

VILLAGE OF LAKE ORION, MICHIGAN

CODE OF ORDINANCES

2020 S-11 Supplement contains local legislation current through Ord. 13.03, passed 11-3-20

Published by:

American Legal Publishing Corporation

525 Vine Street, Suite 310

Cincinnati, Ohio 45202

Tel: (800) 445-5588

Internet: <http://www.amlegal.com>

ADOPTING ORDINANCE

ORDINANCE NO. A-1

ENACTING AS AN ORDINANCE, A CODE OF ORDINANCES FOR THE VILLAGE OF LAKE ORION REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE VILLAGE DEALING WITH THE SUBJECTS EMBRACED IN SAID CODE.

WHEREAS, the present general ordinances of the Village of Lake Orion are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the Village; and

WHEREAS, the Acts of the State Legislature of the State of Michigan empower and authorize the Village Legislative Body of this Village to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published and to incorporate said ordinances into one ordinance in book form; and

WHEREAS, the Legislative Body of the Village of Lake Orion has authorized a general compilation, revision and codification of the ordinances of the Village of a general and permanent nature and publication of such ordinances in book form.

NOW, THEREFORE, BE IT ORDAINED by the Legislative Body of the Village of Lake Orion that:

SECTION 1: The general ordinances of the Village of Lake Orion as herein revised, amended, restated, codified, and compiled in book form are adopted as and shall constitute the "Code of Ordinances of the Village of Lake Orion."

SECTION 2: Said Code as adopted in Section 1 shall consist of the following titles, to-wit:

Title I General Provisions

Title III Administration

Title V Public Works

Title VII Traffic Code

Title IX General Regulations

Title XI Business Regulations

Title XIII General Offenses

Title XV Land Usage

Tables of Special Ordinances

Parallel References

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SECTION 3: All prior ordinances pertaining to the subjects treated in said Code shall be deemed repealed from and after the effective date of said Code except as they are included and reordained in whole or in part in said Code; provided such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of said Code, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching

territory, establishing franchises or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, naming or vacating or setting the boundaries of streets, alleys or other public places, nor to any other ordinance of a temporary or special nature or pertaining to subjects not contained therein.

SECTION 4: A synopsis of this Ordinance shall be published in accordance with the Charter of the Village of Lake Orion and this Ordinance shall become effective immediately upon the publication of said synopsis.

Made and passed this 25th day of March, 1996.

VILLAGE OF LAKE ORION

By: Harry K. Stephens /s/

President

Arlene M. Nichols /s/

Village Clerk

ORDINANCE NO. A-2

AN ORDINANCE ENACTING AND ADOPTING THE 1996 S-1 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE VILLAGE OF LAKE ORION WHICH WAS ADOPTED PURSUANT TO ORDINANCE NO. A-1.

THE VILLAGE OF LAKE ORION ORDAINS:

WHEREAS, the American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1996 Supplement to the Code of Ordinances of the Village of Lake Orion, which Supplement contains all ordinances of a general nature enacted since the Adoption of the Original Code of Ordinances of this municipality, pursuant to Ordinance A-1, which was made and passed on the 25th day of March, 1996; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Michigan Code; and

WHEREAS, said Supplement, 1996 S-1, includes the following Ordinances: A-1, 2.23, 7.08, 14.16, 18.14, 18.15, 18.16, 18.17, 18.18 and 36.03 and includes a cover sheet identified as **1996 S-1, Current through Ordinance 18.18, passed 6-24-96** and sheets identified as **1996 S-1 and 1996 S-1 Repl.**

WHEREAS, it is the intent of the Village Council to accept these updated sections in accordance with the changes of the law of the State of Michigan;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Lake Orion, State of Michigan:

SECTION 1. That the 1996 S-1 Supplement to the Code of Ordinances of the Village of Lake Orion, State of Michigan as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. A synopsis of this Ordinance shall be published in accordance with the Charter of the Village of Lake Orion and this Ordinance shall become effective immediately upon the publication of said synopsis.

Made and passed by the Village Council of the Village of Lake Orion this 12th day of November, 1996.

VILLAGE OF LAKE ORION

By: Harry K. Stephens /s/

President

Arlene M. Nichols /s/

Village Clerk

CERTIFICATION

I, Arlene M. Nichols, Clerk of the Village of Lake Orion, Michigan do hereby certify that the foregoing Ordinance A-2 was adopted at a Regular Meeting of the Village Council for the Village of Lake Orion held on the 12th day of November 1996, and that a synopsis thereof was published in accordance with the provisions of the Charter of the Village of Lake Orion in The Lake Orion Review, a newspaper circulated in the Village of Lake Orion, on the 20th day of November, 1996, said publication having been made within 15 days after the adoption of this Ordinance.

Arlene M. Nichols /s/

Village Clerk

ORDINANCE NO. A-5

AN ORDINANCE ENACTING AND ADOPTING THE 1997 S-2 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE VILLAGE OF LAKE ORION WHICH WAS ADOPTED PURSUANT TO ORDINANCE NO. A-1.

THE VILLAGE OF LAKE ORION ORDAINS:

WHEREAS, the American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1997 Supplement to the Code of Ordinances of the Village of Lake Orion, which Supplement contains all ordinances of a general nature enacted since the Adoption of the Original Code of Ordinances of this municipality, pursuant to Ordinance A-1, which was made and passed on the 25th day of March, 1996; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Michigan Code; and

WHEREAS, said Supplement, 1997 S-2, includes the following Ordinances: A-2, A-3, A-4, 7.09, 12.01, 12.02, 14.18, 18.19, 25.03, 25.04 and includes a cover sheet identified as **1997 S-2, Current through Ordinance 7.09, passed 6-23-97** and sheets identified as **1997 S-2**.

WHEREAS, it is the intent of the Village Council to accept these updated sections in accordance with the changes of the law of the State of Michigan;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Lake Orion, State of Michigan:

SECTION 1. That the 1997 S-2 Supplement to the Code of Ordinances of the Village of Lake Orion, State of Michigan as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. A synopsis of this Ordinance shall be published in accordance with the Charter of the Village of Lake Orion and this Ordinance shall become effective immediately upon the publication of said synopsis.

Made and passed by the Village Council of the Village of Lake Orion this 14th day of October, 1997.

VILLAGE OF LAKE ORION

By: Harry K. Stephen /s/

President

Arlene M. Nichols /s/

Clerk

CERTIFICATION

I, Arlene M. Nichols, Clerk of the Village of Lake Orion, Michigan do hereby certify that the foregoing Ordinance A-5 was adopted at a Regular Meeting of the Village Council for the Village of Lake Orion held on the 14th day of October 1997, and that a synopsis thereof was published in accordance with the provisions of the Charter of the Village of Lake Orion in The Lake Orion Review, a newspaper circulated in the Village of Lake Orion, on the 22nd day of October, 1997, said publication having been made within 15 days after the adoption of this Ordinance.

Arlene M. Nichols /s/

Clerk

ORDINANCE NO. A-6

AN ORDINANCE ENACTING AND ADOPTING THE 2000 S-3 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE VILLAGE OF LAKE ORION WHICH WAS ADOPTED PURSUANT TO ORDINANCE NO. A-1.

THE VILLAGE OF LAKE ORION ORDAINS:

WHEREAS, the American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2000 Supplement to the Code of Ordinances of the Village of Lake Orion, which Supplement contains all ordinances of a general nature enacted since the Adoption of the Original Code of Ordinances of this municipality, pursuant to Ordinance A-1, which was made and passed on the 25th day of March, 1996; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Michigan Code; and

WHEREAS, said Supplement, 2000 S-3, includes the following Ordinances: A-5, 2.24, 2.25, 2.26, 2.27, 2.28, 6.10, 16.12, 16.13, 16.14, 16.15, 18.20, 18.21, 18.22, 19.01, 19.02, 23.30, 38.02, corrections to Chapter 53, Sections 53.05, 53.08 and corrections to Chapter 155.

WHEREAS, it is the intent of the Village Council to accept these updated sections in accordance with the changes of the law of the State of Michigan;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Lake Orion, State of Michigan:

SECTION 1. That the 2000 S-3 Supplement to the Code of Ordinances of the Village of Lake Orion, State of Michigan as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. A synopsis of this Ordinance shall be published in accordance with the Charter of the Village of Lake Orion and this Ordinance shall become effective immediately upon the publication of said synopsis.

Made and passed by the Village Council of the Village of Lake Orion this 11th day of December, 2000.

VILLAGE OF LAKE ORION

By: Charles L. Viers /s/

President

Arlene M. Nichols /s/

Clerk

CERTIFICATION

I, Arlene M. Nichols, Clerk of the Village of Lake Orion, Michigan do hereby certify that the foregoing Ordinance A-6 was adopted at a Regular Meeting of the Village Council for the Village of Lake Orion held on the 11th day of December 2000, and that a synopsis thereof was published in accordance with the provisions of the Charter of the Village of Lake Orion in The Lake Orion Review, a newspaper circulated in the Village of Lake Orion, on the 20th day of December, 2000, said publication having been made within fifteen (15) days after the adoption of this Ordinance.

Arlene M. Nichols /s/

Clerk

ORDINANCE NO. A-7

AN ORDINANCE ENACTING AND ADOPTING THE 2007 S-4 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE VILLAGE OF LAKE ORION WHICH WAS ADOPTED PURSUANT TO ORDINANCE NO. A-1.

THE VILLAGE OF LAKE ORION ORDAINS:

WHEREAS, the American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2007 S-4 Supplement to the Code of Ordinances of the Village of Lake Orion, which Supplement contains all ordinances of a general nature enacted since the Adoption of the Original Code of Ordinances of this municipality, pursuant to Ordinance No. A-1, which was made and passed on the 25th day of March, 1996; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Michigan Code; and

WHEREAS, said Supplement, 2007 S-4, includes the following Ordinances: A-6, 2.29, 2.30, 2.31, 6.11, 6.12, 6.13, 7.10, 7.11, 8.04, 12.03, 12.04, 14.19, 16.16, 16.17, 18.23, 18.24, 18.25, 23.31, 23.32, 31.21, 31.22, 31.23, 31.24, 31.25, 33.02, 33.03, 36.04, corrections to Chapter 51, Section 51.04 and 51.05 corrections to Chapter 53, Section 53.04 of the Code of Ordinances, Resolutions regarding Sections 3.2, 5.3 and 5.4 of the Village Charter.

WHEREAS, it is the intent of the Village Council to accept these updated sections in accordance with the changes of the law of the State of Michigan;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Lake Orion, State of Michigan:

SECTION 1. That the 2007 S-4 Supplement to the Code of Ordinances of the Village of Lake Orion, State of Michigan as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. A synopsis of this Ordinance shall be published in accordance with the Charter of the Village of Lake Orion and this Ordinance shall become effective immediately upon the publication of said synopsis.

Made and passed by the Village Council of the Village of Lake Orion this 10th day of December, 2007.

