

Post-Construction Stormwater Ordinance

Developers creating or replacing one-half acre or more of new hard surface in Detroit are required to offset it with stormwater management practices.

*This ordinance was approved by the Detroit Board of Water Commissioners on August 15, 2018 and unanimously approved by Detroit City Council on November 13, 2018.
A revision was approved by Detroit City Council on November 24, 2020.*



**Water & Sewerage
Department**

ORDINANCE NO. 2020-43
CHAPTER 48
ARTICLE II

AN ORDINANCE to amend Chapter 48, of the 2019 Detroit City Code, *Utilities, Article II, Sewers and Drains*, by amending Division 4, *Stormwater Management*, to include Section 48-2-101, *Applicability*, Section 48-2-102, *Definitions*, Section 48-2-103, *Exemptions*, Section 48-2-104, *Stormwater Management Design Manual*, Section 48-2-105, *Performance standards*, Section 48-2-106, *Post Construction Stormwater Management Plan and Operations Management Plan required*, Section 48-2-107, *Alternative compliance*, Section 48-2-108, *Performance bond*, Section 48-2-109, *Maintenance required*, Section 48-2-110, *Transfer of property*, Section 48-2-111, *Record drawings and certification*, Section 48-2-112, *Right of entry for compliance inspections*, Section 48-2-113, *Period self-inspections required*, Section 48-2-114, *Right of appeal*, Section 48-2-115, *Notice*, Section 48-2-116, *Civil penalty*, Section 48-2-117, *Fines*, Section 48-2-118, *Additional remedies*, by revising, reorganizing, and renaming certain provisions within the Division to provide greater clarity to the regulation.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 48 of the 2019 Detroit City Code, *Utilities, Article II, Sewers and Drains*, Division 4, *Stormwater Management*, be amended by amending Sections 48-2-101 through 48-2-118, to read as follows:

**CHAPTER 48. UTILITIES
ARTICLE II. SEWERS AND DRAINS
DIVISION 4. STORMWATER
MANAGEMENT**

Sec. 48-2-101. Applicability.

(a) Subject to Section 48-2-103 of this Code, this division applies to all construction activities that are subject to the drainage charge and that involve the replacement or creation of 21,780 square feet or more of impervious surface.

(b) This division shall also apply to any construction activity that is not subject to Subsection (a) of this section, but may create a condition that would result in runoff that would:

- (1) Exceed the safe capacity of the receiving public sewer or body of water as determined by the Department;
- (2) Cause undue channel erosion;

(3) Increase water pollution by scouring or transport of particulate matter;

(4) Endanger property; or

(5) Endanger public safety.

(c) Notwithstanding Subsection (a) or Subsection (b) of this section, the discharge from a regulated construction activity may be determined by the Department to have previously been authorized and to have incorporated stormwater control measures that are sufficient to satisfy the performance standards in this division. In such cases, the applicant may request a review by the Department for a determination of whether additional stormwater management is required for the development site.

Sec. 48-2-102. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Applicant means a person or persons acting as owners or operators of a regulated construction activity on a development site who is seeking approval of a Post Construction Stormwater Management Plan under this division.

Buffer strip means a zone that is used for filtering direct stormwater and stormwater runoff into a stormwater control measure, or watercourse and for providing maintenance access to a stormwater control measure.

Common plan of development means a regulated construction activity, that is completed in phases or stages when such phases or stages share:

(1) One or more common City permit(s) related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or

(2) Common infrastructure such as, but not limited to, roadway access or utilities.

Construction activity means a human-made activity including, but not limited to, clearing, grading, excavating, construction and paving, that results in a change in the existing cover or topography of land, including any external demolition, modification, or alteration of a development site or the footprint of a building, but does not include re-surfacing of an asphalt, concrete or similar parking lot that does not expose the subgrade.

Conveyance means any structure or other means of safely conveying stormwater within a stormwater management system including, but not limited to, a watercourse, closed conduit, culvert or bridge.

Demolition means the razing or destruction, in whole or in part, of an

existing structure, or the removal of existing impervious surfaces.

Department means the Detroit Water and Sewerage Department and its authorized agents.

Development site means the property on which a regulated construction activity will occur or is occurring.

Disturbance means an activity, including a regulated construction activity, that disturbs the surface of land or underlying soils, including but not limited to, stripping, grading, grubbing, trenching, excavating, transporting, and filling of land, but does not include the activities of clearing, plowing, tilling soil, or harvesting for the purpose of crop production.

