

DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN

PROPOSED ORDINANCE NO. 116.1

*PREAMBLE*

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE DELHI CHARTER TOWNSHIP ORDINANCE NO. 116 IN ACCORDANCE WITH THE PROVISIONS OF PART 91 OF THE SOIL EROSION AND SEDIMENTATION CONTROL, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT 451 OF PUBLIC ACTS OF 1994, MCL 324.9101 ET SEQ (AS AMENDED). SPECIFICALLY, TO AMEND SECTION VI "FINANCIAL GUARANTEE" TO PERMIT FOR WAIVER OR REDUCTION OF REQUIRED FINANCIAL GUARANTEES WHEN IT IS DETERMINED THAT THE SIZE AND SCOPE OF THE WORK PROPOSED IS SUCH THAT THE FURNISHING OF SUCH GUARANTEE WOULD BE DISPROPORTIONATELY COSTLY OR UNDULY BURDENSOME.

The Charter Township of Delhi, Ingham County, Michigan ordains:

**SECTION VI. FINANCIAL GUARANTEE.**

A Permit shall not be issued unless the permittee shall first post with the Township a bond executed by the landowner and a corporate surety with authority to do business in the State of Michigan as a surety or other security as may be required by this section.

The bond shall be in a form approved by the Township, payable to the Township and in the amount of the estimated total cost of all temporary and permanent soil erosion and sedimentation control measures, and an amount sufficient to assure installation and completion of corrective measures. The total cost shall be estimated by the Applicant and reviewed by the Township Department of Community Development. The bond shall include provisions for failure to complete the work on schedule as specified on the Permit. In lieu of a surety bond, the applicant may file with the Township an Irrevocable Letter of Credit in a form approved by the Township's attorney or cash deposit in the amount equal to that which would be required for the surety bond.

Every bond and instrument of credit shall include and every cash deposit shall be made conditioned upon the permittee's compliance with all of the provisions of this Ordinance and all of the terms and conditions of the Permit, and completion of all work contemplated under the Permit within the time limit specified in the Permit or Temporary Certificate of Occupancy, or, if no time limit is specified, within one hundred eighty (180) days after the date of the issuance of the Permit.

For Minor Projects and the construction of new single family residential homes, the Director or other designated person within the Department of Community Development may waive financial guarantees that would otherwise be required by this section. In addition, the Director may waive or reduce the financial guarantee otherwise required by this section if the Director determines that the size and scope of the work is such that the furnishing of such financial guarantee would be disproportionately costly or unduly burdensome to the Permittee. Waiver or

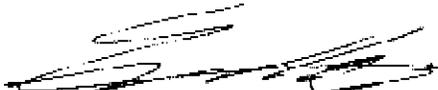
reduction of financial guarantees otherwise required by this section shall not relieve the permittee of compliance with the terms of the Permit or this Ordinance, nor shall such waiver be construed to limit the Township's enforcement options whatsoever.

**EFFECTIVE DATE.** This Ordinance shall become effective immediately after its adoption and publication as provided by law and approved by the Michigan Department of Environmental Quality.

AYES: Goodrich, Hayhoe, Hope, Krepps, Sweet, Ammon  
NAYES: None  
ABSENT: Ketchum

Adopted by the Delhi Charter Township Board of Trustees at a regular meeting held on the 6th day of August, 2008 at 7:30 p.m.

First Reading: 07/15/08  
First Publication: 07/20/08  
Second Reading: 08/06/08  
Second Publication: 08/10/08  
Effective Date: 08/10/08

  
Evan Hope, Clerk

  
Stuart Goodrich, Supervisor

STATE OF MICHIGAN)  
                                  )§  
COUNTY OF INGHAM)

I, Evan Hope, Clerk of the Charter Township of Delhi, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 116.1, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the 6<sup>th</sup> day of August, 2008, and that the same was published as required by law on the 20<sup>th</sup> day of July, 2008 and the 10<sup>th</sup> day of August, 2008 in the Holt Community Newspaper and the Ingham County Newspaper.

  
Evan Hope, Clerk

**DELHI CHARTER TOWNSHIP  
MINUTES OF REGULAR MEETING HELD ON JULY 15, 2008**

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**KREPPS MOVED TO APPROVE THE PROPOSAL FROM GABRIEL ROEDER SMITH & COMPANY FOR AN ACTUARIAL VALUATION OF RETIREE HEALTH CARE BENEFITS FOR DELHI CHARTER TOWNSHIP IN THE AMOUNT OF \$11,875.**

A Roll Call Vote was recorded as follows:

Ayes: Sweet, Ammon, Goodrich, Hayhoe, Hope, Ketchum, Krepps

**MOTION CARRIED**

**PARTIAL TOWNSHIP FUNDING OF DELHI NE/DEPOT STREET PROJECT**

The Board reviewed memorandums dated July 10, 2008 from Twp. Mgr. Elsinga and June 12, 2008 from Marian Frane, Director of Accounting (ATTACHMENT X).