VILLAGE OF LAKE ORION

By: Robert Reetz /s/

Robert Reetz, President

Arlene M. Nichols /s/

Arlene M. Nichols, Clerk

CERTIFICATION

I, Arlene M. Nichols, Clerk of the Village of Lake Orion, Michigan do hereby certify that the foregoing Ordinance A-7 was adopted at a Regular Meeting of the Village Council for the Village of Lake Orion held on the 10th day of December 2007, and that a synopsis thereof was published in accordance with the provisions of the Charter of the Village of Lake Orion in The Lake Orion Review, a newspaper circulated in the Village of Lake Orion, on the 19th day of December, 2007, said publication having been made within fifteen (15) days after the adoption of this Ordinance.

Arlene M. Nichols /s/

Arlene M. Nichols, Clerk

TITLE V: PUBLIC WORKS

Chapter

- 50. GARBAGE
- 51. SEWAGE DISPOSAL SYSTEM
- 52. INDUSTRIAL SEWER REGULATIONS
- 53. WATER

CHAPTER 50: GARBAGE

Section

- 50.01 Permission needed for garbage collection
- 50.02 Exclusive contracts
- 50.03 Clean premises must be maintained
- 50.04 Collection regulations
- 50.05 Service charge
- 50.06 Violations

§ 50.01 PERMISSION NEEDED FOR GARBAGE COLLECTION.

No firm, person or corporation shall collect garbage, rubbish or trash from any residence within the village without first obtaining permission from the Village Council.

(Ord. 10.01, passed 10-11-71)

§ 50.02 EXCLUSIVE CONTRACTS.

The Village Council may grant an exclusive contract to one or more firms, persons or corporations for the collection of garbage, trash and rubbish within the Village of Lake Orion, or any part thereof; provided, however, that any such agreement or contract executed pursuant to the terms hereof shall be for a period of not longer than five years. The terms, provisions and conditions of any such agreement or contract shall be within the discretion of the Village Council.

(Ord. 10.01, passed 10-11-71)

§ 50.03 CLEAN PREMISES MUST BE MAINTAINED.

It shall be the duty of every person whether owner, lessee or renter of any vacant lot, building or premises, including a place of business, hotel, restaurant, apartment house, or other establishments to maintain the premises in a clean, orderly condition. No person shall deposit garbage or refuse matter which may become offensive or dangerous to public health in any alley, street or other public place within the village limits or in any place or manner where it may become dangerous or offensive to public health.

(Ord. 10.01, passed 10-11-71)

§ 50.04 COLLECTION REGULATIONS.

The following regulations shall govern the collection of garbage, trash or rubbish:

(A) In all areas wherein garbage, trash or rubbish is collected by collectors pursuant to contract with the village, garbage, trash or rubbish shall be set out in proper waste containers on collection days prior to 6:00 a.m. and placed between the sidewalk and the curb. No garbage, trash or rubbish shall be set out for collection by said contracted collectors except garbage, trash or rubbish which shall be generated by the residential or commercial unit upon which the service charge provided for in § 50.05 is imposed. It shall be the duty of every person, firm or corporation setting containers out for collection by said contracted collectors to remove empty containers from the curb area promptly after the same have been emptied. In no event shall containers be placed at the curb area for a period longer than 24 hours.

(B) It shall be the duty of every householder to provide himself with a proper container or containers sufficient in number for holding the waste accumulated between regular collections. The containers shall be not more than 20 gallons in size and when filled, shall not weigh more than 50 pounds.

(C) Containers shall have covers to prevent the scattering of contents.

(D) The Village Council shall have the authority to pass any further regulations necessary to carry out the provisions and intent of this chapter by resolution of the Council.

(Ord. 10.01, passed 10-11-71; Am. Ord. 10.10, passed 10-13-92)

§ 50.05 SERVICE CHARGE.

(A) A service charge is hereby imposed upon each home, apartment, or residential living unit located within the service area wherein garbage, trash, or rubbish is collected by collectors pursuant to contract with the Village. The service charge is also hereby imposed upon each commercial unit located within the service area that uses the services of the contracted collector in accordance with contractual provisions. The service charge shall be in the amount of \$33.30 per quarter to be billed on a quarterly basis. Any portion thereof will be billed at \$11.10 per month.

(B) Failure of any person, firm or corporation to pay the service charge shall constitute a violation of this chapter and subject said person to the penalties contained herein and in addition thereto said person, firm or corporation shall be liable in a civil action for damages and the Village Council at its discretion may impose a lien against the property and collect same in the same manner as provided for the collection of real estate taxes.

(C) In the event a tenant or lessee is the occupant and fails, refuses or neglects to pay the service charge as contained herein, the owner of said premises shall after notice by the Village Clerk be jointly responsible with the tenant or lessee for all charges falling due after said notice.

(Ord. 10.01, passed 10-11-71; Am. Ord. 10.10, passed 10-13-92)

§ 50.06 VIOLATIONS.

Any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of § 10.99(A)(2).

(Ord. A-3, passed 1-13-97)

CHAPTER 51: SEWAGE DISPOSAL SYSTEM

Section

General Provisions

- 51.01 Title
- 51.02 Definitions
- 51.03 Outside privies
- 51.04 Storm water system
- 51.05 Use of sewage disposal laterals
- 51.06 Prior existing connections
- 51.07 Industrial and commercial discharge
- 51.08 House connection sewer
- 51.09 Connection to laterals required
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51.65 Discharge prohibitions

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51.71 Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices

51.72 Watercourse protection

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51.76 Cost of abatement of the violation

51.77 Injunctive relief

51.78 Compensatory action

51.79 Violations deemed a public nuisance

51.80 Violations

51.81 Remedies not exclusive

Cross-reference:

Industrial sewer regulations, see Ch. 52

GENERAL PROVISIONS

§ 51.01 TITLE.

This chapter shall be known and may be cited as the "Village of Lake Orion Extensions of the Paint Creek Interceptor."
(Ord. 23.01, passed 9-28-70)

§ 51.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AREA. The area served by the laterals shall be deemed to be the entire Village of Lake Orion including the area served contiguous with the village boundaries located in the Township of Orion in agreement with the Township of Orion.

CAPITAL CHARGE. The amount charged at the time and in the amount hereinafter provided to each premises in the area served by the laterals for connecting or being connected to the new construction or to existing laterals and represents the proportionate cost allocable to such premises for the trunk and treatment facilities by which sewage disposal services are immediately provided to said areas.

CHARGES FOR SEWAGE DISPOSAL SERVICES. The amount charged to each premises in the area by the laterals for sewage disposal service which may include a debt service factor.

COUNCIL. The Village Council of the Village of Lake Orion, the legislative and governing body thereof.

COUNTY. The County of Oakland, Michigan.

DWELLING. Any building or portion thereof which is designed or used exclusively for residential purposes.

DWELLING GROUP. A group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in common ownership and having yards and courts in common.

DWELLING, MULTIPLE. A building having three or more dwelling units.

DWELLING, ONE-FAMILY. A detached building having one dwelling unit.

DWELLING, TWO-FAMILY. A detached building having two dwelling units.

DWELLING UNIT. Any building or portion thereof which is designed or used for one family exclusively for residential purposes, and having cooking facilities.

FAMILY. One or more persons living together in one dwelling unit and interrelated by bonds of marriage, blood or legal adoption. A **FAMILY** is distinguished from a group occupying a rooming house, boarding house, lodging house, club, fraternity house, hotel, motel, tourist home, or foster care group home.

INSPECTION, APPROVAL AND TAP FEE. The amount charged to each applicant by the village to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

LATERAL BENEFIT FEE. The amount charged at the time and in the amount hereinafter provided to each premises in the area served by the Laterals for the availability to directly serve said premises by the new construction facilities of the system and represents the proportionate cost allocable to such premises for the lateral service made directly available to the premises by the new construction.

NEW CONSTRUCTION. The laterals to be construed pursuant to contract dated May 25, 1970, between the County of Oakland and the Village of Lake Orion and any and all future extensions of the Paint Creek Interceptor Disposal System which are being built or may be built by the County under contract with the village now or hereafter.

PREMISES. The lands included within the boundaries of a single description as set forth from time to time on the general tax rolls of the village as a single item in the name of the taxpayer or taxpayers at one address whether such property be taxable or exempt from taxation, but in the case of platted lots shall be limited to a single platted lot unless a building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance now or hereafter. In the event single descriptions are combined so that a new description is set forth on the general tax rolls of the village as a single item, such combination shall not abate the obligation to continue payment of capital or lateral charges to each premises existing prior to the combination.

SEWAGE DISPOSAL LATERALS and LATERALS. The Lake Orion extrusions of the Paint Creek interceptor established under Public Act 185 of 1957, as amended, being M.C.L.A. §§ 46.171 through 46.185, to be constructed by the County under a certain contract dated May 25, 1970, between the County of Oakland and the Village of Lake Orion, together with all additions and extensions of such new construction as are hereinafter defined and additions and extensions thereto.

SEWAGE DISPOSAL SERVICE. Refers to the collection, transportation, treatment, and disposal of sanitary sewage emanating from premises now or hereafter in the area served by the sewage disposal laterals.

SYSTEM. The entire sanitary sewer disposal system located within the Village of Lake Orion.

UNIT. That quantity of sanitary sewage ordinarily arising from the occupancy of a residential building by a single family of ordinary size. The number of units or fractional parts thereof to be assigned to types or determined by the Council from time to time, as herein after provided. The determination of units shall be based upon studies relative to the quantity of sewage generated by different types of use and occupancy of premises and shall be kept up-to-date and revised as needed and as new studies are made and through experience gained by the village in the actual operation of the Sewage Disposal System.

VILLAGE. The Village of Lake Orion, Michigan.

(Ord. 23.01, passed 9-28-70; Am. Ord. 23.13, passed 6-12-78; Am. Ord. 23.14, passed 1-8-79; Am. Ord. 23.16, passed 9-14-81)

§ 51.03 OUTSIDE PRIVIES.

No privies or outdoor toilets shall be allowed, constructed, or used within the village.

(Ord. 145, passed 5-23-66) Penalty, see § 10.99

§ 51.04 STORM WATER SYSTEM.

(A) *Authority.* The Village Council shall have authority to authorize the design and construction of a storm water system.

(B) *Storm water system.* The storm water system shall include, but not be limited to, pumping stations, catch basins, pipes and retention ponds.

(C) *Tap in fee.* All applicants applying for hook-up to the storm water system shall pay a tap in fee to the village. The tap in fee shall be equal to the cost the village incurs in designing and constructing the system. The tap in fee shall include all engineering costs and the cost of all off site improvements.

(Ord. 29.01, passed 4-8-85) Penalty, see § 10.99

§ 51.05 USE OF SEWAGE DISPOSAL LATERALS.

All sewage disposal laterals shall be used for the collection and transportation of sanitary sewage only. Yard drains, patio drains, catch basins, downspouts, footing drains, weep tile, water cooled refrigeration and/or water cooled air condition, or any conduit that carries storm or ground water along or in combination with sanitary sewage shall not be connected to the laterals directly or indirectly

(Ord. 23.01, passed 9-28-70) Penalty, see § 10.99

§ 51.06 PRIOR EXISTING CONNECTIONS.

