

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 09-566

**AN ORDINANCE TO AMEND CHAPTER 67, ARTICLE IV,
SECTION 23 OF THE CODE OF ORDINANCES, CITY OF
WALKER, MICHIGAN, ENTITLED “INTERFERENCE
WITH NATURAL OR ARTIFICIAL DRAINS”**

The City of Walker Ordains:

Section 1. Amendment of Chapter 67. Chapter 67, Article IV, Section 23 of the Code of Ordinances, City of Walker, Michigan, is amended read in its entirety as follows:

Sec. 67-23. Interference with natural or constructed drains.

(1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, floodplain, or flood prone area without first submitting a stormwater plan to the city and receiving approval of that plan. Any deviation from the approved plan is a violation of this chapter. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.

(2) For a natural or constructed overland flow-way.

(a) Silt screen fences shall not be permitted below the top of the bank of a water body channel.

(b) Fences shall not be permitted below the top of a water body channel or within any designated easements.

(c) No shrubs or trees shall be planted in a manner that materially impedes the flow of stormwater.

(d) No permanent structures shall be allowed below the top of a water body channel or within any designated easements. Temporary structures that do not materially impede the flow of stormwater are permissible.

(3) The ground above an underground storm sewer and the easement within which the storm sewer has been installed shall be kept clear of any items which may interfere with the maintenance of or access to the underground storm sewer. Prohibited items include, but are not limited to, permanent structures, temporary structures, fences, fill, shrubs, and trees. The placement of leaves, twigs, grass clippings, or other biodegradable substances in this area shall also be prohibited.

(4) No filling, blocking, or fencing shall take place within a natural or constructed floodplain or flood prone area. This prohibition includes the placement of leaves, twigs, grass clippings, or other biodegradable substances. Vegetative plantings and temporary structures that do not materially impact the floodplain or flood prone area are permissible. Federal Emergency Management Agency identified floodplains may be subject to additional federal and/or state regulations, which may take precedence over this ordinance.

(5) If an object located within any natural or constructed drain is removed by the city for drain access or drain maintenance, it may be replaced at the owner's expense. The replacement of nonconforming objects are only permitted in accordance with the variance procedures of the Zoning Board of Appeals.

Section 2. Severability. The phrases, sentences, sections and provisions of this Ordinance are severable. The findings that any portion is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect upon its publication.

Ordinance No. 09-566 Adopted. February 23, 2009