

# Pond

## **POND**

### Definition of Pond

Any open and substantially earthen artificial, manmade, or natural impoundment of water created, altered, or enhanced by, any excavation, cutting, stripping, grading, digging, filling, removal, or movement of any earth material, or by the installation of any dam, levy, or other retention device or structure which diverts the natural flow of water. A pond shall not include a swimming pool, landscaping pool or fountain comprised of an assemblage of materials (i.e., concrete, wood, plastic, vinyl, and/or masonry), whether permanent or temporary, portable or non-portable, above or below grade.

### Pond Regulations

The regulations set forth in this section are designed to outline the parameters under which ponds may be developed. The regulations are intended to protect the health, safety, and welfare of the township residents and others, as well as preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse impact on the existing township.

### General Provisions

- A. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to construct a pond within the township without first submitting site plan to the Planning Commission and a construction permit from the Township Building Administration.
- B. The pond shall be located on a parcel at least two (2) acres in total area.
- C. All ponds shall be considered accessory to the principal use.
- D. Ponds shall not exceed ten (10) percent of the total lot area on which they are situated or five (5) acres, whichever is less.
- E. The property owner will be required to excavate a test hole to determine the water table and appropriate depth of the pond. The property owner will contact the township building official to inspect the test hole within 48 hours of excavation to document the water table of the site.

### Design Requirements

- A. The submerged slopes of the body of water shall not exceed one (1) foot vertical drop to each four (4) feet horizontal to a depth of six (6) to a maximum depth of 15 feet.
- B. If constructed, berms may not exceed six (6) feet in height, with slopes one (1) foot vertical incline to each four (4) feet horizontal or less severe. Escape

ramps, constructed with flatter side slopes are required to provide a means for climbing out of the pond.

- C. Ponds located in Residential Districts that are deeper than 2' shall require a fence. Fence required must be 6 feet high for the protection of the general public.
  - 1. Appropriate lifesaving equipment such as ring buoys shall be placed near the pond and be easily seen and accessible for use during emergency, Appropriated warning signs will be provided and maintained.
- D. Ponds shall be a minimum of thirty-five (35) feet from property lines as measured from the property line to the beginning of the excavation nor one hundred fifty (150) feet from the front right-of-way, or closer than fifty (50) feet from the principal structure, or closer than one hundred (100) feet from any septic tank and/or septic field.
- E. Ponds shall be located at least thirty (30) feet from the edge of any easement.
- F. Ponds shall be located no closer than one hundred (100) feet from any on-site waste water system as measured from the nearest line of the system to the beginning of the excavation.
- G. All areas disturbed during construction shall be seeded with grassed and maintained in good condition to prevent erosion.
- H. The drainage of the site will preclude drainage of water onto adjacent properties or towards any building, and the natural drainage pattern of the area will remain unaffected. Drainage patterns shall be documented on the site plan for review and approval by the Township Planning Commission.
- I. Following completion of Pond, all weeds from pond edge to ten (10) feet out must be kept down. This includes the entire perimeter of the pond.

#### Applications and Review Procedures

- A. Applications shall be made to the Building Administrator. Applications shall contain the name and address of the applicant and property owner, legal description of the property upon which the pond is to be located, and a site plan submitted.
- B. Review of the application and site plan shall be subject to Site Plan Approval.
- C. Based on the review of the site plan and any other application materials, the Planning Commission may require additional information from and impose reasonable modifications upon the proposed pond. Modifications may include those necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve

natural resources, to insure compatibility with the adjacent land uses, and to prompt the use of the land in a socially and economical desirable manner.

- D. At the time of the application all required permits shall be obtained and presented to the Building Administration prior to submission of approval by the Township, including, but not limited to the following:
1. Lenawee County Drain Commission regarding proximity to a ditch, stream, river or floodplain.
  2. Lenawee County Health Department regarding proximity to site waste water systems.
  3. Lenawee County Road Commission regarding designated travel routes.
  4. Michigan Department of Environmental Quality regarding natural features such as wetlands.
  5. Contact MISS Dig.
- F. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless Clinton Township, its officials, agents and employees and all other Township residents from all matter of liability whatsoever, that may arise as a result of such pond construction. Also, the applicant shall have the duty and obligation to stop work and promptly notify Clinton Township Building Department at any time during such pond construction of any underground electrical line of conduit, telephone line, water line, drain tile or drain line, or any unidentified line, tile or conduit, and shall continue such work stoppage until an inspection or same can be made by said Building Department personnel.

#### Limitations

- A. The construction of the pond is to be completed within a six (6) month period.
- B. The property, as situated at the time of the application for a pond permit is made, not subsequently be split, divided, and/or partitioned in a manner which would result in nonconformance with the requirements contained herein;
- D. Pond construction shall not commence earlier than 7:00 a.m., and shall not continue after dusk.
- E. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies have jurisdiction.

#### Soil Removal Provisions

- A. Excavated soil intended for removal from the property shall be removed within one hundred twenty (120) days after the excavation is complete.
- B. The applicant may apply to the Planning Commission for one (1) extension under extenuating circumstances (i.e. long period of bad weather, which may occur in the winter or spring months).
- C. Proof of liability insurance with Clinton Township listed.

**REPEAL OF CONFLICTING ORDINANCES**

All ordinances and parts of ordinances in conflict herewith are hereby repealed. Any proceeding pending, including prosecutions for violations under any previous ordinance provision being repealed hereby, shall not be affected by this ordinance and may be continued pursuant to said previous ordinance provisions.

**EFFECTIVE DATE**

This ordinance shall take effect 30 days after publication following adoption.

This ordinance was offered for adoption by the Township Board Member Murphy and was seconded by Township Board Member Couture, the vote being as follows:

YEAS: ( 5 )  
NAYS: ( 0 )  
ABSENT: ( 0 )

A zoning regulating the development and use of land has been adopted by the legislative body of the township of Clinton to become effective November 18, 2017. A copy of the ordinance may be or inspected at the township hall during regular business hours.

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Basil Greenleaf  
Township Supervisor for the Township of Clinton

**CERTIFICATION OF ADOPTION AND PUBLICATION**

I, Cheryl Matzinger, duly elected Township Clerk, certify that the foregoing ordinance was properly enacted by the Township Board of the Township of Clinton, Lenawee County, Michigan on October 9, 2017 and that it was published in The Clinton Local on October 19, 2017.

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Cheryl Matzinger  
Township Clerk for the Township of Clinton