

# NORVELL TOWNSHIP ORDINANCE No. 48

as amended

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Norvell Township, Jackson County, Michigan, by the regulation of the construction of retaining walls and/or terraces on steeply sloped (25% or greater) greenbelt areas on waterfront property within said Township; to prescribe the penalties for the violation thereof and to repeal **all** ordinances or parts of ordinances inconsistent with or more restrictive than said Ordinance.

**THE TOWNSHIP OF NORVELL**

**JACKSON, COUNTY, MICHIGAN**

**ORDAINS:**

## **SECTION I**

### **111LE**

This Township Ordinance shall be known and cited as: **THE REGULATION OF THE CONSTRUCTION OF RETAINING WALLS AND/OR TERRACES ALONG BODIES OF WATER ON STEEPLY SLOPED (25 % OR GREATER) GREENBELT AREAS ABUTTING WATERFRONT PROPERTY.**

## **SECTION II**

### **DEFINITIONS:**

- a. **Greenbelt:** A vacant space abutting a body of water and intended to preserve water quality and to maintain the view of the water, which shall remain unoccupied. (A vacant space abutting a body of water which extends from the body of water to adjacent uplands a distance of fifty (50) feet).
- b. **Body of water:** A lake, stream, river or wetland.
- c. **Retaining wall:** A permanent structure of stone, metal, plastic, concrete, or wood constructed to prevent soil erosion and to promote stability for dwellings and accessory buildings.
- d. **Terrace:** The relatively level area, or areas, formed by, or between, a retaining wall, or set of retaining walls, applied to a hillside or slope to support construction and reduce erosion.

## SECTION HI

### **PURPOSE:**

This ordinance is enacted by the Norvell Township Board for the following purposes:

1. Permit the construction of retaining walls and/or terraces on steeply sloped (25% or greater) greenbelt areas on waterfront property subject to a permit to promote the public safety, health, and welfare.
2. Protect the foundation of the home from erosion.
3. Protect the water from increased sedimentation during and after the construction.
4. Protect the adjoining properties from increased water runoff and sedimentation.
5. Reduce the speed and quantity of water running into the lake.

## SECTION IV

### **PERMIT APPLICATION AND SUBMITTAL DOCUMENTS:**

- a. An application, shall be required and completed in full.
- b. A scaled drawing (1 inch = 5 feet) shall be prepared and submitted by a licensed engineer or architect which:
  1. Provides topography, both existing and proposed at two (2) foot intervals.
  2. Shows the location of the retaining wall, structures, and buildings on the parcels.
  3. Includes the location, type, and properties of on-site soils and vegetation and other features required for review under this ordinance.
- c. Three (3) copies of the application, including drawings and associated information, shall be submitted to the Township for review and approval by the Norvell Township Engineer. The Township shall be reimbursed by the owner, and/or permittee for professional engineering services provided by the Township Engineer. (See Section VII)

## SECTION V

### **CONSTRUCTION OF RETAINING WALLS AND/OR TERRACES ALONG BODIES OF WATER:**

- a. A permit, issued by the Norvell Township Building Inspector, shall be required prior to the construction of a retaining wall or terrace within greenbelt areas of the township.