Drainage area means the land area from which stormwater runoff drains to a common point, including any area lying beyond the boundaries of a development site as defined in this division.

Due Care Plan means the actions a person must undertake and are necessary to protect the public from exposure to contamination present in soil, groundwater, and subsurface vapors.

Extraordinarily difficult site conditions means those conditions present at a development site that prevent or preclude the construction of stormwater control measures on any portion of a development site.

Impervious surface means any surface area that prevents or substantially impedes the entry of water into the soil in the manner that such water entered the soil prior to development, or which causes water to run off the surface in greater quantities or at an increased rate of flow including but not limited to, roofs, parking lots, compacted gravel and dirt, driveways, sidewalks, and storage areas.

Infiltration rate means a measure of the speed at which water enters into the soil at the surface.

Operation and Maintenance Plan means a document which outlines the required maintenance activities and measures associated with an approved Post Construction Stormwater Management Plan.

Post Construction Stormwater Management Plan means a document that identifies all actions to be taken by an applicant related to a regulated construction activity to that details how an applicant will comply with the requirements and standards set forth in this division and the Stormwater Management Design Manual.

Regulated area means the portion of a development site used as the basis to determine what performance standards an applicant must meet.

Regulated construction activity means construction activity that is subject to this division, a regulated construction activity may occupy all or part of a development site.

Stormwater control measure means any structure, feature, or appurtenance that is designed, constructed, operated, practiced, or adopted to reduce the quantity, lower the rate, improve the quality, or otherwise control stormwater runoff through retention, detention, infiltration, reuse, or other approved stormwater management techniques.

Stormwater Management Design Manual means a document or documents promulgated by the Department, which may be amended, detailing criteria, standards, and procedures that an applicant must follow to comply with this division.

Sec. 48-2-103. Exemptions.

Notwithstanding Section 48-2-101 of this Code, the following activities shall be exempt from the requirements of this division:

(1) The improvement or construction of an individual single family detached dwelling as defined in this Code;

(2) Emergency maintenance work performed for the protection of public health and safety. A written description of the scope and extent of any such emergency maintenance work performed shall be submitted to the Department within two calendar days following its commencement. If the Department finds that the work is not an emergency or if a written description is not timely submitted to the Department, then the work shall cease immediately and the requirements of this division shall be addressed as applicable; or

(3) Regulated construction activity done to protect public health as part of a Due Care Plan that is required and approved by a state or federal regulatory agency.

Sec. 48-2-104. Stormwater Management Design Manual.

The Department shall provide a Stormwater Management Design Manual which shall detail procedures, criteria, minimum standards, methods and other technical information that shall be utilized to comply with the provisions of this division.

Sec. 48-2-105. Performance standards.

(a) Stormwater control measures shall not be constructed within the Rouge River flood plain or the Rouge River flood way as defined in Section 50-14-532 of this Code, or within Michigan Coastal Flood Hazard Zones, as define the Michigan Department of Environment, Great Lakes & Energy (EGLE) or the Federal Emergency Management Agency (FEMA).

(b) A buffer strip with a minimum width of 25 feet shall be established and preserved along the edge of any surface water and any regulated wetland as defined by the State of Michigan PART 303. Exemptions may be granted for construction activities that are within 25 feet of a surface water and regulated wetland that remain consistent with the intent of the development.

(c) The Department is authorized to require any additional stormwater control measures necessary to control the rate and volume of stormwater runoff discharged from the development site in order to prevent drainage, flooding or water quality impacts upon public or private property.

(d) Performance standards for combined sewer areas.

(1) Water quality:

a. The water quality volume shall be the 90th percentile annual non-exceedance storm.

(2) Combined sewer infrastructure protection.

a. The peak flow rate(s) of stormwater runoff leaving the development site shall not exceed the allowable discharge rates established in the Stormwater Management Design Manual for the geographic location within the combined sewer system where the discharge occurs.

(e) Performance standards for separate storm sewer areas within Detroit Water and Sewerage jurisdiction that discharge directly to a receiving water body and do not connect to a combined sewer.

(1) Water quality:

a. The water quality volume shall be based on the 90th percentile annual non-exceedance storm.