**AMMON MOVED TO APPROVE PARTIAL FUNDING OF THE DOWNTOWN DEVELOPMENT AUTHORITY'S DELHI NE/DEPOT STREET PROJECT BY ASSUMING \$1 MILLION OF THE 2008 DOWNTOWN DEVELOPMENT BONDS, ALONG WITH A TRANSFER OF UP TO \$850,000 FROM THE TOWNSHIP SEWER FUND, FOR THE COST OF SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH SAID PROJECT.**

A Roll Call Vote was recorded as follows:

Ayes: Goodrich, Hayhoe, Hope, Ketchum, Krepps, Sweet, Ammon

**MOTION CARRIED**

**REVISED AGREEMENT FOR LOCAL ROAD IMPROVEMENTS BETWEEN THE BOARD OF INGHAM COUNTY ROAD COMMISSIONERS AND DELHI CHARTER TOWNSHIP**

The Board reviewed a memorandum dated July 11, 2008 from Twp. Mgr. Elsinga (ATTACHMENT XI).

**HAYHOE MOVED TO APPROVE THE REVISED AGREEMENT FOR LOCAL ROAD IMPROVEMENT BETWEEN THE BOARD OF INGHAM COUNTY ROAD COMMISSIONERS AND DELHI CHARTER TOWNSHIP FOR GILBERT GLENS SUBDIVISION, PINE DELL SUBDIVISION, PHILLIPS SUBDIVISION AND HEARTHSTONE SUBDIVISION AT A COST OF \$328,325.87 (TOWNSHIP'S SHARE BEING \$167,350.66 UTILIZING \$16,276.55 FROM THE GENERAL FUND).**

A Roll Call Vote was recorded as follows:

Ayes: Hayhoe, Hope, Ketchum, Krepps, Sweet, Ammon, Goodrich

**MOTION CARRIED**

**AMENDMENT TO TOWNSHIP ORDINANCE NO. 116 – SOIL EROSION AND SEDIMENTATION CONTROL, INTRODUCTION AND FIRST CONSIDERATION (PROPOSED TOWNSHIP ORDINANCE NO. 116.1)**

The Board reviewed memorandums dated July 9, 2008 from Twp. Mgr. Elsinga and July 10, 2008 from Tracy Miller, Director of Community Development (ATTACHMENT XII).

**DELHI CHARTER TOWNSHIP  
MINUTES OF REGULAR MEETING HELD ON JULY 15, 2008**

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**SWEET MOVED UPON INTRODUCTION AND FIRST CONSIDERATION, TO AMEND  
TOWNSHIP ORDINANCE NO. 116 – DELHI CHARTER TOWNSHIP SOIL EROSION  
AND SEDIMENTATION CONTROL (PROPOSED TOWNSHIP ORDINANCE NO. 116.1)**

Tracy Miller, Director of Community Development, stated that this amendment is to amend the recently adopted Soil Erosion and Sedimentation Control Ordinance. Currently, the ordinance reads that the Community Development Department will collect a performance guarantee or bond for anything that is not a minor project or the construction of a single family residential home.

It became apparent that the actual application of that provision of the ordinance is not reasonable or practical and was unduly burdensome to the applicant. J. Richard Robinson, Delhi Township Attorney, suggested that the Township begin the process of amending the ordinance. The amendment was provided to the Department of Environmental Quality and their approval has been granted. The amended ordinance will grant additional latitude on the size and scope of the work.

A Roll Call Vote was recorded as follows:

Aycs: Hope, Ketchum, Krepps, Sweet, Ammon, Goodrich, Hayhoe

**MOTION CARRIED**

**AGREEMENT BETWEEN DELHI TOWNSHIP AND TOM'S ADVANCED PAVING COMPANY  
FOR CONSTRUCTION OF SIDEWALKS ON HOLT ROAD FROM HEATHERTON DRIVE TO  
EIFERT ROAD**

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The Board reviewed a memorandum dated July 10, 2008 from Twp. Mgr. Elsinga (ATTACHMENT XIII).

**KETCHUM MOVED TO APPROVE THE AGREEMENT BETWEEN DELHI CHARTER  
TOWNSHIP AND TOM'S ADVANCED PAVING CO. FOR THE CONSTRUCTION OF  
SIDEWALKS ON WEST HOLT ROAD FROM HEATHERTON DRIVE TO EIFERT  
ROAD IN THE AMOUNT OF \$63,287.80.**

A Roll Call Vote was recorded as follows:

Ayes: Ketchum, Krepps, Sweet, Ammon, Goodrich, Hayhoe, Hope

**MOTION CARRIED**

**PROPOSAL FOR COST OF COMMUNITY SERVICES STUDY EXTENSION OF SERVICES –  
LSL PLANNING, INC.**

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The Board reviewed memorandums dated July 11, 2008 from Twp. Mgr. Elsinga and Tracy Miller, Director of Community Development (ATTACHMENT XIV).

