

Ordinance No. 2016 – 06

**CITY OF ST. CLAIR
COUNTY OF ST. CLAIR, MICHIGAN**

AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND THAT PORTION OF APPENDIX B, ZONING, ARTICLE 5, SECTION 5.34 “FISH PONDS” OF THE CODE OF ORDINANCES BY ADOPTING SECTION 5.34.

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT.

Article 5 of the City Zoning Ordinance is hereby amended by adding Section 5.34 to read as follows:

Section 5.34. Ponds

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

5.34.1 The term “pond” as used in this section is defined as any soil excavation, digging, or grading resulting in substantial accumulation or ponding of surface water or pumped water. Ponds of 100 sq. ft. or more will require a zoning permit. Limit one pond per property regardless of size of parcel.

5.34.2 No pond is to be located closer than 6 feet to any adjoining or abutting property line or septic field, nor in the front yard excepting a St. Clair river property

5.34.3 The pond shall not have a steeper slope than one (1) to three (3) on all sides for the first six feet from the bank. Ponds shall not exceed 6’ in total depth and shall not encompass more than 15% of the rear yard surface area. Ponds of 100 sq ft or less with a depth of 2’ or less will not require a zoning permit.

5.34.4 Ponds deeper than 2’ shall require a fence. Fence required for the protection of the general public. Ponds shall be completely enclosed by a type described in Section 5.5 not less than 4’ in height at least 6’ from the outside slope of the pond.

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

5.34.6 There shall be a distance of not less than 10 ft between the outside edge of the pond and any building.

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

5.34.8 Ponds are for fish or decorative use only, not for recreational swimming.

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

SECTION 2. SEVERABILITY.

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

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of within or Ordinance are hereby expressly repealed.

SECTION 4. RATIFICATION

All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 5. PUBLICATION.

This ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

ORDINANCE DECLARED ADOPTED.

William Cedar, Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the 2nd day of May, 2016, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: Cedar, Foley, Kindsvater, Klieman, Kuffa, LaPorte, McCartney

Members Absent: None

It was moved by Member LaPorte supported by Member Kindsvater to adopt the Ordinance.

Members voting yes: Laporte, McCartney, Foley, Kindsvater, Klieman, Kuffa, Cedar

Members voting no: None

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

Annette Sturdy, City Clerk
City of St. Clair, Michigan

INTRODUCED: April 18, 2016

ADOPTED: May 2, 2016

EFFECTIVE: May 13, 2016

PUBLISHED: May 13, 2016