(2) Channel protection:

a. The runoff volume and peak flow rate of stormwater runoff leaving the regulated area post-construction shall not exceed the runoff volume and peak flow rate two-year, 24-hour storm event

b. Discharges from regulated construction activities that drain into any portion of the City's storm sewer discharging directly to the Detroit River or downstream of the Rouge River Turning Basin shall be exempt from the channel protection performance standard.

(f) Performance standards for local flood control in combined and separate sewer areas:

(1) Stormwater control measures shall be designed to achieve a peak flow rate for the 10 year-24 hour or the 100 year-24 hour storm based upon the size of the regulated area.

(2) If the peak flow calculated for channel protection is greater than the peak flow calculated for flood control, the lower peak flow for flood control must be applied to the regulated area.

(g) Performance standards for privately owned separate storm sewer areas that discharge directly to a receiving water body and do not connect to a combined sewer.

(1) The stormwater conveyance system must discharge the 100 year-24 hour storm for the entire regulated area to the Rouge River or Detroit River.

Sec. 48-2-106. Post Construction Stormwater Management Plan and Operations and Maintenance Plan required.

(a) No regulated construction activity may obtain site plan approval until the Department has approved a Post Construction Stormwater Management Plan.

(b) Prior to the approval of a Post Construction Stormwater Management Plan, the applicant shall certify to the Department that the applicant has met or will meet all requirements of this division and all other City, county, state, and federal requirements related to erosion control and sediment prevention, surface water resource protection, and stormwater management applicable to the regulated construction activity.

(c) The Post Construction Stormwater Management Plan shall be developed by a professional engineer or landscape architect properly licensed to practice in the State of Michigan and shall include:

(1) The discharge location(s) for all post-construction stormwater runoff which will leave the development site, and the boundaries of the drainage area tributary to each discharge location;

(2) The boundaries of the development site, the common plan of development if applicable, and the regulated construction activity, clearly indicating areas of disturbance, the boundaries of any no-build or non-disturbance areas, all points of egress from the development site to a public right-of-way, and all easements and other encumbrances;

(3) The required calculations establishing compliance with the post construction stormwater management performance standards as set forth in Section 48-2-105 of this Code;

(4) The design specifications and calculations, construction details, and locations for all proposed stormwater control measures, whether located on the development site or elsewhere.

(5) The locations and descriptions of

all access drives easements necessary to allow for construction, inspection, operation and maintenance of all proposed stormwater control measures;

(6) An Operation and Maintenance Plan containing all required information and schedules as set forth in this Division; and

(7) A copy of all applicable state and federal permit applications related to erosion, water resource and stormwater management for the regulated project.

(d) One copy of the approved Post Construction Stormwater Management Plan shall be kept on file at the site of the regulated construction activity from the initiation of site preparation until a certificate of occupancy is issued for the development associated with the regulated construction activity.

(e) The Operation and Maintenance Plan shall be developed by a professional engineer or landscape architect properly licensed to practice in the State of Michigan and shall include maintenance requirements and protocols for each stormwater control measure, including an associated schedule of inspection and maintenance activities, and procedures and checklists for each stormwater control measure consistent with the provisions in the Stormwater Management Design Manual and a signed certification statement accented responsibility for the operation, maintenance and inspection of the stormwater control measures.

(f) A Post Construction Stormwater Management Plan shall include the preparation and property recording of all easements, deed restrictions, reservation of rights-of-way, or other protective covenants as are required to ensure sufficient access for purposes of maintenance, inspection, operation and repair or replacement of stormwater control measures, and to ensure that any future modification of the site is consistent with the provisions of the approved Post Construction Stormwater Management Plan, unless amendments or modifications to the Post Construction Stormwater Management Plan are approved by the Department.

(g) The Post Construction Stormwater Management Plan and applicable Operation and Maintenance Plan shall be referenced on a final plat site plan or as-built drawing, and shall be recorded with the Wayne County Register of Deeds Office upon final plat approval, and shall be provided to the Department within 14 days following receipt of the recorded document.

Sec. 48-2-107. Alternative compliance.

(a) An applicant may apply to the Department for an adjustment to all or part of the performance standards as outlined in Section 48-2-105, for the development site if the applicant demonstrates the presence of extraordinarily difficult site conditions, as defined in this division and as set forth in the Stormwater Management Design Manual.