**AMMON MOVED TO APPROVE THE PROPOSAL FROM LSL PLANNING, INC. FOR  
THE COST OF COMMUNITY SERVICES STUDY – EXTENSION OF SERVICES IN THE  
AMOUNT NOT TO EXCEED \$11,500.**

Tracy Miller, Director of Community Development, stated that after the presentation given by LSL on the Cost of Community Services Study at the May 7, 2008 Community of the Whole meeting,

## DELHI CHARTER TOWNSHIP

## MEMORANDUM

**TO:** Delhi Township Board Members

**FROM:** John B. Elsinga, Township Manager

**DATE:** July 9, 2008

**RE:** Amendment to Township Ordinance No. 116 – Delhi Charter Township Soil Erosion and Sedimentation Control, Introduction and First Consideration

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Enclosed for your review and first consideration is proposed Township Ordinance No. 116.1 which amends Township Ordinance No. 116 – Soil Erosion and Sedimentation Control (SESC).

For the last year, the Township has worked on developing our own soil erosion and sedimentation control program. On April 1, 2008 Township Ordinance No. 116, Soil Erosion and Sedimentation Control (SESC), went into effect and staff started implementing the SFSC Ordinance.

It has been several months now and staff is recommending we amend the SESC Ordinance to modify language regarding the requirement of collecting a financial guarantee for all projects disturbing more than 225 sq. ft. of earth. It has been determined that requiring a financial guarantee for all projects disturbing more than 225 sq. ft. may not always be reasonable and therefore should be modified to allow the Director of Community Development to determine whether or not to require or waive such requirement.

Our Township Attorney has prepared the necessary amendment language and the Michigan Department of Environmental Quality has approved this amendment. Therefore, I recommend the Board adopt the same.

**Recommended Motion:**

**Upon introduction and first consideration, to amend Township Ordinance No. 116 – Delhi Charter Township Soil Erosion and Sedimentation Control (Proposed Township Ordinance No. 116.1).**



Delhi Charter Township  
Department of Community Development

MEMORANDUM

TO: John B. Elsinga, Township Manager

FROM: Tracy L.C. Miller, Director of Community Development

DATE: Thursday, July 10, 2008

RE: Ordinance 116.1 – Soil Erosion & Sedimentation Control

Attached please find a recommended amendment to our recently adopted Soil Erosion & Sedimentation Control (SESC) Ordinance (Ordinance No. 116.1). As we previously discussed, our current ordinance language requires our office to collect a financial guarantee for most permitted projects, with the exception of "minor projects" (those that disturb less than 225 sq.ft of earth) and the construction of new single family homes. Very early on in the implementation of the SESC program it became apparent that requiring a performance guarantee is not reasonable in *many* situations that fall outside of this limited exception.

A good example can be found in one of our very first SESC applications. In this case, the residential property owner wanted to dig a 1 acre pond. The earth disturbance was obviously greater than 225 sq.ft. in size and therefore, our ordinance would require that I collect a financial guarantee in an amount sufficient to cover the cost of the SESC measures necessary to stabilize the site. In this case, because the excavated soils from the pond were spread over approximately 3 acres on the property, I would have had to collect a performance guarantee of approximately \$6,500 in order to cover the cost of seed and mulch on the disturbed portion of the site (3 acres x 43,560 sq.ft. = 130,680 sq.ft. x .05 per sq.ft. = \$6,534). There were multiple other similar examples that came to light pretty quickly. As a result, we determined that although it appeared reasonable in print the actual application of our ordinance language is not practical or reasonable in these situations.

That being said, we do want to reserve the right to require a financial guarantee in those instances where there is either 1) a history of non-compliance, or 2) the project scope and size that warrant it. To that end, we discussed the matter with Attorney Robinson and he has recommended that the language in the attached amendment be incorporated (see letter). We have also forwarded the attached amendment to the Michigan Department of Environmental Quality (MDEQ) for their consideration and approval. The MDEQ agrees with our assessment of the situation and has granted their approval of the amendment, which is required prior to Board action.

I will be happy to provide additional information about this proposed amendment, or share additional examples of it's application, if you believe that it would be helpful. Otherwise, I would respectfully request that you forward the attached, along with your concurrence, to the Township Board for their 1<sup>st</sup> consideration at the July 15<sup>th</sup> meeting. If you have any questions, please don't hesitate to ask. Thank you.

DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN

PROPOSED ORDINANCE NO. 116.1

**PREAMBLE**

*An Ordinance to amend certain sections of the Delhi Charter Township Ordinance No. 116 in accordance with the Provisions of Part 91 of the Soil Erosion and Sedimentation Control, Natural Resources and Environmental Protection Act, Act 451 of Public Acts of 1994, MCL 324.9101 et seq (as amended). Specifically, to amend Section VI "Financial Guarantee" to permit for waiver or reduction of required financial guarantees when it is determined that the size and scope of the work proposed is such that the furnishing of such guarantee would be disproportionately costly or unduly burdensome.*

The Charter Township of Delhi, Ingham County, Michigan ordains.

**SECTION VI. FINANCIAL GUARANTEE.**

A Permit shall not be issued unless the permittee shall first post with the Township a bond executed by the landowner and a corporate surety with authority to do business in the State of Michigan as a surety or other security as may be required by this section.

The bond shall be in a form approved by the Township, payable to the Township and in the amount of the estimated total cost of all temporary and permanent soil erosion and sedimentation control measures, and an amount sufficient to assure installation and completion of corrective measures. The total cost shall be estimated by the Applicant and reviewed by the Township Department of Community Development. The bond shall include provisions for failure to complete the work on schedule as specified on the Permit. In lieu of a surety bond, the applicant may file with the Township an Irrevocable Letter of Credit in a form approved by the Township's attorney or cash deposit in the amount equal to that which would be required for the surety bond.

Every bond and instrument of credit shall include and every cash deposit shall be made conditioned upon the permittee's compliance with all of the provisions of this Ordinance and all of the terms and conditions of the Permit, and completion of all work contemplated under the Permit within the time limit specified in the Permit or Temporary Certificate of Occupancy, or, if no time limit is specified, within one hundred eighty (180) days after the date of the issuance of the Permit.

For Minor Projects and the construction of new single family residential homes, the Director or other designated person within the Department of Community Development may waive financial guarantees that would otherwise be required by this section. In addition, the Director may waive or reduce the financial guarantee otherwise required by this section if the Director determines that the size and scope of the work is such that the furnishing of such financial guarantee would be disproportionately costly or unduly burdensome to the

Permittee. Waiver or reduction of financial guarantees otherwise required by this section shall not relieve the permittee of compliance with the terms of the Permit or this Ordinance, nor shall such waiver be construed to limit the Township's enforcement options whatsoever.

**EFFECTIVE DATE.** This Ordinance shall become effective immediately after its adoption and publication as provided by law and approved by the Michigan Department of Environmental Quality.

First Reading:  
First Publication:  
Second Reading:  
Second Publication:  
Effective Date:

\_\_\_\_\_  
Evan Hope, Clerk

\_\_\_\_\_  
Stuart Goodrich, Supervisor

I, Evan Hope, Clerk of the Charter Township of Delhi, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 116.1, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, 2008, and that the same was published as required by law on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2008 and the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2008 in the Holt Community Newspaper and the Ingham County Newspaper.

\_\_\_\_\_  
Evan Hope, Clerk

**J. RICHARD ROBINSON, P.C.**

Attorney and Counsellor at Law  
1690 Watertower Place, Suite 500A  
East Lansing, Michigan 48823

517-337-0100  
517-337-0102 Facsimile

April 29, 2008

*Transmitted Via Electronic Mail*

Ms. Tracy L. C. Miller  
Director of Community Development  
Delhi Charter Township  
2074 Aurelius Road  
Holt, Michigan 48842

Re: *Delhi Charter Township Soil Erosion and Sedimentation Control Ordinance*

Dear Ms. Miller:

In accordance with our recent telephone conference, I suggest that the following be added to the final paragraph of Section VI, "Financial Guarantee" [additional language in bold]:

\*\*\*

For Minor Projects and the construction of new single family residential homes, the Director or other designated person within the Department of Community Development may waive financial guarantees that would otherwise be required by this section. In addition, the Director may waive or reduce the financial guarantee otherwise required by this section if the Director determines that the size and scope of the work is such that the furnishing of such financial guarantee would be disproportionately costly or unduly burdensome to the Permittee. Waiver or reduction of financial guarantees otherwise required by this section shall not relieve the permittee of compliance with the terms of the Permit or this Ordinance, nor shall such waiver be construed to limit the Township's enforcement options whatsoever. (emphasis added)

Upon further review, I suggest that we leave the civil infraction provisions as they are, i.e., without amendment at this time.

Very truly yours,

J. RICHARD ROBINSON, P.C.

J. Richard Robinson

JRR/mjb

**DELHI CHARTER TOWNSHIP**  
**MINUTES OF REGULAR MEETING HELD ON AUGUST 6, 2008**

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**NEW BUSINESS**

**APPLICATION FOR PUBLIC FIREWORKS DISPLAY PERMIT – HOLT HOMETOWN, INC.**

The Board reviewed memorandums dated July 22, 2008 from Twp. Mgr. Elsinga and July 15, 2008 from Mark Jenks, Director of Parks and Recreation (ATTACHMENT IV).