(A) Perimeter and footing drains from buildings existing on or before July 1, 1970 that were legally permitted and connected to a sanitary sewer system in the village prior to July 1, 1970 shall not be required to disconnect from the sanitary sewer system; providing however, that roof waters from the buildings permitted and connected in accordance with this section shall not discharge into any flower or shrub bed adjacent to the building wall nor upon the ground within five feet of the building wall. Where local setback, side yard or rear yard requirements result in the building being located less than five feet from the property line, then the downspout shall be discharged in a manner approved by the local building inspector. The downspout piping used in connection with roof waters from the buildings permitted under this section shall be affixed to the building and installed in such a manner as shall be approved by the Village Manager or his designated representative.

(B) The surface of the ground around such buildings permitted and connected in accordance with this division shall be sloped in such a manner as to provide positive drainage of all roof and surface waters away from the building. The slopes shall be uniform and shall be such that the elevation of the surface of the ground at a point ten feet from the base of the building is a minimum of six inches lower than the ground elevation at the base of the building wall. Where local setback, side yard, or rear yard requirements would result in the building being located less than ten feet from the property line, then the surface water of the ground shall slope away from the building wall at a uniform minimum slope of 5/8 inch per foot and in a manner approved by the local building inspector.

(Ord. 23.01, passed 9-28-70) Penalty, see § 10.99

§ 51.07 INDUSTRIAL AND COMMERCIAL DISCHARGE.

All industrial and commercial waste may be discharged into the system only when in compliance with the standards and regulations of the Oakland County Department of Public Works and in compliance with standards and regulations as established by the City of Detroit.

(Ord. 23.01, passed 9-28-70) Penalty, see § 10.99

§ 51.08 HOUSE CONNECTION SEWER.

(A) The house connection sewer extending from the lateral sewer in the street or easement to within five feet from the house or other building from which sewage emanated shall be:

(1) Six-inch full diameter Extra Strength Vitrified Sewer Pipe manufactured in accordance with current N.C.P.I. Designation ER 4-67 Standards, or equal with Oakland County Department of Public Works approved premium joint; or

(2) Six-inch diameter Class 2400 Asbestos Cement Pipe with ring-tite, fluid-tite or Oakland County Department of Public Works approved joint; or

(3) Six-inch diameter service strength cast iron soil pipe with hot poured lead joint, or Oakland County Department of Public Works approved equal; or

(4) Other pipe and joints as may be approved by the Oakland County Department of Public Works.

(B) Copies of the Oakland County Department of Public Works approved joints shall be on file at the office of the village.

(C) All house connection sewers shall be six-inch minimum diameter, except that four-inch pipe of comparable strength and joint material may be used when such meets all requirements of the Oakland County Department of Public Works and of the village. All joints shall be tight and when tested for infiltration or exfiltration, shall not exceed the requirements of the Oakland County Department of Public Works. Copies of such rules and regulations shall at all times be kept in the office of the village.

(D) The iron pipes inside any building or structure shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement, if any, backfilled and the roof is on said building thereby preventing water from entering the sanitary sewer from the excavated basement or other excavated area beneath said building.

(E) The sewer lateral pipe from the property line to the building on private property shall be installed, repaired and maintained by the owner of the premises. Blockages caused or damages caused by the property owner to the Village's lateral from the main to the property line is also the property owner's responsibility.

(Ord. 23.01, passed 9-28-70; Am. Ord. 23.38, passed 2-10-20) Penalty, see § 10.99

§ 51.09 CONNECTION TO LATERALS REQUIRED.

(A) Premises in the areas served by the sewage disposal laterals which abut upon or are crossed by existing facilities or new construction or extensions of either from which sewage emanates, shall not be used or occupied after the effective date hereof unless said premises shall be connected to the laterals; provided, however that such premises shall be connected to said laterals within 12 months after the laterals immediately serving such premises are completed and approved for service.

(B) Permits to improve platted or unplatted premises after the effective date hereof, which premises are within the area served by the laterals and which abut upon existing facilities or new construction or extensions of either shall not be approved or issued on behalf of the village and none of said premises shall be improved hereafter by the erection thereupon of a building or structure for human use or occupancy, unless said premises are connected to that part of the system available for service to such premises.

(C) Divisions (A) and (B) of this section are subject to the provisions and conditions of Public Act 151 of 1961, as amended, being M.C.L.A. §§ 123.191 through 123.195, and the village Charter.

(Ord. 23.01, passed 9-28-70) Penalty, see § 10.99

§ 51.10 MANAGEMENT OF THE SYSTEM.

The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the Village Council and administered by the Village Manager. The Village Manager may employ such person or persons in such capacity or capacities as he deems necessary to carry on the efficient management and operation of the System and may make such rules, orders and regulations as he deems advisable and necessary to assure the efficient management and operation of the system with the approval of the Village Council.

(Ord. 23.01, passed 9-28-70)

§ 51.11 ENFORCEMENT.

The provisions of this chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this chapter is deemed to be a nuisance per se.

(Ord. 23.01, passed 9-28-70) Penalty, see § 10.99

§ 51.12 VILLAGE RESERVATION OF RIGHTS.

The village specifically reserves the right to amend this chapter in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease or otherwise modify the fees, charges or rates herein provided with the understanding, however, that the adoption of this chapter or its subsequent amendment or repeal shall in no wise change, relieve or release the contractual and legal obligation of the village to make the required payments to the County of Oakland under and as set forth in any contract pertaining to the Paint Creek Interceptor Sewage

Disposal System, the Lake Orion Extensions of the Paint Creek Interceptor Sewage Disposal System, and any improvements, extensions and enlargements thereof or under applicable law, or relieve or release the contractual and legal obligation pursuant to said contract and applicable law to levy a tax or to use any other means or available funds to make the required payments to the county, and this chapter shall not be deemed to be a part of any contractual obligation or bond contract pertaining to the laterals.

(Ord. 23.01, passed 9-28-70)

FEES AND CHARGES

§ 51.25 CAPITAL CONNECTION CHARGE

(A) Owners of premises within the area served by the laterals from which sanitary sewage emanates on the date of enactment hereof and which premises are hereafter connected to the system, shall pay a capital charge for connection to the system in an amount to be established by resolution of the Village Council at a regular meeting after public hearing per connection, if paid in cash at the time of obtaining a connection permit from the village. The owner may elect to pay cash at the time of obtaining a connection permit or may elect to defer the payment of such charge over a period of 20 equal payments in which event the amount to be paid over such period shall be an additional 50% per connection. Any owner electing to pay the capital charge on a time-payment plan may, at any time, prepay the unpaid balance of such capital charge with a 33 1/3% discount on the then remaining balance due and owing.

(B) Owners of premises within the area served by the laterals upon which buildings or structures having sanitary or industrial sewage facilities are hereafter constructed, from which sewage shall emanate and which premises are connected to the system, shall pay a capital charge to the system in an amount to be established by resolution of the Village Council at a regular meeting after public hearing per unit or portion thereof, as determined by the Oakland County Department of Public Works "Schedule of Unit Assignment Factors, July 1, 1998," in cash, at the time of obtaining a connection permit from the village. The County Schedule of Unit Assignment Factors shall remain on file for public inspection in the office of the Village Clerk.

(C) Owners of premises within the area served by the laterals upon which structures or buildings are located and for which provision has been made for the connection to the system shall be obligated to pay the applicable capital charge for connection to the system on the basis of a deferred payment of such charge over a period of 20 equal payments. This charge shall be an obligation regardless of whether the buildings or structures are connected to the system and a subsequent change in the character of the use or type of occupancy of the premises (including destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of this capital charge.

(Ord. 23.01, passed 9-28-70; Am. Ord. 23.11, passed 5-23-77; Am. Ord. 23.23, passed 2-10-86; Am. Ord. 23.26, passed 11-27-89; Am. Ord. 23.30, passed 3-22-99; Am. Ord. 23.34, passed 11-9-15)

Cross-reference:

Charges and fees as a lien, see §51.32

§ 51.26 LATERAL BENEFIT FEE.

(A) Owners of premises within the area served by the laterals from which sewage emanates on the date of enactment hereof and which premises are crossed by or abut upon the new construction or which abut upon or are crossed by existing laterals other than those existing laterals previously installed as part of a Special Assessment District or installed and financed at private cost shall pay a lateral benefit fee upon connecting to the system in an amount established by resolution of the Village Council at a regular meeting after public hearing per connection, if paid in cash at the time of obtaining a connection permit from the village. The owner may elect to pay cash at the time of obtaining a connection permit or may elect to defer the payment of such charge over a period of 20 equal annual installments, in which event the amount to be paid over such period shall be an additional 50% per connection. Any owner electing to pay the lateral benefit fee on a time-payment plan may at any time thereafter prepay the unpaid balance of such lateral benefit fee with a 33 1/3% discount on the then remaining balance due and owing. In case of a commercial account or multi-family account, the connection fee will be an amount established by resolution of the Village Council at a regular meeting after public hearing, if paid in cash at the time of obtaining a connection permit, and an additional 50% to defer the payment of such charge over 20 equal annual installments.

(B) Owners of premises within the area served by the laterals upon which buildings or structures having sanitary or industrial sewage facilities are hereafter constructed and from which sewage shall emanate and which premises are crossed by or abut upon the new construction or which abut or are crossed by existing laterals, other than those existing laterals previously installed as a part of a Special Assessment District or installed and financed at private cost shall pay a lateral benefit fee upon connecting to the system in an amount established by resolution of the Village Council at a regular meeting after public hearing per connection, in cash, at the time of obtaining a connection permit from the village and prior to the issuance of any construction permit for the erection of buildings or structures on the land.

(C) Owners of premises within the area served by the laterals upon which structures or buildings are located and for which provision has been made for connection to the system and which premises are crossed by or abut upon the new construction or which abut upon or are crossed by existing laterals other than those existing laterals previously installed and financed at private cost, and which premises are not connected to the system shall be billed for the applicable lateral benefit fee for connection to the system on the basis of a deferred payment of such charge over a period of 20 equal payments.

Subsequent changes in the character of the use or type of occupancy of the premises (including destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of the lateral benefit.

(D) (1) In the event a premises cannot be served by gravity due to the elevation of the sewer, it shall be necessary for the owner to install a grinder or non-grinder pump meeting the specifications of this section to facilitate the proper discharge of the sewage from the premises. The minimum specifications for the grinder pump shall be adopted and may be amended by resolution of the Village Council and will be available at the Village Hall. All installations shall meet these minimum specifications and current state, county and village requirements, as determined by the Village Manager after consulting with the Village Engineers.

(2) Only the premises not able to be served by gravity as determined by the Village Consulting Engineers shall be allowed to utilize the grinder pump.

(3) Non-grinder pumps must be capable of passing three inch or larger spheres and pump suction and discharge openings must be at least four inches in diameter, or meet current state, county and village requirements as determined by the Village Manager after consulting with the Village Engineers. It is hereby provided further that the village shall provide to owners, upon request, detailed specifications of grinder and non-grinder pumps.

(Ord. 23.01, passed 9-28-70; Am. Ord. 23.04, passed 3-12-73; Am. Ord. 23.10, passed 5-23-77; Am. Ord. 23.11, passed 5-23-77; Am. Ord. 23.21, passed 2-11-85; Am. Ord. 23.23, passed 2-10-86; Am. Ord. 23.30, passed 3-22-99; Am. Ord. 23.32, passed 4-22-02; Am. Ord. 23.34, passed 11-9-15)

Cross-reference:

Charges and fees as a lien, see §51.32

§ 51.27 NUMBER OF UNITS ASSIGNED.

