

**BREVORT TOWNSHIP  
ORDINANCE #15-5**

**BREVORT TOWNSHIP  
WETLANDS PROTECTION ORDINANCE**

SECTION 1. This ordinance shall be known and may be cited as the Brevort Township Wetlands Protection Ordinance.

SECTION 2. As used in this Ordinance:

A. "Access to the Brevort Township public sewer system" means property on which there is a wetland which meets any one or a combination of the following conditions:

1. Contains any part or portion of the Brevort Township public sewer system infrastructure, whether it be by easement, right-of-way, or other arrangement.
2. Is directly adjacent to an easement or right-of-way used wholly or in part for the Brevort Township public sewer system.
3. Is the location of an activity or structure which relies wholly or in part on the Brevort Township public sewer system for sewage disposal.

B. "Activity" shall mean any use, operation, development or action involving a change in, on or to uplands or bottomlands caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; draining or diverting water; pumping or discharge of surface water; grading; paving; vegetative clearing or excavating, mining or drilling operations.

C. "Building Inspector" means the Brevort Township Building Inspector.

D. "Brevort Township public sewer system" means all current and future sewer system infrastructure which is, wholly or in part, operated or maintained by the Township of Brevort in Mackinac County.

E. "Drainageway" means any drainage course, watercourse, drain, pipe, natural stream, creek, or swale which serves to transport stormwater runoff.

F. "Owner" means any person who has dominion over, control of, title to and/or any other proprietary interest in wetland areas, or title to an obstruction, natural or otherwise, to wetland properties.

G. "Satisfactory evidence" means copies of original correspondence and/or permit from applicable federal and state agencies accompanied by a certificate signed by the property owner as to the legitimacy of the copies of said correspondence.

H. "Wetland" means those areas, irrespective of size, that are inundated or saturated by surface of groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

I. "Wetlands and Drainageways Map" shall mean the map, as updated from time to time, delineating the general location of wetlands and drainageways which may be subject to regulation under this ordinance. Delineations of wetland boundaries on individual parcels or sites shall be the responsibility of persons applying for a building permit or permit issued under this ordinance.

SECTION 3. No wetland or drainageway situated on property within Brevort Township which has access to, or is proposed to have access to, the Brevort Township public sewer system can be drained, filled, or dredged unless a building permit for the proposed structure, or a permit issued under this ordinance should a structure not be proposed, is first lawfully obtained by the property owner from the Brevort Township Building Inspector.

A. The Brevort Township Building Inspector shall not issue a building permit for any proposed structure or any other permit should a structure not be proposed, on wetland or drainageway property which has access to, or is proposed to have access to, the Brevort Township public sewer system and which will require the draining, filling, or dredging of the wetland or drainageway property, until the property owner has submitted satisfactory evidence showing that all necessary permits under Section 10 of the Federal River and Harbor Act of 1899, Section 404 of the Federal Clean Water Act, as they may be amended, and the Michigan Goemaere-Anderson Wetland Protection Act have been issued for the proposed structure, use, or activity or satisfactory evidence showing a permit or permits under these federal and state acts are not required for the proposed structure, draining, filling or dredging under question.

# State of Michigan

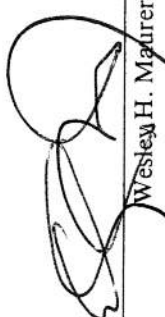
In the City of St. Ignace for the County of Mackinac

In the Matter of Ordinance # 155

COUNTY OF MACKINAC, ss.

Wesley H. Maurer, Jr., being duly sworn, says: I am the publisher-editor of The St. Ignace News, a newspaper published and circulated weekly in said county. The annexed is a printed copy of a notice that was published in said paper on the following dates, to wit:

March 10, 1994 \_\_\_\_\_  
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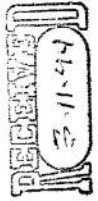


Wesley H. Maurer, Jr.

Subscribed and sworn to at St. Ignace, in said county, this 10th day of March 1994

Before me Eileen Nye, Notary Public for Mackinac County.

My Commission expires Eileen Nye, Notary Public, Mackinac County, State of Michigan, My Commission Expires 11-20-95



dredging under question.