**HAYHOE MOVED TO APPROVE THE APPLICATION FOR PUBLIC FIREWORKS  
DISPLAY PERMIT FROM HOLT HOMETOWN, INC. TO BE HELD ON AUGUST 23,  
2008 AT THE HOLT HOMETOWN FESTIVAL.**

A Roll Call Vote was recorded as follows:

Ayes: Sweet, Ammon, Goodrich, Hayhoe, Hope, Krepps

Absent: Ketchum

**MOTION CARRIED**

**DESIGNATION OF LAND DIVISION OFFICIAL FOR DELHI CHARTER TOWNSHIP**

The Board reviewed a memorandum dated July 30, 2008 from Twp. Mgr. Elsinga (ATTACHMENT V).

**AMMON MOVED TO DESIGNATE TRACY MILLER, DIRECTOR OF COMMUNITY  
DEVELOPMENT, AS THE LAND DIVISION OFFICIAL FOR DELHI CHARTER  
TOWNSHIP EFFECTIVE AUGUST 6, 2008.**

Twp. Mgr. Elsinga stated that the position of Land Division Official became vacant with the resignation of Steve Hudson, former Township Assessor and Tracy Miller, Director of Community Development, is more than qualified to perform this role.

A Roll Call Vote was recorded as follows:

Ayes: Ammon, Goodrich, Hayhoe, Hope, Krepps, Sweet

Absent: Ketchum

**MOTION CARRIED**

**AMENDMENT TO TOWNSHIP ORDINANCE NO. 116 – SOIL EROSION AND  
SEDIMENTATION CONTROL, SECOND CONSIDERATION (PROPOSED TOWNSHIP  
ORDINANCE NO. 116.1)**

The Board reviewed memorandums dated July 22, 2008 from Twp. Mgr. Elsinga and July 10, 2008 from Tracy Miller, Director of Community Development (ATTACHMENT VI).

**SWEET MOVED UPON SECOND CONSIDERATION, TO AMEND TOWNSHIP  
ORDINANCE NO. 116 – DELHI CHARTER TOWNSHIP SOIL EROSION AND  
SEDIMENTATION CONTROL (TOWNSHIP ORDINANCE NO. 116.1).**

A Roll Call Vote was recorded as follows:

Ayes: Goodrich, Hayhoe, Hope, Krepps, Sweet, Ammon

Absent: Ketchum

**MOTION CARRIED**

## DELHI CHARTER TOWNSHIP

**MEMORANDUM**

**TO:** Delhi Township Board Members

**FROM:** John B. Elsinga, Township Manager

**DATE:** July 22, 2008

**RE:** Amendment to Township Ordinance No. 116 -- Delhi Charter Township Soil Erosion and Sedimentation Control, Second Consideration

---

At the July 15, 2008 meeting, we introduced and the Board took first consideration on proposed Township Ordinance No. 116.1 which amends Township Ordinance No. 116 – Soil Erosion and Sedimentation Control (SESC).

For the last year, the Township has worked on developing our own soil erosion and sedimentation control program. On April 1, 2008 Township Ordinance No. 116, Soil Erosion and Sedimentation Control (SESC), went into effect and staff started implementing the SESC Ordinance.

It has been several months now and staff is recommending we amend the SESC Ordinance to modify language regarding the requirement of collecting a financial guarantee for all projects disturbing more than 225 sq. ft. of earth. It has been determined that requiring a financial guarantee for all projects disturbing more than 225 sq. ft. may not always be reasonable and therefore should be modified to allow the Director of Community Development to determine whether or not to require or waive such requirement.

Our Township Attorney has prepared the necessary amendment language and the Michigan Department of Environmental Quality has approved this amendment. Therefore, I recommend the Board adopt the same.

**Recommended Motion:**

**Upon second consideration, to amend Township Ordinance No. 116 – Delhi Charter Township Soil Erosion and Sedimentation Control (Township Ordinance No. 116.1).**



Delhi Charter Township  
Department of Community Development

MEMORANDUM

TO: John B. Elsinga, Township Manager

FROM: Tracy L.C. Miller, Director of Community Development

DATE: Thursday, July 10, 2008

RE: Ordinance 116.1 – Soil Erosion & Sedimentation Control

Attached please find a recommended amendment to our recently adopted Soil Erosion & Sedimentation Control (SESC) Ordinance (Ordinance No. 116.1). As we previously discussed, our current ordinance language requires our office to collect a financial guarantee for most permitted projects, with the exception of “minor projects” (those that disturb less than 225 sq.ft of earth) and the construction of new single family homes. Very early on in the implementation of the SESC program it became apparent that requiring a performance guarantee is not reasonable in *many* situations that fall outside of this limited exception.