(A) The number of units to be assigned to any particular premises shall be determined by the Ordinance of the Council and its decision shall be final. Council, if the circumstances justify, may assign more than one unit to a single family dwelling. No less than one unit shall be assigned to each premises but for purpose of computing the capital charge and the lateral benefit fee herein set forth, units in excess of one may be computed and assigned to the nearest 1/10 of a unit. Once premises have been connected to the lateral, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of the capital charge or the lateral benefit fee herein set forth charged to said premises in the amount and for the period here in be fore provided and if subsequent changes at the time increase the amount of sanitary sewage emanating from the premises, the Council may, in its discretion, increase the number of units assigned to said premises and thereupon any additional capital charge occasioned by such increase in units or fractional parts thereof shall be payable in cash at the time of construction or other permit is issued by the village for such changes in use occurs if no permit is issued or required.

(B) The schedule of units generated by different types of use and occupancy may be determined and established by separate ordinance enacted by the Council and may, from time to time, thereafter be amended by the Council, providing, however, that such ordinance shall never in any way be changed in such manner as shall be contrary to the obligation and limitation set forth in any contractual agreement, pertaining to the laterals, between the village and the county, or contrary to the obligations of the contract between the village and the county pertaining to the Paint Creek Interceptor Disposal System.

(Ord. 23.01, passed 9-28-70)

§ 51.28 SEWER DISPOSAL SERVICE CHARGES.

Charges for sewage disposal services to each premises in the area served by the laterals shall be as follows:

(A) Usage charges for metered sewage disposal services to each premise in the area served by laterals shall be set by the Village Council in a resolution adopted at a regular meeting, after a public hearing is held on the proposed charges.

(B) Usage charges for unmetered sewage disposal services to each premises in the area served by laterals shall be set by the Village Council using the procedure noted above in division (A).

(C) (1) In addition to the usage charges listed above, all non-residential premises shall be charged a quarterly surcharge based upon meter size. This quarterly surcharge shall be set by the Village Council, using the procedure noted above in division (A).

(2) Once premises have been assigned debt service charges, subsequent changes in the character of the use or type of occupancy of the premises shall not abate the obligation to continue the payment of the debt service charge herein set forth or decrease the applicable unit factor. If subsequent changes in the character of the use or type of occupancy of the premises increase the applicable unit factor, then such debt service charge shall be increased accordingly to reflect such change; provided, however, that if the charges are increased because of a change of use, further changes in the occupancy thereafter shall be adjusted upward or downward in accordance with the use, but in no event shall the debt service charge be less than that applicable under the unit factor in effect on June 12, 1978.

(D) The charges set by the Village Council shall never in any way be changed in such a manner as shall be contrary to the obligation and limitations set forth in any contractual agreement pertaining to the laterals between the village and the

county, or contrary to the obligations and limitations of the contract between the village and the county pertaining to the Paint Creek Interceptor Sewage Disposal system.

(Ord. 23.01, passed 9-28-70; Am. Ord. 23.15, passed 2-13-79; Am. Ord. 23.20, passed 7-25-83; Am. Ord. 23.22, passed 12-23-85; Am. Ord. 23.24, passed 2-10-86; Am. Ord. 23.25, passed 5-26-87; Am. Ord. 23.30, passed 3-22-99; Am. Ord. 23.37, passed 9-25-17)

§ 51.29 PERMIT AND INSPECTION FEES.

The owner of any premises within the area served by the laterals shall pay such permit and inspection fee as may be established by the Village Council, which fee shall reimburse the village for any and all cost necessary to issue a permit and inspect the connection of said premises. This fee shall be in addition to all other charges and fees set forth herein.

(Ord. 23.01, passed 9-28-70)

§ 51.30 DEPOSIT OF REVENUE.

(A) All revenue derived hereunder shall be set aside as collected and deposited in a bank duly qualified to do business in the state in an account to be designated "Village of Lake Orion Extensions of the Paint Creek Disposal System Receiving Fund" (hereunder referred to as "The Receiving Fund") and the revenue so deposited shall be transferred from the Receiving Fund to such other funds as are herein established in the manner and at the times hereinafter set forth.

(1) *Operation and Maintenance Fund.* Out of the revenue in the Receiving Fund there shall be first set aside quarter-annually into separate account designated "Operation and Maintenance Fund" a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(2) *Bond and Interest Redemption Fund.* Out of the revenues in The Receiving Fund there shall next be set aside quarter-annually into a separate account designated "Bond and Interest Redemption Fund" a sum not less than one-quarter of that amount necessary to meet the next annual payment of interest and bond redemption. All monies received from Capital Payments and Lateral Benefit Payments shall be put into the Bond and Interest Redemption Fund.

(3) *Improvement and Reserve Fund.* Out of the revenue in The Receiving Fund there shall lastly be set aside once annually into a separate account designated "Improvement and Reserve Fund," such sums which shall be in excess of the needs and requirements of the Operation and Maintenance Fund, such excess to be held for the purpose of improving, enlarging and extending the Village of Lake Orion Extensions of the Paint Creek Sewage Disposal System and for the purpose of providing a reserve fund for all future payments of interest and bond redemption.

(B) All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event, the monies shall be properly allocated on the books and records of the village within this single bank account in the manner set forth above.

(C) In the event monies in The Receiving Fund are insufficient to meet the requirements of the Operation and Maintenance Fund or the requirements of the Bond and Interest Redemption Fund, then such funds or securities in the Improvement and Reserve Fund shall be transferred to either or both of such funds to the extent of any deficit that might exist therein.

(D) Monies in any fund or account established by the provisions of this chapter may be invested in such securities as may hereafter be permitted by law. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(E) All funds received under this chapter from the Lake Orion Extensions of the Paint Creek Sewage Disposal System shall not, under any circumstances, be commingled with any other funds received by the village.

(Ord. 23.01, passed 9-28-70)

§ 51.31 BILLING; DUE DATE; LATE PENALTY.

No free service shall be furnished by the system to the village or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for services furnished by the village to any premises shall be billed quarterly on such dates as the Village Manager on an area basis, may from time to time, determine. Such charges shall become due at such times, not exceeding 30 days after established billing dates and if such charges are not paid on or before such due date, then a penalty of 10% shall be added thereto.

(Ord. 23.01, passed 9-28-70)

§ 51.32 CHARGES TO BE A LIEN.

All charges for lateral benefit fee, capital charge and charges for sewage disposal furnished by the village to any premises shall be a lien thereon, and if any charge is not paid before it becomes delinquent, such charge may be certified to the Village Treasurer by the Village Council and assessed against the property on the next village tax roll, in which event such charge shall be collected and returned in the same manner as other village taxes are collected and returned; provided that any charge shall not be so certified which has not been delinquent for a period of at least 30 days.

(Ord. 23.01, passed 9-28-70; Am. Ord. 23.28, passed 5-22-95)

§ 51.33 FISCAL YEAR OF THE SYSTEM.

The system shall be operated upon the basis of July 1 as the beginning of the fiscal year.

(Ord. 23.01, passed 9-28-70)

SEWER CONNECTIONS

§ 51.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVAILABLE PUBLIC SANITARY SEWER. A public sanitary sewer system located in the right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

COUNCIL. The Village Council of the Village of Lake Orion, the legislative and governing body thereof.

COUNTY. The County of Oakland, Michigan.

PUBLIC SANITARY SEWER SYSTEM. A sanitary sewer or a combined sanitary and storm sewer used or intended for use by the public for collection and transportation of sanitary sewage for treatment or disposal.

SEWAGE DISPOSAL SYSTEM. The Lake Orion Sanitary Sewage Disposal system.

STRUCTURE or STRUCTURE IN WHICH SANITARY SEWAGE ORIGINATES. A building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial or other purposes.

SYSTEM. Refers to the sewage disposal system.

VILLAGE. The Village of Lake Orion, Michigan.

(Ord. 23.05, passed 3-12-73)

§ 51.51 PURPOSE.

Public sanitary sewer systems are essential to the health, safety and welfare of the people of the state and the septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure to potential failure or septic tank disposal systems poses a threat to the public health, safety and welfare; presents a potential for ill health, transmission of disease, mortality and potential economic blight and constitutes a threat to the quality or surface and subsurface waters of the state and the village. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety and welfare and necessary in the public interest which is declared as a matter of legislative determination.

(Ord. 23.05, passed 3-12-73)

§ 51.52 CONNECTION REQUIRED.

Structures in which sanitary sewage originates located in the village in the area served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied after the effective date hereof, unless the structures are connected to the sewage disposal system; provided that structures within the village in which sanitary sewage is originating on the effective date hereof or in which sanitary sewage originates before availability of the system or any part thereof to serve the structures shall be connected to the system within 12 months after publication of a notice by the village in the *Lake Orion Review*, a newspaper of general circulation in the village, of the availability of the system.

(Ord. 23.05, passed 3-12-73) Penalty, see § 10.99

§ 51.53 FAILURE TO CONNECT; NOTICE.

When the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer system before use and occupancy, or within the 12 months period provided in this subchapter, the village shall require the connection to be made forthwith after notice, which may be by first class or certified mail or posting on the property, to the owner of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer of the system which is available for connection of the structure involved and shall advise the owner of the requirements and of the enforcement provisions of this subchapter.

(Ord. 23.05, passed 3-12-73) Penalty, see § 10.99

§ 51.54 ENFORCEMENT.

Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 90 days after the date of mailing or posting of the written notice, the provisions of this subchapter shall be enforceable

through the bringing of appropriate action or injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this subchapter is deemed to be a nuisance per se.

(Ord. 23.05, passed 3-12-73) Penalty, see §10.99

MUNICIPAL SEPARATE STORM SEWER SYSTEM

§ 51.60 PURPOSE.

The purpose of this subchapter is to provide for the health, safety, and general welfare of the citizens of the village through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by Federal and state law. This subchapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this subchapter are:

(A) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.

(B) To prohibit illicit connections and discharges to the municipal separate storm sewer system.

(C) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this subchapter.

(Ord. 23.35, passed 2-8-16)

§ 51.61 DEFINITIONS.

For the purposes of this subchapter, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY. The Building Inspector or designees of the Village Manager for the Village of Lake Orion.

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. **BMPs** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES construction permits or the village's grading ordinance. These include construction projects resulting in land disturbance of five acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE. Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in § 51.65 of this subchapter.

ILLICIT CONNECTIONS. An illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the authorized enforcement agency.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits as defined in 40 CFR § 122.26(b)(14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT. A permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NONSTORMWATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT. Anything which causes or contributes to pollution. **POLLUTANTS** may include, but are not limited to:

paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking areas.

STORM DRAINAGE SYSTEM. Publicly-owned or privately-owned facilities by which stormwater is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(Ord. 23.35, passed 2-8-16)

§ 51.62 APPLICABILITY.

This subchapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the authorized enforcement agency.

(Ord. 23.35, passed 2-8-16)

§ 51.63 RESPONSIBILITY FOR ADMINISTRATION.