- B. Existing structures, activities, or uses on wetland or drainageway property which has access to, or is proposed to have access to, the Brevort Township public sewer system and which were lawfully established prior to the adoption of this ordinance shall not be altered unless a building permit or other permit issued under this ordinance has first been issued under the provisions of Section 3.A.
- C. The property owner shall provide a buffer area around regulated wetlands as may be required by federal and/or state wetland permit conditions.
- D. The issuance or denial of a building permit shall not be solely based upon the issuance of state or federal wetland permits, where required, but also upon all other applicable local regulations and permits including, but not limited to, the Brevort Township zoning ordinance and subdivision regulations.
- E. No building permit or other permit shall be granted for a structure or land use activity for which a federal or state wetland permit application has been denied.
- F. The property owner shall adhere to all mitigation measures as may be required by federal and/or state wetland permit conditions.

**SECTION 4.** The Township shall prepare and make available for public inspection a map, entitled the Wetlands and Drainageways Map, which shows the general location of wetlands and drainageways in the Township. An overlay map shall also be prepared which identifies the locations of existing and proposed Brevort Township public sewer system infrastructure.

- A. Although not official designations, the areas indicated on the Wetlands and Drainageways Map are likely to show the physical location of wetlands. The building inspector shall notify each owner of a wetland or drainageway situated on a property that has access to, or is proposed to have access to, the Brevort Township public sewer system, and that applies for a building permit, of the need to contact the Michigan Department of Natural Resources and/or the U.S. Army Corps of Engineers concerning a wetland determination and, where necessary, the need to obtain a permit from one or both of these agencies prior to the issuance of a building permit or other permit by the Township and in conformance with the provisions of Section 3.A.
- B. The property owner shall be responsible for contacting the appropriate federal and/or state agencies regarding the need for a permit(s), making any necessary arrangements for a wetland determination, and filling any necessary permit application(s).

**SECTION 5.** The provisions of this ordinance shall not be construed to amend any provisions of the Brevort Township Zoning Ordinance and all zoning ordinance provisions as well as other provisions in any applicable ordinance shall be met.

**SECTION 6.** No appeals or variances shall be granted under this ordinance.

**SECTION 7.** Violations of this ordinance may be punishable by the Township with a fine not exceeding \$500.00 or by imprisonment in the county jail not to exceed 90 days, or by both such fine and imprisonment. Violations punishable by the Township under this ordinance do not preclude additional penalties according to state and federal wetland regulations including, but not necessarily limited to, the Federal Clean Water Act (as amended), Federal River and Harbor Act (as amended), and the Michigan Goemaere-Anderson Wetland Protection Act (as amended).

- A. The Building Inspector or Brevort Township Board may issue a stop-work order or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this ordinance, including any conditions attached to a use approval, have been fully met.
- B. The penalties provided for in this article shall not be exclusive and the Township shall be entitled to seek any and all other remedies available at law or in equity in connection with the violation of this ordinance.

**SECTION 8.** Should any provision or section of this ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, and the remaining portions of this ordinance shall be enforceable unless the court determines that the sections held to be unconstitutional or invalid require the invalidation of the balance of the ordinance.

**SECTION 9.** The provisions of this ordinance shall take effect after 30 days have elapsed after the publication of this ordinance. The ordinance was made and passed by the Township Board of the Township of Brevort, Mackinac County, Michigan on the 1st day of February, 1994.

Betty Sorrels, Clerk  
Brevort Township

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- F. "Owner" means any person who has dominion over, control of, title to and/or any other proprietary interest in wetland areas, or title to an obstruction, natural or otherwise, to wetland properties.
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A. The Brevort Township Building Inspector shall not issue a building permit for any proposed structure or any other permit should a structure not be proposed, on wetland or drainage property which has access to, or is proposed to have access to, the Brevort Township public sewer system and which will require the draining, filling, or dredging of the wetland or drainage way property, until the property owner has submitted satisfactory evidence showing that all necessary permits under Section 10 of the Federal River and Harbor Act of 1899, Section 404 of the Federal Clean Water Act, as they may be amended, and the Michigan Goemaere-Anderson Wetland Protection Act have been issued for the proposed structure, use, or activity or satisfactory evidence showing a permit or permits under these federal and state acts are not required for the proposed structure, draining, filling or dredging under question.

# State of Michigan

In the City of St. Ignace for the County of Mackinac

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March 10, 1994 \_\_\_\_\_

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Wesley H. Maurer, Jr.

Subscribed and sworn to at St. Ignace, in said county,

this 10th day of March 1994

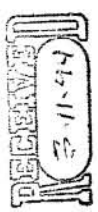
Before me Eileen Nye, Notary

Public for Mackinac County.

My Commission expires EILEEN NYE, NOTARY PUBLIC

MACKINAC COUNTY, STATE OF MICHIGAN

MY COMMISSION EXPIRES 11-20-95



dredging under question.

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Betty Sorrels, Clerk  
Brevort Township