A good example can be found in one of our very first SESC applications. In this case, the residential property owner wanted to dig a 1 acre pond. The earth disturbance was obviously greater than 225 sq.ft. in size and therefore, our ordinance would require that I collect a financial guarantee in an amount sufficient to cover the cost of the SESC measures necessary to stabilize the site. In this case, because the excavated soils from the pond were spread over approximately 3 acres on the property, I would have had to collect a performance guarantee of approximately \$6,500 in order to cover the cost of seed and mulch on the disturbed portion of the site (3 acres x 43,560 sq.ft. = 130,680 sq.ft. x .05 per sq.ft. = \$6,534). There were multiple other similar examples that came to light pretty quickly. As a result, we determined that although it appeared reasonable in print the actual application of our ordinance language is not practical or reasonable in these situations.

That being said, we do want to reserve the right to require a financial guarantee in those instances where there is either 1) a history of non-compliance, or 2) the project scope and size that warrant it. To that end, we discussed the matter with Attorney Robinson and he has recommended that the language in the attached amendment be incorporated (see letter). We have also forwarded the attached amendment to the Michigan Department of Environmental Quality (MDEQ) for their consideration and approval. The MDEQ agrees with our assessment of the situation and has granted their approval of the amendment, which is required prior to Board action.

I will be happy to provide additional information about this proposed amendment, or share additional examples of it's application, if you believe that it would be helpful. Otherwise, I would respectfully request that you forward the attached, along with your concurrence, to the Township Board for their 1<sup>st</sup> consideration at the July 15<sup>th</sup> meeting. If you have any questions, please don't hesitate to ask. Thank you.

DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN

PROPOSED ORDINANCE NO. 116.1

*PREAMBLE*

*An Ordinance to amend certain sections of the Delhi Charter Township Ordinance No. 116 in accordance with the Provisions of Part 91 of the Soil Erosion and Sedimentation Control, Natural Resources and Environmental Protection Act, Act 451 of Public Acts of 1994, MCL 324.9101 et seq (as amended). Specifically, to amend Section VI "Financial Guarantee" to permit for waiver or reduction of required financial guarantees when it is determined that the size and scope of the work proposed is such that the furnishing of such guarantee would be disproportionately costly or unduly burdensome.*

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Every bond and instrument of credit shall include and every cash deposit shall be made conditioned upon the permittee's compliance with all of the provisions of this Ordinance and all of the terms and conditions of the Permit, and completion of all work contemplated under the Permit within the time limit specified in the Permit or Temporary Certificate of Occupancy, or, if no time limit is specified, within one hundred eighty (180) days after the date of the issuance of the Permit.

For Minor Projects and the construction of new single family residential homes, the Director or other designated person within the Department of Community Development may waive financial guarantees that would otherwise be required by this section. In addition, the Director may waive or reduce the financial guarantee otherwise required by this section if the Director determines that the size and scope of the work is such that the furnishing of such financial guarantee would be disproportionately costly or unduly burdensome to the

Permittee. Waiver or reduction of financial guarantees otherwise required by this section shall not relieve the permittee of compliance with the terms of the Permit or this Ordinance, nor shall such waiver be construed to limit the Township's enforcement options whatsoever.

**EFFECTIVE DATE.** This Ordinance shall become effective immediately after its adoption and publication as provided by law and approved by the Michigan Department of Environmental Quality.

First Reading:  
First Publication:  
Second Reading:  
Second Publication:  
Effective Date:

\_\_\_\_\_  
Evan Hope, Clerk

\_\_\_\_\_  
Stuart Goodrich, Supervisor

I, Evan Hope, Clerk of the Charter Township of Delhi, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 116.1, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, 2008, and that the same was published as required by law on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2008 and the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2008 in the Holt Community Newspaper and the Ingham County Newspaper.

\_\_\_\_\_  
Evan Hope, Clerk

**J. RICHARD ROBINSON, P.C.**

Attorney and Counsellor at Law  
1690 Watertower Place, Suite 500A  
East Lansing, Michigan 48823

517 337-0100  
517-337-0107 Facsimile

April 29, 2008

*Transmitted Via Electronic Mail*

Ms. Tracy L. C. Miller  
Director of Community Development  
Delhi Charter Township  
2074 Aurelius Road  
Holt, Michigan 48842

Re: *Delhi Charter Township Soil Erosion and Sedimentation Control Ordinance*

Dear Ms. Miller:

In accordance with our recent telephone conference, I suggest that the following be added to the final paragraph of Section VI, "Financial Guarantee" [additional language in bold]:

\*\*\*

For Minor Projects and the construction of new single family residential homes, the Director or other designated person within the Department of Community Development may waive financial guarantees that would otherwise be required by this section. **In addition, the Director may waive or reduce the financial guarantee otherwise required by this section if the Director determines that the size and scope of the work is such that the furnishing of such financial guarantee would be disproportionately costly or unduly burdensome to the Permittee. Waiver or reduction of financial guarantees otherwise required by this section shall not relieve the permittee of compliance with the terms of the Permit or this Ordinance, nor shall such waiver be construed to limit the Township's enforcement options whatsoever. (emphasis added)**

Upon further review, I suggest that we leave the civil infraction provisions as they are, i.e., without amendment at this time.