The Village Manager or the Village Manager's designee(s), shall administer, implement, and enforce the provisions of this subchapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Village Manager to persons or entities acting in the beneficial interest of or in the employ of the agency.

(Ord. 23.35, passed 2-8-16)

§ 51.64 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this subchapter are minimum standards; therefore this subchapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. 23.35, passed 2-8-16)

§ 51.65 DISCHARGE PROHIBITIONS.

(A) No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(B) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this subchapter if they are identified as not being a significant source of pollutants and/or a significant contributor to violations of state quality standards: water line flushing and discharges from other potable water sources, landscape irrigation or lawn watering runoff, diverted stream flows, rising groundwater and springs, uncontaminated groundwater infiltration and seepage, uncontaminated pumped groundwater (except for groundwater cleanups specifically authorized by NPDES permits), foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools from single, two or three family residences (if dechlorinated, typically less than one PPM chlorine), fire-fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires authorization from the Michigan Department of Environmental Quality (Rule 97 certification of approval) and a verbal notification to the authorized enforcement agency prior to the time of the test.

(4) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(Ord. 23.35, passed 2-8-16)

§ 51.66 PROHIBITION OF ILLICIT CONNECTIONS.

(A) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(B) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(C) A person is considered to be in violation of this subchapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(Ord. 23.35, passed 2-8-2016)

§ 51.67 RIGHT OF ENTRY FOR INSPECTION.

The Village Manager and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing of suspected illicit discharges or connections in accordance with the provisions of this subchapter.

(Ord. 23.35, passed 2-8-2016)

§ 51.68 SUSPENSION OF MS4 ACCESS.

(A) *Suspension due to illicit discharges in emergency situations.* The authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this subchapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

(Ord. 23.35, passed 2-8-16)

§ 51.69 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the authorized enforcement agency prior to the allowing of discharges to the MS4.

(Ord. 23.35, passed 2-8-16)

§ 51.70 MONITORING OF DISCHARGES.

(A) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(B) *Access to facilities.*

(1) The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this subchapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and Federal law.

(3) The authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the authorized enforcement agency access to a permitted facility are a violation of a stormwater discharge permit and of this subchapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this subchapter.

(7) If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this subchapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this subchapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 23.35, passed 2-8-16)

§ 51.71 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

Authorized enforcement agency may adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. 23.35, passed 2-8-16)

§ 51.72 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. 23.35, passed 2-8-16)

§ 51.73 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. 23.35, passed 2-8-16)

§ 51.74 ENFORCEMENT, NOTICE OF VIOLATION.

(A) Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this subchapter, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) The payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(B) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(Ord. 23.35, passed 2-8-16)

§ 51.75 ENFORCEMENT MEASURES.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then representatives of the authorized enforcement agency may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property upon the issuance of an order from a court of competent jurisdiction. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. 23.35, passed 2-8-16)

§ 51.76 COST OF ABATEMENT OF THE VIOLATION.

(A) Within 15 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(B) Any person violating any of the provisions of this subchapter shall become liable to the village by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 2% per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

(Ord. 23.35, passed 2-8-16)

§ 51.77 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this subchapter. If a person has violated or continues to violate the provisions of this subchapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. 23.35, passed 2-8-16)

§ 51.78 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this subchapter, the authorized enforcement agency may allow a violator to perform alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. 23.35, passed 2-8-16)

§ 51.79 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this subchapter is deemed a threat to public health, safety, and welfare, and is declared a nuisance, public nuisance and nuisance per se and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. 23.35, passed 2-8-16)

§ 51.80 VIOLATIONS.

(A) Any person, firm or corporation determined to have been in violation of the provisions of this subchapter shall be responsible for a municipal civil infraction and subject to the provisions of this code.

(B) The Village Council by way of the Building Inspector, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation.

(C) Each day's continuance of a violation shall be deemed a separate and distinct offense. Expenses in connection with such action shall be assessed as damages against the violation.

(Ord. 23.35, passed 2-8-16)

§ 51.81 REMEDIES NOT EXCLUSIVE.

The remedies listed in this subchapter are not exclusive of any other remedies available under any applicable Federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. 23.35, passed 2-8-16)

§ 51.98 VIOLATIONS.

Any person, firm or corporation determined to have disposed of sewage in a manner contrary to the provisions of this chapter, failed to connect with the available public sewers provided herein, or to have in any other way violated the provisions of this chapter, shall be responsible for a municipal civil infraction and subject to the provisions of § 10.99(A)(2).

(Ord. 23.01, passed 9-28-70; Ord. 23.05, passed 3-12-73; Am. Ord. A-3, passed 1-13-97)

CHAPTER 52: INDUSTRIAL SEWER REGULATIONS

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Cross-reference:

Sewage disposal system regulations generally, see Ch. 51

GENERAL PROVISIONS

§ 52.01 PURPOSE.

(A) The purpose of this chapter is the protection of the environment, and of public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the village and enabling the village to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 USC 1251 et seq, and the General Pretreatment Regulations, being 40 C.F.R. part 403.

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge, or will pose a hazard to the health or welfare of the people or of employees of the City of Detroit Water and Sewerage Department;

(2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and

(4) To provide for the recovery of the costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.

(C) This chapter provides for the regulation of contributors to the Detroit and Village of Lake Orion wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.02 AUTHORITY.

By virtue of the obligations and authority placed upon the village by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended. being 33 USC 1251 et seq.; the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended, being M.C.L.A. §§ 323.1 et seq.; M.S.A. § 3.521 et seq.; the 1997 City Charter; the National Pollutant Discharge Elimination System Permit (NPDES) for the City of Detroit Publicly Owned Treatment Works (POTW); the Consent Judgment in *U.S. EPA v. City of Detroit, et al*, Federal District Court for the Eastern District of Michigan Case No. 77-1100, as amended; and existing or future contracts between the Board of Water Commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this chapter shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or **THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 USC. 1251 et seq.

AS-BUILT PLANS. Engineering drawings prepared after installations of wastewater facilities which shall show a statement by a registered engineer or surveyor certifying this to be as-built plans and shall include, but not be limited to, length of sewer, invert elevation, locations with respect to property lines, wye and riser locations and depths, sewer material

and joints used, and mechanical, electrical, and structural details for pump stations, wastewater treatment facilities, and other appurtenances.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER. Refers to:

(1) Responsible corporate officer, where the industrial user submitting the reports required by this chapter is a corporation, who is either:

(a) The president, vice-president, secretary, or treasurer of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or

(2) A general partner or proprietor where the industrial user submitting the reports required by this chapter is a partnership or sole proprietorship respectively.

AVAILABLE CYANIDE. The quantity of cyanide that consists of cyanide ion (CN) hydrogen cyanide in water (HCNaq), and the cyano-complexes of zinc, copper, cadmium, mercury, nickel and silver, determined by EPA method OIA-1677, or other method designated as a standard method or approved under 40 C.F.R. 136.

BEST MANAGEMENT PRACTICES (BMP). Programs, practices, procedures or other directed efforts initiated and implemented by the user which can or do lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but are not limited to the Detroit sewer system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control and may include technical and economic considerations.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at 20° C. expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

BOARD. The Board of Water Commissioners of the City of Detroit.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building's sewer (house sewer). The latter begins five feet outside the inner face of the building wall.

BYPASS. The intentional diversion of a wastestream from any portion of an industrial user's treatment facility. (See 40 C.F.R. 403.17)

CENTRALIZED WASTE TREATMENT (CWT) FACILITY. Any facility that treats any hazardous or nonhazardous industrial waste received from off-site by tanker truck, trailer/roll-off bins, drums, barges, or any other forms of shipment including:

(1) A facility that treats industrial waste received exclusively from off-site, and

(2) A facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

COMPATIBLE INDUSTRIAL WASTEWATER. Wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

COMPATIBLE POLLUTANT. Pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

COMPOSITE SAMPLE. A collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four aliquot per 24 hours shall be used where the sample is manually collected. (See 40 C.F.R. 403, Appendix E)

CONFIDENTIAL INFORMATION. The information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

CONSENT JUDGMENT. The judgment issued by Federal District Court on September 14, 1977, *U.S. EPA v. City of Detroit, et al.*, C.A. No. 77-1100, as amended.

CONTROL AUTHORITY. The Detroit Water and Sewerage Department which has been officially designated as such by the State of Michigan under the provisions of 40 CFR 403.12. (See 40 C.F.R. 403.12(a))

COOLING WATER. The non-contact water discharged from any use such as air conditioning, cooling, or refrigeration, and whose only function is the exchange of heat.

COUNTY. The County of Oakland, State of Michigan or the Oakland County Drain Commissioner.

COUNTY AGENCY. The Oakland County Drain Commissioner. References to the Oakland County Department of Public

Works shall also mean Oakland County Drain Commissioner.

DAYS. Consecutive calendar days for the purpose of computing a period of time prescribed or allowed by this chapter.

DEBT SERVICE CHARGE. Charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge is separate and distinct and may be in addition to the user charge specified below.

DEPARTMENT. The City of Detroit Water and Sewerage Department, and authorized employees of the Department.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the State of Michigan.

DIRECTOR. The Director of the Detroit Department of Water and Sewerage or the Director's designee.

DISCHARGER. A person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.

DOMESTIC SEWAGE. Waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.

ENVIRONMENTAL PROTECTION AGENCY or ADMINISTRATOR or EPA. The United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.

FACILITY. A location which contributes, causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.

FATS, OIL, or GREASE (FOG). Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other non-volatile material of animal, vegetable, or mineral origin that is extractable by solvent in accordance with standard methods.

FLOW PROPORTIONAL SAMPLE. A composite sample taken with regard to the flow rate of the wastestream.

FOOTING DRAIN. A pipe or conduit that is placed around the perimeter of a building foundation and which intentionally admits ground water.

GRAB SAMPLE. An individual sample collected over a period of time not exceeding 15 minutes, which reasonably reflects the characteristics of the stream at the time of sampling.

GROUND WATER. Subsurface water occupying the saturation zone, from which wells and springs are fed.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE or DISCHARGE. The discharge or the introduction of pollutants POTW from any non-domestic source regulated under 33 USC 1317(b), (c) or (d).

INDUSTRIAL USER. A person who contributes, causes, or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade, or commerce, whether public or private, commercial or charitable but excludes single-family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

INDUSTRIAL WASTE. Any liquid, solid, or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources.

INFILTRATION. Any waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow.

INFLOW. Any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, as amended, being 33 USC 1345; the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA), and state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

LOCAL. A prefix denoting jurisdiction by the village.

MANAGER. The Village Manager of the village, or his authorized representatives.

MAY. Is permissive.

MUNICIPALITY. The Village of Lake Orion.

NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with (33 USC 1317(b) and (c) which applies to a specific class or category of industrial users.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued pursuant to 33 USC 1342.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

NEW SOURCE.

(1) (a) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of the proposed pretreatment standards 33 USC 1317(c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site where no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

(b) In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or

(2) Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions (1)(a)2. and 3. above but otherwise alters, replaces, or adds to existing process or production equipment; or

(3) (a) Construction of a new source has commenced where the owner or operator has:

1. Begun, or caused to begin as part of a continuous on site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

(b) Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

OPERATION AND MAINTENANCE (O&M). All work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and federal regulations, and includes the cost of replacement.