- b. Approval of the permit and construction pursuant thereto, shall be granted upon demonstration of conformance with all of the following standards:
1. No shrubs, trees, or surface vegetation shall be removed prior to approval under this section.
  2. No retaining wall or terrace shall be constructed closer than ten (10) feet to the water's edge and this area shall be left in native vegetation with no mowed lawn. The purpose of the native vegetation strip is to filter contaminants from entering the water.
  3. With the exception of the retaining walls and/or terraces noted above, no other structures shall be permitted within the greenbelt.
  4. No retaining wall and/or terrace shall be permitted within distances specified for side yard setbacks required in Article V, Section 5.1, of the Norvell Township Zoning Ordinance No. 6\_ Exceptions shall be permitted for retaining walls and/or terraces where they align and connect with retaining walls and/or terraces on adjoining properties, provided they are located no closer than ten (10) feet to a body of water.
  5. The design and construction of retaining walls and/or terraces shall conform with all of the following standards as determined in a written report from the Township Engineer:
    - (a.) Removal of the minimum feasible existing grass, shrubbery or trees on the site, and if trees are to be removed, that adequate soil erosion measures are in place prior to the tree removal.
    - (b.) Stabilization of the soil surrounding an existing or proposed foundation of an approved principal or accessory structure.
    - (c.) A design that slows water runoff on the property while preventing it from flowing on adjacent property or into the waterbody at a faster rate than prior to any development or change to the natural vegetation on the site.
    - (d.) Planting of all terraced areas with thick grass, ground cover, and/or shrubs that are continuously maintained in a living condition.
    - (e.) Selection of native vegetation that requires no fertilizer or pesticide use and improves opportunities for native animals to thrive.
    - (f.) A design that achieves the stormwater management while also integrating with the on-site landscape and abutting properties, so that should similar changes be proposed on abutting properties, the terrace and retaining wall design on one property can seamlessly be extended to an adjacent property without soil erosion problems.
    - (g.) Where feasible, and if beneficial, incorporates a rain garden design and nutrient filtering prior to release into the waterbody.
    - (h.) A design of any irrigation system that does not unreasonably increase water volume or speed on the property.
    - (i.) Other such measures as determined by the Township Engineer as necessary to achieve the objectives of this section.

(j.) Installation of these measures prior to or concurrent with construction of a principal or accessory structure and in conjunction with all required permits and best management practices (such as silt fences and detention areas) required under the soil erosion and sedimentation provisions of Part 91 of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

(k.) Measures shall remain in place until the retaining wall is installed and all soils are stabilized.

d. Permits shall be valid for a period of one hundred eighty (180) days.

## SECTION VI

### **VALIDITY:**

The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

## SECTION VII

### **FEES:**

- a. The Township Board shall assess a fee for processing permit applications and for two (2) inspections (footing and final) by the Building Inspector. The fee shall be adequate to cover the cost of review by the township engineer, and shall be calculated on a "per hour of review" basis, and the cost of inspections by the building inspector.
- b. All fees shall be paid to the Township at the time of application.

## SECTION VIII

### **PENALTIES FOR VIOLATIONS:**

#### **VIOLATIONS**

Failure to comply with the requirements of Section IV of this Ordinance;  
failure to comply with the requirements of Section V of this Ordinance;  
failure to comply with the terms of any permit issued under this Ordinance;  
and/or failure to obtain a permit required by this Ordinance prior to construction of a Retaining Wall and/or Terraces along bodies of water on **steeply** sloped (25% or greater) greenbelt areas constitutes a violation thereof

#### **PENALTIES**

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil fine determined in accordance with the following schedule. All construction of Retaining Walls and/or Terraces shall be red tagged and permanently stopped until the required permits are obtained;

inspections performed and the work approved, abated, or removed. **All** expenses of inspection fees shall be imposed together with applicable fines pursuant to the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
-1 <sup>st</sup> Offense within 3-year period	\$ 75.00	\$500.00
-2 <sup>nd</sup> Offense within 3-year period	\$150.00	\$500.00
-3 <sup>rd</sup> Offense within 3-year period	\$325.00	\$500.00
-4 <sup>th</sup> or More Offense within 3-year period	\$500.00	\$500.00

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred (\$500.00) Dollars, or shall be imprisoned in the Jackson County Jail for not more than ninety three (93) Days, or both such fine and imprisonment at the discretion of the court.