Very truly yours,

J. RICHARD ROBINSON, P.C.

J. Richard Robinson

JRR/myb

101-215.00-902.000

\$203.88

**DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN  
NOTICE OF TOWNSHIP ORDINANCE ADOPTION  
TOWNSHIP ORDINANCE NO. 116.1**

**TO THE PEOPLE OF THE CHARTER TOWNSHIP OF DELHI:**

Pursuant to Section 8 of the Michigan Charter Township Act (MCL 42.8) PLEASE TAKE NOTICE that Ordinance No.116.1, was adopted by the Township Board on the 6th day of August, 2008 as follows:

**PREAMBLE**  
An Ordinance to amend certain sections of the Delhi Charter Township Ordinance No. 116 in accordance with the Provisions of Part 91 of the Soil Erosion and Sedimentation Control, Natural Resources and Environmental Protection Act, Act 451 of Public Acts of 1994, MCL 324.9101 et seq (as amended). Specifically, to amend Section VI "Financial Guarantee" to permit for waiver or reduction of required financial guarantees when it is determined that the size and scope of the work proposed is such that the furnishing of such guarantee would be disproportionately costly or unduly burdensome.

The Charter Township of Delhi, Ingham County, Michigan ordains:  
**SECTION VI. FINANCIAL GUARANTEE.**

A Permit shall not be issued unless the permittee shall first post with the Township a bond executed by the landowner and a corporate surety with authority to do business in the State of Michigan as a surety or other security as may be required by this section.

The bond shall be in a form approved by the Township, payable to the Township and in the amount of the estimated total cost of all temporary and permanent soil erosion and sedimentation control measures, and an amount sufficient to assure installation and completion of corrective measures. The total cost shall be estimated by the Applicant and reviewed by the Township Department of Community Development. The bond shall include provisions for failure to complete the work on schedule as specified on the Permit. In lieu of a surety bond, the applicant may file with the Township an Irrevocable Letter of Credit in a form approved by the Township's attorney or cash deposit in the amount equal to that which would be required for the surety bond.

Every bond and instrument of credit shall include and every cash deposit shall be made conditioned upon the permittee's compliance with all of the provisions of this Ordinance and all of the terms and conditions of the Permit, and completion of all work contemplated under the Permit within the time limit specified in the Permit or Temporary Certificate of Occupancy, or, if no time limit is specified, within one hundred eighty (180) days after the date of the issuance of the Permit.

For Minor Projects and the construction of new single family residential homes, the Director or other designated person within the Department of Community Development may waive financial guarantees that would otherwise be required by this section. In addition, the Director may waive or reduce the financial guarantee otherwise required by this section if the Director determines that the size and scope of the work is such that the furnishing of such financial guarantee would be disproportionately costly or unduly burdensome to the Permittee. Waiver or reduction of financial guarantees otherwise required by this section shall not relieve the permittee of compliance with the terms of the Permit or this Ordinance, nor shall such waiver be construed to limit the Township's enforcement options whatsoever.

**EFFECTIVE DATE.** This Ordinance shall become effective immediately after its adoption and publication as provided by law and approved by the Michigan Department of Environmental Quality.

EVAN HOPE, TOWNSHIP CLERK

LC6228

AFFIDAVIT OF PUBLICATION  
COMMUNITY NEWSPAPERS, INC.  
120 E. Lenawee  
Lansing, MI 48919  
State of Michigan, County of Ingham

IN THE MATTER OF: NOTICE

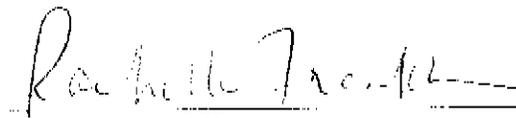
DELHI CHARTER TOWNSHIP

Rachelle Franklin

Being duly sworn, says that he/she is authorized by the publisher of Community Newspapers, Inc., to swear that a certain notice, a copy of which is annexed here to, was published in the following publication:

1. Published in the English language for the dissemination of general and/or legal news, and
2. Has a bonfide list of paying customers or has been published at least once a week in the same community without interruption for at least 2 years, and
3. Has been established, published and circulated at least once a week without interruption for at least one (1) year in the community where the publication is to occur.

