

**CITY OF CEDAR SPRINGS
CEDAR SPRINGS COUNTY, MICHIGAN
(Ordinance No. 2021- ____)**

At a regular meeting of the City Council for the City of Cedar Springs held at City Hall on _____, 2021 beginning at _:__, the following Ordinance/ Ordinance amendment was offered for adoption by Council Member _____ and was seconded by Council Member _____:

**AN ORDINANCE TO AMEND CHAPTER 32, ARTILE III, DIVISION 4 OF
THE CODE OF ORDINANCES FOR THE CITY OF CEDAR SPRINGS
ENTITLED “SOIL EROSION AND SEDEMENTATION CONTROL.”**

THE CITY OF CEDAR SPRINGS (the “City”) ORDAINS:

Article 1. Amendment of Chapter 32. Chapter 32 Article III Division 4 of the Code of Ordinances for the City of Cedar Springs entitled “SOIL EROSION AND SEDEMENTATION CONTROL” is hereby amended and reads in its entirety as follows:

Chapter 32 Article III Division 4

Sec. 32-130. – Purpose and Intent

This ordinance is intended to keep public streets, sidewalks, trailways and similar public ways within the City clean and free of debris and obstacles to travel, not only for purposes of sanitation and cleanliness, but also to prevent hazards to motorists and pedestrians. The City Council hereby determines that the adoption and enforcement of this Ordinance is essential to the public health, safety and welfare of both the residents, property owners, pedestrians and motor vehicle traffic within Cedar Springs.

Sec. 32-131. – Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ROAD: The paved or other hard surface improved portion of a public road right-of-way or easement (and the shoulders thereof, whether paved or unpaved. This definition shall also include any and all portions of a road. Also commonly known and referred to as a “street.”

SIDEWALK: Any paved or concrete public sidewalk, public walking or bicycle trail, or similar public way designed and used for non-motorized pedestrian travel. Sidewalks are generally located within a road right of way but may also be located in an easement or other rights of way.

Sec. 32-132. Prohibited activities

No person shall engage in any of the following uses, activities, or practices:

- A. Cause dirt, gravel, clay, mud, rocks, stones, sand, brush, branches, wood, leaves, grass or similar materials to be deposited, left or spilled onto or within a road or sidewalk pursuant to an excavation, building, or other project or activity and fail to fully remove such materials from the road or sidewalk and completely clean up the portion of the road or sidewalk involved within 24 hours of the time that the materials have been deposited or spilled onto or within the road or sidewalk.
- B. Intentionally dump, store, or deposit dirt, clay, gravel, mud, stones, rocks, sand, or a similar material onto or within a road or sidewalk.
- C. Place, push, or deposit debris, brush, branches, or similar materials onto or within any road or sidewalk.
- D. Dump or deposit leaves, debris, earth, or other obstacle or impediment in a drainage course or drain within a public road right-of-way or other public drainage easement without first having obtained a permit or written approval from the City Manager (or such other official as is designated by the City Council) for such dumping, depositing or use.
- E. Alter or recontour the land on a lot or parcel in such a way that it causes flooding of any neighboring or nearby lots, properties, roads or sidewalks.
- F. Cause or allow construction debris, trash, scraps or other items associated with a building or construction project or site to blow, migrate or be deposited upon the lot or parcel of another or any road or sidewalk without permission of the property owner of the other lot, parcel, road or sidewalk.

Sec. 32-133. Exemptions

The prohibitions contained in this ordinance shall not apply in the following situations:

- A. Any use or activity by a government employee or official, municipal firefighter, or police officer while engaged in his or her official government duties.
- B. Where brush, branches or leaves are allowed to be deposited within a public road right-of-way pursuant to an official program by the local unit of government that picks up and lawfully disposes of such brush, branches and leaves.
- C. Where junk, garbage or trash that is awaiting systematic removal by a trash-hauling service within 24 hours of placement within the road or sidewalk.

Sec. 32-134. Issuance of zoning or building permit; security deposit.

No zoning permit or building permit shall be issued for a building or construction project for any property within the City if the City Manager determines that the project may cause soil erosion and sedimentation spillover onto or into any road, sidewalk or adjoining property or may cause drainage problems. Such determination will be made by the City Manager or their designee and will be based on site conditions such as slope, soil types, drainage, and the scope of the project. If it is determined by the City that such factors may cause erosion or unreasonable damages, the City shall require a security deposit of an amount as set forth in a Resolution by the City Council to ensure compliance with all of the requirements of this chapter during construction and cleanup. Such deposit shall be in addition to any other applicable fees or deposits. Once a certificate of occupancy has been issued or the project or construction is otherwise complete, the City shall refund the deposit less any monies retained by the City to remedy any violations of this chapter.

The City may also require that such building or construction projects implement soil erosion and sedimentation controls to reduce spills and deposits onto roads and sidewalks and that written soil erosion and sedimentation controls be submitted along with site plans, sketch plans or other zoning approvals.

Sec. 32-135. Violations and penalties; stop-work orders

- A. A violation of this ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this chapter, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this chapter, shall be in violation of this chapter and shall be responsible for a civil infraction. Each day during which any violation continues shall be deemed a separate offense.
- B. A violation of this chapter shall also be a nuisance per se. Any and all remedies available to the City shall be deemed cumulative and not mutually exclusive.
- C. Stop-work orders. Upon notice from the Zoning Administrator, Building Inspector or Building Official (or such other official as is designated by the City Manager or City Council) that any work, use or activity is being conducted contrary to the provisions of this ordinance, such work, activity or use shall be immediately stopped. Such stop-work order shall be in writing and shall be posted on the violating property and mailed to the owner of the property involved as shown on the most recent property tax records for the City of Cedar Springs. Any person who shall continue to engage in any activity or use on the structure, land or building involved after having been served with a stop-work order (except such work as that person is directed by the City to be performed to remove a violation) shall be in violation of this chapter.

Article 2. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing City ordinances except as otherwise stated herein.
- B. Nothing in this Ordinance will be construed in such a manner so as to conflict with any State law.

Article 3. Repealer.

All ordinances and resolutions or parts of ordinances and resolutions in conflict with this Ordinance are repealed, but only to the extent of any such conflict.

Article 4. Savings Clause.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable other part or portion of this Ordinance.

Article 5. Effective Date.

This Ordinance is effective upon its publication in the manner required by law.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

Gerald Hall
City of Cedar Springs Mayor

Rebecca Johnson
City of Cedar Springs Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of the Ordinance/ordinance amendment to the Code of Ordinances for the City of Cedar Springs adopted by the City Council for the City of

Cedar Springs at the time, date and place as specified above, pursuant to the required statutory procedures.

Adopted:
Published:
Effective:

Respectfully submitted,

By _____
Rebecca Johnson
City of Cedar Springs Clerk