## **SECTION IX**

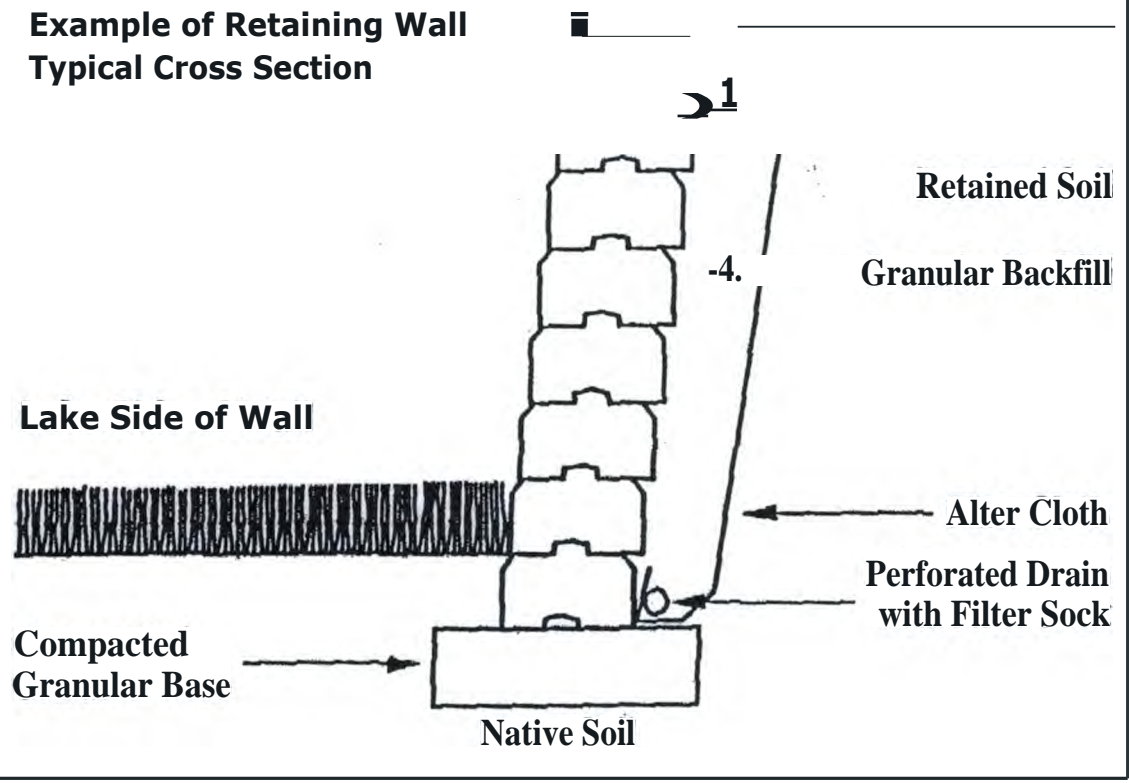
### EFFECTIVE DATE:

This ordinance shall be effective May 2007

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Anne M. Hagadorn, Clerk  
Norvell Township

**Example of Retaining Wall  
Typical Cross Section**



Resolution 07-01

WHEREAS, Ordinance No. 48, THE REGULATION OF THE CONSTRUCTION OF RETAINING WALLS AND/OR TERRACES ALONG BODIES OF WATER ON STEEPLY SLOPED (25% OR GREATER) GREENBELT AREAS ABUTTING WATERFRONT PROPERTY, has been adopted by the Norvell Township Board, and shall apply to the construction of retaining walls and/or terraced hillsides adjacent to lakes, rivers and streams in Norvell Township to preserve surface water quality, and

WHEREAS, the Ordinance requires an application, including a scaled drawing and associated information, which must be reviewed by a consulting Engineer engaged by the Township, and,

WHEREAS, the construction of retaining walls and terraced hillsides will require footing and final inspections by the Township Building Inspector, and

WHEREAS, the Township desires to recover the cost of the review by the Engineer, and the inspections by the Building Inspector,

NOW, THEREFORE, BE IT RESOLVED, that the Norvell Township Board hereby establishes the following fee schedule for permits for retaining walls, and/or terraced slopes:

1. A retainer of \$300 shall be charged to cover the cost of the review of the application, drawings, and associated information by the township consulting engineer. Refunds will be made if the cost of the review is less than \$300. An additional charge will be assessed the applicant, to recover costs in excess of \$300.
2. A fee of \$145 will be charged the applicant to cover the cost of the footing and final inspections.

AND, BE IT FURTHER RESOLVED, that the retainer and fees describe above shall paid to the Township at the time of application, and prior to costs incurred by the Township for application review by the consulting Engineer and Building Inspector, in accordance with the Ordinance.

ADOPTED this 11<sup>th</sup> day of April, 2007.

Anne M. Hagadorn, Clerk  
Norvell Township