OWNER. The owners of record of the freehold of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

PASS THROUGH. Discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district or any other legal entity, or their legal representative, agent or assigns.

pH. The intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

POLLUTION. The introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

PRETREATMENT. The reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological

processes, or process changes by other means, except as prohibited by federal, state or local law, rules and regulations.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirements related to pretreatment, other than a national categorical pretreatment standard imposed on an industrial user. (See 40 C.F.R. 403.3(r))

PRETREATMENT STANDARDS. All national categorical pretreatment standards, the general prohibitions specified in 40 C.F.R. 403.5(a), the specific prohibitions delineated in 40 C.F.R. 403.5(b), and the local or specific limits developed pursuant to 40 C.F.R. 403.5(c), including the discharge prohibitions specified in § 52.51.

PRIVATE. A prefix denoting jurisdiction by a non-governmental entity.

PUBLIC. A prefix denoting jurisdiction by any governmental subdivision or agency.

PUBLIC SEWER. A sewer of any type controlled by any governmental entity.

PUBLICLY-OWNED TREATMENT PLANT or POTW TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

PUBLICLY-OWNED TREATMENT WORKS (POTW). A treatment works as defined by 33 USC 1292(2)(A), which is owned by a state or municipality, as defined in 33 USC 1362, including:

(1) Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;

(2) Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or

(3) The municipality, as defined in 33 USC 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

QUALIFICATION LEVEL. The measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the containment.

REPLACEMENT. The replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES permit and other applicable state and federal regulations.

REPRESENTATIVE SAMPLE. Any sample of wastewater, which accurately and precisely represents the actual quality, character, and condition of one or more pollutants in the wastestream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.

SANITARY WASTEWATER. The portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.

SERVICE AREA. Any area whose wastewater is received by the village or the county for the transmission for treatment by the City of Detroit DWSD.

SEWER. A pipe or conduit that carries wastewater or drainage water. See the following definitions modifying **SEWER**:

(1) **BUILDING SEWER.** In plumbing, the extension from the building drain to the public sewer or other place of disposal. Also called house connection.

(2) **COMBINED SEWER.** A sewer intending to receive both wastewater and stormwater, surface or drainage water.

(3) **COMMON SEWER.** A sewer in which all owners of abutting properties have equal rights.

(4) **COUNTY SEWER.** A public sewer controlled by the county agency.

(5) **INTERCEPTING SEWER.** A sewer that receives dry-weather flow from a number of transverse sewers of outlets in frequently additional predetermined quantities of stormwater (if from a combined system) and conducts such waters to a point for treatment or disposal.

(6) **LATERAL SEWER.** That portion of the sewer system located under the street, within the street right-of-way, or easement and which collects sewage from a particular property for transfer to the trunk line or interceptor. A sewer which is designed to receive a building sewer.

(7) **MUNICIPAL SEWER.** A public sewer exclusive of a county sewer or City of Detroit sewer.

(8) **PUBLIC SEWER.** A common sewer controlled by a governmental agency or public utility.

(9) **SANITARY SEWER.** A sewer that carries liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwater, stormwater, and surface water and drainage water and are not admitted intentionally.

(10) **STORM SEWER.** A sewer that carries stormwater and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastewater. Also called a storm drain.

(11) **TRUNK SEWER or TRUNK LINE.** A sewer which connects the lateral sewer to the intercepting sewer and to which building sewers may be connected.

SEWER SERVICE CHARGE. The sum of the applicable user charge, surcharges and debt service charges.

SHALL. Is mandatory.

SIGNIFICANT INDUSTRIAL USERS. Any user of the POTW who:

(1) Has an average discharge flow of 25,000 gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and non-contact cooling water; or

(2) Has discharges subject to the national categorical pretreatment standards; or

(3) Requires pretreatment to comply with the specific pollutant limitations of this chapter; or

(4) Has in its discharge toxic pollutants as defined pursuant to 33 USC 1317, or other applicable federal and state laws or regulations that are in concentrations and volumes which are subject to regulation under this chapter as determined by the Department; or

(5) Is required to obtain a permit for the treatment, storage, or disposal of hazardous waste pursuant to regulations adopted by the state or adopted under the Federal Solid Waste Disposal Act, as amended, by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or

(6) Is found by the City of Detroit or village to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

SIGNIFICANT NONCOMPLIANCE. Any violation which meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined in those in which 66% or more of all of the measurements taken during a six-month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;

(2) Technical review criteria (TRC) violations, defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Department determines has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;

(5) Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance within 90 days after the scheduled date;

(6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 30 days after the due date;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the Department determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

STANDARD METHODS. Methods set forth in 40 C.F.R. Part 136, *Guidelines for Establishing Test Procedures for Analysis of Pollutants* or the laboratory procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater* prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or methods set forth in 40 C.F.R. 136, *Guidelines for Establishing Test Procedures for Analysis of Pollutants*. Where these two references are in disagreement regarding procedures for the analysis of a specific pollutant, the methods given in 40 C.F.R. Part 136 shall be followed.

STATE. The State of Michigan.

STORMWATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT. The Director of the Village of Lake Orion Department of Public Works or his duly authorized

representative.

SURFACE WATER.

(1) All water on the surface as distinguished from groundwater or subterranean water.

(2) Water appearing on the surface in a diffused state, with no permanent source of supply or regular course for any considerable time, as distinguished from water appearing in watercourses, lakes, or ponds.

SUSPENDED SOLIDS (TOTAL). The total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtration or as measured by standard methods.

TOTAL EQUIVALENT MASTER METERED WATER CONSUMPTION. The equivalent to the total amount of potable water used by a municipality as recorded by a master water meter for sewered premises, and shall include, but not be limited to, fire protection water, gardening and lawn water.

TOTAL PCB. The sum of the individual analytical results for each of the PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level being treated as zero.

TOTAL PHENOLIC COMPOUNDS. The sum of the individual analytical results for each of the phenolic compounds of 2-chlorophenol, 4-chlorophenol, 4-chloro-3-methylphenol, 2, 4-dichlorophenol, 2, 4-dinitrophenol, 4-methylphenol, 4-nitrophenol, and phenol during any single sampling event expressed in mg/l.

TOXIC POLLUTANT. Any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the United States Environmental Protection Agency under the provisions of the Clean Water Act, being 33 USC 1317, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or other federal or state laws, rules or regulations.

TRADE SECRET. The whole, or any portion or phase, of any proprietary manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes but excludes any information regarding the quantum or character of waste products or their constituents discharged or sought to be discharged into the Detroit wastewater treatment plant, or into the wastewater system tributary thereto.

UPSET. An exceptional incident in which there is an unintentional and temporary noncompliance with limits imposed under this chapter or with national categorical pretreatment standards due to factors beyond the reasonable control of the industrial user but excludes noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

USER. Any person who, directly or indirectly, contributes, causes or permits the discharge of wastewater into the POTW as defined herein.

USER CHARGE. A charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to Section 204(b) of P.L. 92-500 and includes the cost of replacement.

VILLAGE. The Village of Lake Orion.

WASTEWATER or WASTESTREAM. The liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including infiltration and inflow waters, stormwater and cooling water.

WASTEWATER DISCHARGE PERMITS. Permits issued by the Department in accordance with §52.53.

WATERS OF THE STATE. Groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of this state as well as bordering this state in the form of the Great Lakes.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01; Am. Ord. 23.33, passed 2-9-09)

§ 52.04 ABBREVIATIONS.

For purposes of this chapter the following acronyms shall have the meanings designated by this section.

BMR. Baseline monitoring report.

BOD. Biochemical oxygen demand.

C.F.R. Code of Federal Regulations.

DWSD. Detroit Water and Sewerage Department.

EPA. Environmental Protection Agency

FOG. Fats, oil or grease.

l. Liter.

MDEQ. Michigan Department of Environmental Quality

mg. Milligrams.

mg/l. Milligrams per liter.

NPDES. National Pollutant Discharge Elimination System.

P. Phosphorus.

POTW. Publicly owned treatment works.

RCRA. Resource Conservation and Recovery Act, being 42 USC 6901 et seq.

SIC. Standard Industrial Classification.

SWDA. Solid Waste Disposal Act, being 42 USC 6901 et seq.

TSS. Total suspended solids.

USC. United States Code.

(Ord. 23.31, passed 12-10-01)

SEWER SYSTEMS CONNECTED TO COUNTY SEWERS

§ 52.15 SEWERS MUST MEET REQUIREMENTS.

All sanitary sewer systems connected directly or indirectly into the intercepting sewer or sewers of the Oakland County Department of Public Works shall meet the requirements set forth in this chapter.

(Ord. 23.27, passed 1-8-90) Penalty, see §10.99

§ 52.16 PLANS, PERMITS AND BONDS.

(A) Prior to connection and prior to start of construction, all sanitary sewer systems shall have engineering plans and specifications prepared by a professional engineer and shall be approved by the Oakland County Department of Public Works.

(B) A connection permit shall be obtained by the owner or contractor from the Oakland County Department of Public Works. The connection permit shall show the location of the work, the extent of the work, information regarding the contractor, the owner and the engineer, and any other pertinent information as shall be determined necessary by the Department of Public Works. A fee shall be charged for said permit to cover the cost of inspection of each connection, and to verify the result of the acceptance test. The permit fee shall be \$150 for each connection plus \$15 for each new manhole constructed. Inspection requested during other than normal working hours shall be performed only if deemed necessary by the Oakland County Department of Public Works. The fee for such inspection shall be \$250 per day minimum, in addition to the normal connection permit fee.

(C) (1) Individual building sewers that are directly connected into the county sanitary sewer system shall conform to all applicable requirements of this chapter. A connection permit, for which a charge of \$50 will be made by the Oakland County Department of Public Works, shall be obtained from the Department of Public Works before such connection is made. Prior to the issuance of such connection permit, the person obtaining such permit shall have obtained the written approval of the local unit of government. Connection shall be made in a workmanlike manner and in accordance with methods and procedures established by the Department of Public Works.

(2) The party to whom such a permit is issued shall be responsible for notifying the Department of Public Works 24 hours in advance of the date and time when such a connection is made so that proper inspection of same can be made by the Department.

(D) Prior to the adjustment, reconstruction, relocation or any other altering of the sewers of the County of Oakland, including manhole structures, the contractor or the person responsible for the work shall first obtain a permit to do such work from the Oakland County Department of Public Works. The permit fee shall be determined by the Department of Public Works.

(E) (1) Prior to construction and during the life of permits obtained in accordance with divisions (B), (C) and (D) of this section, all owners or contractors shall:

(a) Yearly furnish to the Oakland County Department of Public Works a satisfactory surety bond in the amount of \$5,000 as security for the faithful performance of the work in accordance with the plans and specifications and departmental standards; and

(b) Yearly furnish to the Oakland County Department of Public Works a cash deposit in the amount of \$500. Such deposit shall provide funds for emergency work and/or such other work as may be deemed necessary by the Oakland County Department of Public Works, arising as a result of construction by the owner or contractor. Such bonds shall not be cancelled by the owner, the contractor or the surety without first having given ten-days' written notice to the Oakland County Department of Public Works. Cash deposits may be returned to the owner or contractor within ten days of receipt of written request therefor, except that no deposits will be returned until such time as all outstanding permits have received final

inspection and approval. In the event that it becomes necessary for the Oakland County Department of Public Works to expend funds for work arising as a result of construction by the owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit.