(1) Extraordinarily difficult site conditions include, but are not limited to, one or more of the following:

a. The presence of sub-surface conditions, including soil contamination or shallow depth to bedrock or groundwater, that present significant and atypical technical requirements for mitigation, stormwater management measure design or installation or create a likelihood for subsurface pollutant plume transport; or

b. A measured infiltration rate of 0.20 inches per hour or less, as verified by procedures defined in the Stormwater Management Design Manual; or

c. Unique topographic or geologic conditions that would require site re-grading or re-contouring substantially different from typical and customary practices for the installation of stormwater control measures; or

d. Surface or subsurface conditions indicating a likelihood that basement flooding on properties other than the development site are reasonably foreseeable if stormwater control measures are installed; or

e. Conditions that would require pumping or other mechanical routing of stormwater in order to meet the performance standards of Section 48-2-105; or

f. Other conditions that, in the judgment of the Department, present a substantial barrier to the safe and/or effective construction or operation of stormwater control measures.

(2) In all cases, the applicant shall demonstrate, to the satisfaction of the Department, that the extraordinarily difficult site conditions cannot be overcome or mitigated through reasonable re-design of the regulated construction activity, or without substantial interference with the present or intended use of the development site.

(3) Any such application for a finding of extraordinarily difficult site conditions shall:

a. Quantify the degree to which the specific provisions of the performance standards set forth in 48-2-105, as applicable, can or cannot be met on the development site, using the analysis set forth in the Stormwater Management Design Manual;

b. For provisions of the performance standards set forth in 48-2-105 that can be met on the development site, detail the stormwater control measure to be constructed on site; and

c. For the provisions of the performance standards that cannot be met on the development site, specify the off-site alternative compliance measure(s) as outlined in 48-2-107(b)(1) through 48-2-107(b)(5) proposed to satisfy the requirements of this Code.

(b) An applicant may propose to use one or a combination of the following alternative compliance measures:

(1) The coincident construction by the applicant of the an off-site mitigation, where a stormwater control measure that treats stormwater runoff from impervious surfaces whose construction or reconstruction is not subject to the provisions of this division, runoff from the impervious surfaces is not already managed by stormwater control measures, and is approved by the Department under the procedures set forth in this division and in the Stormwater Management Design Manual;

(2) The legal assignment by the applicant of volume from an existing, approved alternative compliance measure(s); (3) Payment to the Department of a fee-in-lieu, in accordance with the procedures set for in the Stormwater Management Design Manual, and subsequent certification by the Department that sufficient volume has been assigned to the regulated construction activity to achieve compliance with the measurements of this division; or

(4) One or more alternative flood control methods as defined in the Stormwater Management Design Manual.

(c) Any person may make application to the Department for approval of the construction of stormwater control measures on lands located within the City to be authorized as alternative compliance measures, as defined in this division, subject to the following procedures and requirements:

(1) An applicant for such approval shall define the drainage area(s) to be treated by the alternative compliance measure and shall provide all relevant information, including demonstration of site control and an operation and maintenance plan, required by the Department as set forth in the Stormwater Management Design Manual.

(2) The design and construction of the alternative compliance measure shall meet all relevant standards for materials, design, safety, and other technical considerations in the Stormwater Management Design Manual.

(3) For each alternative compliance measure an applicant shall stipulate the amount of volume, if any, that shall be reserved for the applicant's own use or assignment, and the amount of volume, if any, assigned through fee-in-lieu payment. In issuing its approval, the Department shall state the amount of volume assigned to the alternative compliance measure, the volume within the alternative compliance measure reserved by the applicant for the applicant's own purposes, and the volume if any, assigned through fee-in-lieu payments.

(4) The applicant shall obtain all relevant and applicable City, state and federal permits as may apply to construction of the alternative compliance measure.

(5) Approval issued pursuant to this section shall be contingent upon the recording of both an easement on the land on which the off-site mitigation alternative compliance measure is constructed, and on the operation and maintenance plan for the alternative compliance measure. The operation and maintenance plan shall be fully consistent with the standards set forth in the Stormwater Management Design Manual.

(6) No portion of an alternative compliance measure may be utilized to satisfy the requirements of this division for a regulated construction activity unless explicitly approved by the Department in a Post Construction Stormwater Management Plan.

(d) No discharge from a regulated construction activity to a combined sewer area may be mitigated by the construction of an alternative compliance measure discharging to a separate storm sewer system.

Sec. 48-2-108. Performance bond.