HOLT COMMUNITY NEWS	8/10/08
INGHAM COUNTY COMMUNITY NEWS	8/10/08

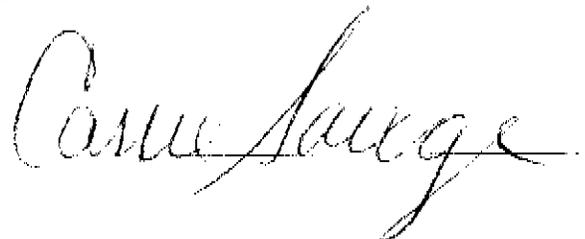
  
Rachelle Franklin

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10TH

DAY OF AUGUST, 2008

CARRIE A. SAVAGE  
NOTARY PUBLIC, STATE OF MICHIGAN, COUNTY OF EATON  
MY COMMISSION EXPIRES: SEPTEMBER 4, 2014  
ACTING IN THE COUNTY OF INGHAM

HONICCN-625825



**DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN  
NOTICE OF INTENT TO ADOPT  
TOWNSHIP ORDINANCE NO. 116.1**

PLEASE TAKE NOTICE that the following Ordinance No. 116.1 was introduced for consideration and adoption before the Township Board on the 15th day of July, 2008.

**PREAMBLE**

An Ordinance to amend certain sections of the Delhi Charter Township Ordinance No. 116 in accordance with the Provisions of Part 91 of the Soil Erosion and Sedimentation Control, Natural Resources and Environmental Protection Act, Act 451 of Public Acts of 1994, MCL 324.9101 et seq (as amended). Specifically, to amend Section VI "Financial Guarantee" to permit for waiver or reduction of required financial guarantees when it is determined that the size and scope of the work proposed is such that the furnishing of such guarantee would be disproportionately costly or unduly burdensome.

The Charter Township of Delhi, Ingham County, Michigan ordains:

**SECTION VI. FINANCIAL GUARANTEE.**

A Permit shall not be issued unless the permittee shall first post with the Township a bond executed by the landowner and a corporate surety with authority to do business in the State of Michigan as a surety or other security as may be required by this section.

The bond shall be in a form approved by the Township, payable to the Township and in the amount of the estimated total cost of all temporary and permanent soil erosion and sedimentation control measures, and an amount sufficient to assure installation and completion of corrective measures. The total cost shall be estimated by the Applicant and reviewed by the Township Department of Community Development. The bond shall include provisions for failure to complete the work on schedule as specified on the Permit. In lieu of a surety bond, the applicant may file with the Township an Irrevocable Letter of Credit in a form approved by the Township's attorney or cash deposit in the amount equal to that which would be required for the surety bond.

Every bond and instrument of credit shall include and every cash deposit shall be made conditioned upon the permittee's compliance with all of the provisions of this Ordinance and all of the terms and conditions of the Permit, and completion of all work contemplated under the Permit within the time limit specified in the Permit or Temporary Certificate of Occupancy, or, if no time limit is specified, within one hundred eighty (180) days after the date of the Issuance of the Permit.

For Minor Projects and the construction of new single family residential homes, the Director or other designated person within the Department of Community Development may waive financial guarantees that would otherwise be required by this section. In addition, the Director may waive or reduce the financial guarantee otherwise required by this section if the Director determines that the size and scope of the work is such that the furnishing of such financial guarantee would be disproportionately costly or unduly burdensome to the Permittee. Waiver or reduction of financial guarantees otherwise required by this section shall not relieve the permittee of compliance with the terms of the Permit or this Ordinance, nor shall such waiver be construed to limit the Township's enforcement options whatsoever.

The Township Board will hear proposed Ordinance No. 116.1 for adoption on Wednesday, August 6, 2008 at 7:30 p.m. in the Multipurpose Room, Community Services Center, 2074 Aurelius Road, Holt, Michigan.

Evan Hope, Township Clerk

L00228

101-215.00-902.000  
7/26/16

AFFIDAVIT OF PUBLICATION  
COMMUNITY NEWSPAPERS, INC.  
120 E. Lenawee.  
Lansing, MI 48919  
State of Michigan, County of Ingham

IN THE MATTER OF: NOTICE

DELHI CHARTER TOWNSHIP

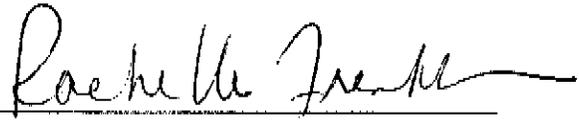
Rachelle Franklin

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HOLT COMMUNITY NEWS  
INGHAM COUNTY COMMUNITY NEWS

7/20/08  
7/20/08



Rachelle Franklin

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20TH

DAY OF JULY, 2008

CARRIE A. SAVAGE  
NOTARY PUBLIC, STATE OF MICHIGAN, COUNTY OF EATON  
MY COMMISSION EXPIRES: SEPTEMBER 4, 2014  
ACTING IN THE COUNTY OF INGHAM

HCNICCN-617001

