	.	.	.
Location, outside dimensions, setback distances and proposed uses of all site improvements.	.	.	.

Key:	SP: Site Plan	Sk: Sketch Plan	AR: Administrative Review Plan
DEVELOPMENT ACTIVITY			
Gross and usable building floor areas.	.	.	.
Existing and proposed easements and rights-of-way (locations and descriptions) for utilities, access and drainage.	.	.	.
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamp types and methods of shielding.	.	.	.
A photometric grid overlaid on the site plan indicating light intensity throughout the site in foot-candles. All light intensities shown on the plan shall reflect overlapping illumination zones created by proposed fixtures.	.	.	.
Specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.	.	.	.
Waste receptacle locations and methods of screening.	.	.	.
Transformer pad location and method of screening, if applicable.	.	.	.
Outdoor sales, display or storage locations and method of screening, if applicable.	.	.	.
Locations, sizes, heights, types and methods of illumination of all proposed signs.	.	.	.
BUILDING and ARCHITECTURAL DETAILS			
General architectural drawings sufficient to convey the intended look and appearance of the building, and to indicate the type and color of building materials, detailing, and other architectural features.	.	.	.
Detailed building facade elevations, drawn to an appropriate scale and indicating type and color of building materials, roof design, projections, canopies, awnings, window openings, entrance features, doors, overhangs, other architectural features and any building-mounted mechanical equipment, such as air-conditioning and heating units.	.	.	.
Building floor plans with all exits clearly delineated.	.	.	.
Entrance details, including signs and details of signs.	.	.	.
Carport locations and details, if applicable.	.	.	.
ACCESS and CIRCULATION			
Names of abutting streets, and the width, depth, type and curbing for all streets, parking lots, sidewalks and other paved surfaces.	.	.	.
Loading and unloading areas.	.	.	.
Designation of fire lanes and signs stating "no parking" and "fire lane."	.	.	.
Locations and dimensions of access points, including deceleration or passing lanes and distances between adjacent or opposing driveways and street intersections.	.	.	.
Location and dimensions of existing and proposed interior sidewalks and sidewalks or paths within public rights-of-way.	.	.	.
Parking space and maneuvering aisle dimensions (including accessible parking space and access aisle dimensions), pavement markings, traffic control signage, designation of fire lanes and location and dimension of loading areas.	.	.	.
Proposed accessible routes from accessible parking spaces to accessible building entrances, with sufficient grade information along the route to verify compliance with the City's adopted building code.	.	.	.
Accessible routes and ramp slopes by indicating point elevations at the perimeter of such areas.	.	.	.
Details along the proposed accessible route(s), including accessible parking signs, curb ramps, ramps, and maneuvering clearances of accessible building entrances/doors, as applicable.	.	.	.
LANDSCAPING and SCREENING			

Key:	SP: Site Plan	Sk: Sketch Plan	AR: Administrative Review Plan
DEVELOPMENT ACTIVITY			
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved. All landscape plans shall be signed and sealed by a registered landscape architect.	.	.	.
Planting list for proposed landscape materials with quantity, caliper-size and height of material, botanical and common names, and standards of installation.	.	.	.
Location, dimensions, construction materials, cross-section and slope ratio for any required or proposed berms or greenbelts.	.	.	.
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides.	.	.	.
Complete irrigation system design.	.	.	.
A basic annual landscape maintenance program.	.	.	.
UTILITIES, DRAINAGE, and the ENVIRONMENT			
Grading plan, with existing and proposed topography at a minimum of two-foot (2') contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	.	.	.
General location of sanitary sewers and building leads upon which no structures or earth berms shall be located.	.	.	.
Detailed location of sanitary sewers and building leads	.	.	.
Water mains, hydrants and building services and sizes.	.	.	.
General stormwater runoff calculations and approximate size and location of retention basins	.	.	.
Detailed storm sewers, site grading, drainage, detention basins, and/or other pertinent facilities <i>as required by Section 118-III Stormwater Control of this Ordinance.</i>	.	.	.
ADDITIONAL REQUIRED INFORMATION			
Propane tank locations and methods of screening, any overhead utilities, or any outside storage of materials, chemicals, gases, liquids, etc., if applicable.	.	.	.
Other information as requested by the building official, planning administrator, Planning Commission, or city consultants to verify that the site and project are developed or improved in accordance with this Ordinance and the City's Master Plan. Such information may include traffic impact studies, market analyses and evaluations of the demand on public facilities and services. A reviewing authority may also require that information be submitted even if this table indicates that the particular information is not required.	.	.	.

### 7.301 General Definitions.

*Disturb Area means an area where soils are exposed or disturbed by development, both existing and proposed. The Disturbance Area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering. Agricultural and pasture land are not considered part of the Disturbance Area.*

*For utility lines, trenches, or other similar linear work, the Disturbance Area includes staging and storage areas, the linear feature, and the areas on each side of the linear feature impacted by the construction. Where necessary for safety in deep trenches, the Disturbance Area may be made wide enough to allow for bending and shoring of the trench.*