(2) The owner or contractor shall have the right and opportunity to correct any deficiencies promptly before any deposit funds will be spent by the Oakland County Department of Public Works. The owner or contractor shall, within 30 days of the mailing of written notice thereof, pay to the Oakland County Department of Public Works the entire amount of such cost. Failure to comply with these rules and regulations and the standards of the Oakland County Department of Public Works may result in the immediate termination of the surety and cash bonds.

(Ord. 23.27, passed 1-8-90) Penalty, see § 10.99

§ 52.17 BULKHEAD.

The contractor shall install a suitable bulkhead to prevent construction water, sand, silt, and the like from entering the existing sewer system. Such bulkhead shall be left in place until such time as removal is authorized by the Oakland County Department of Public Works.

(Ord. 23.27, passed 1-8-90) Penalty, see § 10.99

§ 52.18 ACCEPTANCE TEST.

(A) All sanitary sewer systems shall be subjected to infiltration, air, or exfiltration tests or a combination thereof in accordance with the following requirements prior to acceptance of the system by the Oakland County Department of Public Works and prior to removal of the bulkhead as required in § 52.17.

(B) All final acceptance tests shall be witnessed by the Oakland County Department of Public Works.

(C) *Infiltration Test.*

(1) All sewers over a 24-inch diameter shall be subjected to infiltration tests. All sewers of 24-inch diameter or smaller where the ground water level above the top of the sewer is over seven feet shall be subjected to an infiltration test.

(2) Maximum allowable infiltration shall not exceed 250 gallons per inch of diameter per mile of pipe per 24 hours for the overall project. Maximum allowable infiltration shall not exceed 500 gallons per inch of diameter per mile of pipe per 24 hours for any individual run between manholes.

(D) *Air Test or Exfiltration Test.*

(1) All sewers of 24-inch diameter or less, where the ground water level above the top of the sewer is seven feet or less, shall be subjected to air tests or exfiltration tests.

(2) For exfiltration tests, the internal water level shall be equal to the external water level plus seven feet as measured from the top of pipe.

(3) The allowable exfiltration rate shall be the same as that permitted from infiltration.

(4) The procedure for air testing of sewers shall be as follows:

(a) The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. Such plugs shall be designed to hold against the test pressure and shall provide an airtight seal. One of the plugs shall have an orifice through which air can be introduced into the sewer. An air supply line shall be connected to the orifice. The air supply line shall be fitted with suitable control valves and a pressure gauge for continually measuring the air pressure in the sewer. The pressure gauge shall have a minimum diameter of 3½ inches and a range of 0 - 10 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of ±0.04 PSIG.

(b) The sewer shall be pressurized to 4.0 PSIG greater than the greatest back pressure caused by ground water over the top of the sewer pipe. At least two minutes shall be allowed for the air pressure to stabilize between 3.5 and 4.0 PSIG. If necessary, air shall be added to the sewer to maintain a pressure of 3.5 PSIG or greater.

(c) After the stabilization period, the air supply control valve shall be closed so that no more air will enter the sewer. The sewer air pressure shall be noted and timing for the test begun. The test shall not begin if the air pressure is less than 3.5 PSIG, or such other pressure as is necessary to compensate for ground water level.

(d) The time required for the air pressure to decrease 1.0 PSIG during the test shall not be less than the time shown in the "Oakland County Department of Public Works Air Test Tables."

(5) Manholes on sewers to be subjected to air tests shall be equipped with a 1/2 inch diameter galvanized capped pipe nipple extending through the manhole, three inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the ground water elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the ground water elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum ground water level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.

(E) If a sewer fails to pass any of the previously described tests, the contractor shall determine the location of the leaks,

repair them and retest the sewer. The tests shall be repeated until satisfactory results are obtained.

(F) All visible leaks and cracks shall be repaired regardless of test results.

(Ord. 23.27, passed 1-8-90) Penalty, see § 10.99

§ 52.19 STORM AND GROUND WATER CONTROL.

(A) Yard drains, patio drains, catch basins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of storm water and/or ground water shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided under division (B).

(B) Perimeter and footing drains from buildings existing before December 16, 1968 shall not be required to disconnect from the sanitary sewer system, provided that federal, state or local law or regulation does not require, or may not require subsequent to the adoption of these standards and regulations, the disconnection of such perimeter and footing drains.

(C) The crock to iron joint shall be sealed by approved flexible adaptor fittings such as those manufactured by Fernco Joint Sealer Company, or as approved by the Oakland County Department of Public Works. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement backfilled and the roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.

(Ord. 23.27, passed 1-8-90) Penalty, see § 10.99

§ 52.20 BUILDING SEWERS.

(A) House connection sewer from lateral sewer in street or easement to within five feet from house shall be:

(1) Six-inch diameter Extra Strength Vitrified Sewer Pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with DPW approved premium joint; or

(2) Six-inch diameter Class 2400 Asbestos Cement Pipe with Ring-Tite, Fluid-Tite or DPW approved joint; or

(3) Six-inch diameter, service strength, cast iron soil pipe with hot poured lead joint, or DPW approved equal; or

(4) Six-inch diameter Extra Strength (ES) solid wall pipe extruded from Acrylonitrile- Butadiene-Styrene (ABS) plastic meeting the minimum cell classification 2-2-3 as defined in ASTM Specification D1788-68.

(5) Other pipe and joints as may be approved by the Oakland County Department of Public Works.

(B) Copies of the Oakland County Department of Public Works approved joint shall be on file at the offices of each community in the systems.

(C) House connection sewers shall be six-inch minimum diameter, except that four-inch pipe of comparable strength and joint material may be used if permitted by the local unit of government. All joints shall be tight and when tested for infiltration, or exfiltration, shall not exceed the requirements of § 52.18.

(Ord. 23.27, passed 1-8-90) Penalty, see § 10.99

§ 52.21 SEPTIC TANK ABANDONMENT AND WASTE DISPOSAL.

(A) Prior to connecting an individual building sewer to the sewers of the county, either directly or indirectly, all existing wastewater treatment facilities, including septic tanks, tile fields, and sump pumps shall be physically and permanently disconnected from the building sewer.

(B) Septic tank sludge shall be discharged into the sewers of the county, directly or indirectly, only at locations specified by the Oakland County Department of Public Works, and only after obtaining proper septic tank dumping tickets.

(C) The liquid and solids from an abandoned septic tank shall not be drained, dewatered, pumped or in any other manner discharged to the sewers of the county, except as provided for above.

(Ord. 23.27, passed 1-8-90) Penalty, see § 10.99

§ 52.22 OWNERSHIP, OPERATIONS AND MAINTENANCE RESPONSIBILITY.

All new sanitary sewer systems, except individual building sewers, connected directly or indirectly into the intercepting sewer or sewers of the county shall be owned, operated and maintained by the governing community. This includes, but is not necessarily limited to, on-site sewer systems serving condominiums, apartment projects, shopping centers and mobile home parks.

(Ord. 23.27, passed 1-8-90)

§ 52.23 MANHOLES.

(A) All manholes constructed on sanitary sewer systems shall be provided with lid frames bolted to the cone section of the manhole with rubber O-ring gaskets compressed between the frame and the top of the cone in accordance with the current "Standard Manhole Detail" of the Oakland County Department of Public Works.

(1) Adjustments to manhole tops shall be accomplished by using precast concrete adjustment rings bolted to the cone section of the manhole with rubber O-ring gaskets compressed between each adjacent ring.

(2) Mortar and brickwork adjustment at the top of manholes will not be allowed. All manhole riser and cone sections shall have modified groove tongue joint with rubber gasket.

(3) The bolted frame, bolts, adjustment rings and O-ring gaskets shall be in accordance with the standards of the Oakland County Department of Public Works.

(B) (1) All manholes shall be provided with "Bolted Waterproof Covers" in accordance with the current *Standard Manhole Detail* of the Oakland County Department of Public Works.

(2) Although not recommended, and only under certain circumstances, consideration will be given to the burying of manholes in lieu of providing bolted covers and only upon written request to the Oakland County Department of Public Works.

(Ord. 23.27, passed 1-8-90)

§ 52.24 AS-BUILT PLANS.

Prior to the acceptance of any sewer system and prior to the removal of the bulkhead as required in §52.17 (except under extenuating circumstances as may be approved by the Director), as-built plans shall be provided to the Oakland County Department of Public Works. The as-built plans shall show a statement by a registered engineer or surveyor certifying this to be "as-built plans" and shall include, but not be limited to, length of sewer, invert elevation, locations with respect to property lines, wye and riser locations and depths, and sewer material and joints used.

(Ord. 23.27, passed 1-8-90)

§ 52.25 REQUIREMENTS FOR CONNECTING SEWERS.

All combined sewer systems connected directly or indirectly to the intercepting sewer or sewers of the county shall meet the following requirements:

(A) §§ 52.16 through 52.24 are required for sanitary sewer system connecting to interceptor sewers of the county as hereinbefore mentioned.

(B) Prior to acceptance of the system and prior to removal of the bulkhead as required under §52.17, all combined sewer systems shall be subjected to an infiltration test in accordance with the infiltration requirements of the Oakland County Department of Public Works as outlined in § 52.18. The test shall be witnessed by the Oakland County Department of Public Works.

(C) Downspouts and footing drain tile may be connected to a combined sewer if permitted by the local unit of government.

(D) No requirements of the Oakland County Department of Public Works, or permits issued hereunder by said Department, shall relieve the property owner of complying with all the rules and regulations of the local unit of government, wherein such property is located, when such rules and regulations are not in conflict with the requirements of the Department of Public Works.

(E) All sewer construction shall comply with the "General Specifications" of the Oakland County Department of Public Works. Copies of said specifications may be obtained from the Office of the Department of Public Works.

(F) Construction of new combined sewer systems shall be prohibited except when no prudent or feasible alternative exists.

(Ord. 23.27, passed 1-8-90) Penalty, see §10.99

PERMITS FOR CONNECTION INTO COUNTY DRAINS

§ 52.35 PURPOSE OF SUBCHAPTER.

This subchapter sets forth the procedures and regulations governing the granting of permits to connect into the "Twelve Towns Relief Drains" directly and to all other county drains that are tributary directly or indirectly to the facilities under the jurisdiction of the Southeastern Oakland County Sewage Disposal System.

(Ord. 23.27, passed 1-8-90)

§ 52.36 PLANS.

(A) Each municipality is requested to furnish an up-to-date plan of its sewerage system. Plan should include the location, size and direction of flow in all existing sewers. Sewers should be identified as separated or combined. Pumping stations, flow regulation and diversion structure should be shown.

(B) (1) Plans for laterals shall be submitted in the name of the municipality by the municipal officials or a firm of consulting engineers officially authorized to do so. Generally, this authority will be vested in the Village Engineer or a single firm of consulting engineers retained as the Village Engineer.