(a) The Department reserves the right to require the Applicant to provide a performance bond or other financial guarantee in the amount of the estimated cost of construction of the stormwater control measures and all landscaping associated therewith for a duration of two years after the issuance of the certificate of occupancy to ensure that all stormwater control measures have been established and installed correctly and function as designed and permitted.

(b) The Department shall have the authority to require a performance bond or other financial guarantee of a greater or lesser amount, or duration of time, where such an adjustment is warranted to reflect unique site conditions or to ensure the function and performance of the stormwater control measures in the Post Construction Stormwater Management Plan.

(c) A final inspection and approval of the stormwater control measures by the Department, the Buildings, Safety Engineering and Environmental Department, or other authorized agent shall be issued before the release of the performance bonds or other financial guarantee.

Sec. 48-2-109. Maintenance required.

(a) Any stormwater control measure installed pursuant to this division shall be operated and maintained in accordance with the requirements of the approved Operations and Maintenance Plan and associated provisions in the Stormwater Management Design Manual.

(b) No area of land specified or designated to comply with the performance standards in this Division shall be altered in a manner which reduces or alters its infiltration rate, unless the Department approves an amendment to the previously approved Post Construction Stormwater Management Plan for the site, showing how the reduced or altered infiltration rate will be offset to maintain compliance with the performance standards specified in this division.

Sec. 48-2-110. Transfer of Property.

(a) Prior to the conveyance or transfer of any portion of a development site served by a stormwater control measure(s) pursuant to this division, the applicant shall provide the Department with evidence of transfer of the associated Operation and Maintenance Plan.

(b) The Operation and Maintenance Plan shall be binding on the record owner of the property or properties subject to the Post Construction Stormwater Management Plan and their owners, heirs and assigns.

Sec. 48-2-111. Record drawings and certification.

(a) Upon final stabilization of the site of a regulated construction activity, the applicant, professional engineer, or landscape architect duly licensed to practice in the State of Michigan and acting on the applicant's behalf, shall conduct a post-construction inspection and shall certify in writing that the completed project is in full compliance with the approved Post Construction Stormwater Management Plan.

(b) The Applicant or the Applicant's Designee shall submit as-built record drawings for all stormwater control measures to the Department, within 15 days of final stabilization of the site.

Sec. 48-2-112. Right of entry for compliance inspections.

The Department, Buildings, Safety Engineering, and Environmental Department or other authorized agent may enter

a property to inspect stormwater control measures during any phase of construction and operation of approved stormwater control measures when the Department, or its designee has a reasonable basis to believe that a violation of this division is occurring or has occurred, when necessary for abatement of a public nuisance, and to confirm correction of a violation.

Sec. 48-2-113. Periodic self-inspections required.

(a) Periodic inspections shall be conducted according to the Operation and Maintenance Plan by the applicant or the applicant's successors, heirs or assigns of the stormwater control measure(s) as set forth in the applicable Operations and Maintenance Plan.

(b) An inspection report, certified by a professional engineer or landscape architect properly licensed to practice in the State of Michigan, shall be provided to the Department according to the schedule in the operation and maintenance plan, commencing no more than twelve months after the date of issuance of a certificate of occupancy for the regulated construction activity, and occurring once every three years or stipulated period thereafter.

Sec. 48-2-114. Right of appeal.

(a) Any person whose legal rights, duties, or privileges are determined by the Department pursuant to this ordinance and who is aggrieved by the Department's determination, may appeal to the DWSD Stormwater Appeals Board for relief of that grievance. An appeal shall be made according to the procedure set forth in this chapter.

(b) The DWSD Stormwater Appeals Board shall be appointed by the Director of the Department and confirmed by the Board of Water Commissioners and shall consist of two engineers from the academic sector, two engineers from the private sector, and one stormwater management expert. Meetings of the DWSD Stormwater Appeals Board shall be in person and shall be open to all interested parties.

(c) An appeal shall be in writing, addressed to the DWSD Stormwater Appeals Board c/o the Detroit Water and Sewerage Department Stormwater Management Group, and must be received within 30 days of the determination that is the subject of the appeal. The appeal shall set forth the specific act or matter complained of and in dispute, and shall include all documentation that supports the appellant's position.

(d) Within 30 days of receipt of the appeal, the Department's Stormwater Management Group, or its designee, shall

acknowledge such receipt in writing, and shall set a date and time for an appellate hearing to be conducted in accordance with Department rules and procedures.

(e) The decision of the DWSD Stormwater Appeals Board shall be final and enforceable at law. A person aggrieved by a final decision of the DWSD Stormwater Appeals Board may seek judicial review of the decision by the Wayne County Circuit Court. A petition for judicial review shall be filed not later than 60 days following the receipt of the final decision of the DWSD Stormwater Appeals Board.

(f) An aggrieved person shall exhaust all administrative remedies provided in this Chapter before seeking judicial review.

Sec. 48-2-115. Notice.

(a) If any stormwater control measure is found upon inspection to be arranged, damaged, clogged, or in such disrepair as to impede, obstruct, or hinder the flow of surface water in a manner which conflicts with acceptable engineering practices, or if a planned and permitted stormwater control measure has not been installed per an approved Post Construction Stormwater Management Plan within 30 days of inspection, the certifying party shall give written notice to the Department of the conditions found, the actions necessary to bring conditions into conformance with the approved Operation and Maintenance Plan, and the timeframe for completion.

(b) If any condition referenced in Subsection (a) of this section, is found by the Department upon its own investigation, whether as a result of, or independent of, a period inspection report, the Department shall give written notice to the owner of the property of the findings specifying the problem, the actions necessary to bring conditions into conformance and the timeframe for completion, as well as the potential for additional action under civil penalty or other penalty or remedy in Section 48-2-117 of this Code.

Sec. 48-2-116. Civil penalty.

Whenever the Department has reasonable grounds to believe that any person is violating, or has violated, any requirement of this division, the Department may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin said person from discharging, or to obtain appropriate relief to remedy the violations. The Department or DWSD Board also may seek additional legal or equitable relief. The commencement of suit neither constitutes an exclusive election of remedies nor prohibits the Department, Director, Board, or City of Detroit from commencing action in federal court

for discharges believed to be in violation of this division, state or federal requirements contained in the Clean Water Act, the City's NPDES permit, or other applicable laws or requirements. In addition, the City may recover the reasonable attorney fees, court costs, court reporters' fees, and other usual expenses related to enforcement activities or litigation against the person found to have violated this division, or the orders, rules, regulations and permits issued hereunder.

Section 48-2-117. Fines.

All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the Detroit Water and Sewerage Department.

Section 48-2-118. Additional remedies.

(a) The Buildings, Safety Engineering & Environmental Department or other authorized agent may refuse to issue a certificate of occupancy for any regulated construction activity on a development site and served by stormwater control measures until such time as the applicant or other responsible person has taken remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(b) The Buildings, Safety Engineering, and Environmental Department may suspend or revoke any approvals granted for the development site upon discovery of the failure of the property owner, applicant or developer to comply with the provisions of this division.

(c) So long as a violation of this division continues and remains uncorrected, the Department, the Buildings, Safety Engineering, and Environmental Department or other authorized agent may withhold, and the Department, the Buildings, Safety Engineering and Environmental Department or other authorized agent may disapprove, any request for permit or site plan approval or authorization provided by this ordinance or the zoning, subdivision, or other building regulations, as appropriate for the land on which the violation occurs.

(d) The Department may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the general statutes or common law.

(e) If the violation is deemed dangerous or prejudicial to the public health or public safety, the Department may cause the violation to be corrected and the costs to be assessed as a lien against the property.

(f) By issuance of an order of restoration, the Department may require a person who engaged in a regulated construction activity and failed to comply with this division to restore the waters and land affected by such failure so as to minimize the detrimental effects of the resulting pollution. The authority is in addition to any other civil penalty or injunctive relief authorized under this ordinance. If failure to comply is deemed dangerous or prejudicial to the public health or public safety, the Department, may institute an action to cause the violation to be corrected and the costs to be assessed as a lien against the property.

Sec. 48-2-119 — 48-2-149. Reserved.

Section 2. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 3. This ordinance is hereby declared necessary to preserve the public

peace, health, safety and welfare of the People of the City of Detroit.

Section 4. In the event this ordinance is passed by a two-thirds (2/3) majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter. In the event that this ordinance is passed by less than a two-thirds (2/3) majority of the City Council Members serving, it shall become effective on the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with Section 4-118 of the 2012 Detroit City Charter.

(J.C.C. Page): November 10, 2020
Passed: November 24, 2020
Approved: November 25, 2020
Published: December 9, 2020
Effective: January 8, 2021

JANICE M. WINFREY
City Clerk