(2) All plans submitted to this office shall bear the signature of the above designated official.

(C) A letter requesting the approval of plans by the Oakland County Drain Commissioner's Office and the Water Quality Division of the Michigan Department of Natural Resources (formerly known as the Michigan Health Department) shall be addressed to the Oakland County Drain Commissioner and be accompanied by a minimum of five sets of plans. Upon approval of the plans, the Drain Commissioner's Office will retain one set and forward the remaining sets to the Michigan Department of Natural Resources along with a letter requesting their approval. Copies of this letter will be sent to the applicant municipality and the consulting engineer. The Michigan Department of Natural Resources, upon their approval of the plans, will return at least three sets of approved plans bearing the construction permit number to the applicant municipality. The applicant municipality will keep one set, send one set to the Oakland County Drain Commissioner and send one set to the consulting engineer. In the event that the applicant municipality or consulting engineer requires an extra set of approved plans, additional sets shall be included with the initial request for approval.

(D) Plans submitted to this office for review must meet the following requirements:

(1) General location plan that shows the relationship to existing sewerage facilities, including outlet sewer interceptors, pumping stations and the like.

(2) Detail plan and profile drawings along with criteria of hydraulic design (storm frequency, line capacity, line velocities, tributary areas and the like).

(3) Material and construction standards, regular and special.

(4) Desirable scale and size for plan and profile drawings are:

(a) Horizontal scale: 1" = 100', 1" = 50'

(b) Vertical scale: 1" = 10', 1" = 5'

(c) Plan size: 24" x 36"

(Ord. 23.27, passed 1-8-90)

§ 52.37 REGULATIONS GOVERNING CONNECTIONS.

(A) Prior to connection, a connection permit must be obtained from the Oakland County Drain Commissioner's Office, One Public Works Drive, Pontiac, Michigan 48054 (858-0958). A legal description of the property to be served by the connection is required.

(B) The fee as determined by the Drain Commissioner for connection permits shall be \$150 which is to cover the cost of the inspection of the tap.

(C) The connection to the county drain will be made under the supervision of an inspector from the Drain Commissioner's Office in accordance with approved plans of said connection.

(D) A minimum of 24 hours notice (excluding Saturday, Sunday, and holidays) must be given prior to tap to enable this office to arrange for inspection.

(E) Requests for inspection shall be directed to the technician charged with the responsibility of permit issuance (858-0978).

(F) All lines connected to county drains shall be clean (free from silt, dirt, debris and the like).

(G) Yard drains, catch basins, downspouts, weep tile, perimeter drains or other structures used for the collection and conveyance of storm water will be permitted to outlet into the county combined drains, provided said properties lie within the combined drainage district.

(H) The contractor, during the construction of a lateral, shall install a suitable bulkhead to prevent sand, silt, dirt or other debris from entering the county drain. Upon work completion and removal of any debris that may have collected, the contractor shall contact the Inspection Office for permission to remove the bulkhead.

(I) A connection from any industrial plant or facility using chemical processes shall be provided with a readily available sampling point (manhole or equivalent).

(J) All wastes discharged into county drains shall meet the standards as specified in the current Detroit ordinance governing domestic and industrial wastes.

(Ord. 23.27, passed 1-8-90)

§ 52.38 REGULATIONS TO PREVENT THE DISCHARGE OF STORM AND GROUND WATER.

(A) All sanitary sewer systems (lying in these areas of the S.O.C.S.D.S. district, designated as separated) to be connected directly or indirectly into the intercepting sewer or sewers of the S.O.C.S.D.S. prior to connection, shall meet the following requirements:

(1) A connection permit shall be obtained by the owner or contractor from the Oakland County Drain Commissioner's Office. The connection permit shall show the location of the work, the extent of the work, information regarding the

contractor, the owner and the engineer, the scheduled date of infiltration test and any other pertinent information as shall be determined necessary by the Oakland County Drain Commissioner. A fee shall be charged for said permit to cover the cost of inspection of the connection and system connected.

(2) All sewer systems shall be subjected to infiltration, air, or exfiltration tests or a combination thereof in accordance with the following requirements prior to acceptance of the system by the Oakland County Drain Commissioner's Office.

(a) Infiltration test. All sewers over 24-inch diameter shall be subjected to infiltration tests. All sewers of 24-inch diameter or smaller where the ground water level above the top of the sewer is over seven feet shall be subjected to an infiltration test.

(b) Maximum allowable infiltration shall not exceed 250 gallons per inch of diameter per mile of pipe per 24 hours for the overall project. Maximum allowable infiltration shall not exceed 500 gallons per inch of diameter per mile of pipe per 24 hours for any individual run between manholes.

(c) Air test or exfiltration test.

1. All sewers of 24-inch diameter or less, where the ground water level above the top of the sewer is seven feet or less, shall be subjected to air tests or exfiltration tests.

2. For exfiltration tests the internal water level shall be equal to the external water level plus seven feet as measured from the top of pipe. The allowable exfiltration rate shall be the same as that permitted from infiltration.

3. The procedure for air testing of sewers shall be as follows:

a. The sewer line shall be tested in increments between manholes. The line shall be cleaned and plugged at each manhole. Such plugs shall be designed to hold against the test pressure and shall provide an airtight seal. One of the plugs shall have an orifice through which air can be introduced into the sewer. An air supply line shall be connected to the orifice. The air supply

line shall be fitted with suitable control valves and a pressure gauge for continually measuring the air pressure in the sewer. The pressure gauge shall have a minimum diameter of 3½ inches and a range of 0 - 10 PSIG. The gauge shall have minimum divisions of 0.10 PSIG and an accuracy of ±0.04 PSIG.

b. The sewer shall be pressurized to 4.0 PSIG greater than the greatest back pressure caused by ground water over the top of the sewer pipe. At least two minutes shall be allowed for the air pressure to stabilize between 3.5 and 4.0 PSIG. If necessary, air shall be added to the sewer to maintain a pressure of 3.5 PSIG or greater.

c. After the stabilization period, the air supply control valve shall be closed so that no more air will enter the sewer. The sewer air pressure shall be noted and timing for the test begun. The test shall not begin if the air pressure is less than 3.5 PSIG, or such other pressure as is necessary to compensate for ground water level.

d. The time required for the air pressure to decrease 1.0 PSIG during the test shall not be less than the time shown in the "Oakland County Drain Commissioner's Air Test Tables."

e. Manholes on sewers to be subjected to air tests shall be equipped with a 1/2 inch diameter galvanized capped pipe nipple extending through the manhole, three inches into the manhole wall and at an elevation equal to the top of the sewer pipe. Prior to the air test, the ground water elevation shall be determined by blowing air through the pipe nipple to clear it and then connecting a clear plastic tube to the pipe nipple. The tube shall be suspended vertically in the manhole and the ground water elevation determined by observing the water level in the tube. The air test pressure shall be adjusted to compensate for the maximum ground water level above the top of the sewer pipe to be tested. After all tests are performed and the sewer is ready for final acceptance, the pipe nipple shall be plugged in an acceptable manner.

(3) If a sewer fails to pass any of the previously described tests, the contractor shall determine the location of the leaks, repair them and retest the sewer. The tests shall be repeated until satisfactory results are obtained.

(4) All visible leaks and cracks shall be repaired regardless of test results.

(B) *Storm and ground water control.* Yard drains, patio drains, catch basins, downspouts, weep tile, perimeter and footing drains or any other structure used for the collection and conveyance of storm water and/or ground water shall not be permitted to discharge into any sanitary sewer connected directly or indirectly to the county system, except as provided below:

(1) Perimeter and footing drains from buildings existing before July 23, 1981 shall not be required to disconnect from the sanitary sewer system, provided that federal, state or local law or regulation does not require, or may not require subsequent to the adoption of these standards and regulations, the disconnection of such perimeter and footing drains.

(2) The crock to iron joint shall be sealed by approved flexible adaptor fittings such as those manufactured by Fernco Joint Sealer Company, or as approved by the Oakland County Drain

Commissioner's Office. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, the basement backfilled and the roof is on the building, thereby providing that no water from the excavated basement will enter the sanitary sewer.

(C) *Building sewers.*

(1) House connection sewer from lateral sewer in the street or easement five feet from house shall be:

(a) Six-inch diameter Extra Strength Vitrified Sewer Pipe, manufactured in accordance with current NCPI Designation ER 4-67 Standards, or equal, with Drain Commissioner approved premium joint, or

(b) Six-inch diameter ABS Plastic Solid Wall Sewer Pipe conforming to ASTM designation D-2751 SDR 35 or 23.5, or

(c) Six-inch diameter PVC Plastic Solid Wall Sewer Pipe conforming to ASTM designation ASTM D-3034 SDR 35 or ASTM D-2665 Schedule 40.

(d) Other pipes and joints as may be approved by the Oakland County Drain Commissioner.

(2) House connection sewers should be six-inch minimum diameter; however, four-inch pipe of comparable strength and joint material may be used if permitted by the local unit of government. All joints shall be tight and when tested for infiltration, shall not exceed 500 U.S. gallons per inch of diameter, per mile, per 24 hours.

(3) The crock to iron joint shall be sealed by an approved bituminous filler, enclosed in concrete to provide a watertight seal. The iron pipe inside the building shall be plugged and leaded and remain plugged and watertight until such time as the plumbing is carried on to the first floor, thereby providing that no water from the excavated basement will enter the sanitary sewer.

(4) The municipality shall issue tap permits for each structure that is connected into the S.O.C.S.D.S. and be responsible to see that the above specifications pertinent to materials and installations are followed.

(D) The S.O.C.S.D.S., through their agent, the Drain Commissioner, shall, at his option, be permitted to set up and operate flow metering equipment to gauge sanitary flow, either on a temporary or permanent basis, in any sanitary sewer lying within the said "separated areas."

(E) Plans and specifications covering the construction of all new sewers, both combined and sanitary (separate), lying within the S.O.C.S.D.S. service area shall be submitted to the Office of the Oakland County Drain Commissioner for review and approval prior to construction.

(F) The quality of domestic and industrial waste outletted into the S.O.C.S.D.S. facilities shall conform to the current city of Detroit ordinance pertinent to domestic and industrial wastes. It is the contractual obligation of the municipality, reference Section 16 of contract with county, to use S.O.C.S.D.S. facilities to enforce these standards.

(G) No requirements of the S.O.C.S.D.S. or permits issued hereunder by said system through their agent, the Oakland County Drain Commissioner, shall relieve the property owner of complying with all the rules and regulations of the local unit of government, wherein such property is located, where such are not in conflict with requirements of the S.O.C.S.D.S.

(H) All sewer construction shall comply with the general specifications of the Oakland County Drain Commissioner; copies of said specifications may be obtained from the Office of the Drain Commissioner.

(Ord. 23.27, passed 1-8-90)

WASTEWATER DISPOSAL REGULATIONS

§ 52.50 DELEGATION OF AUTHORITY.

The City of Detroit, through the Detroit Water and Sewerage Department, as the state-approved control authority, is authorized to administer and enforce the provisions of §§ 52.50 through 52.60 on behalf of the village. The village has executed and hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with these sections, and shall allow the Detroit Water and Sewerage Department to perform the specific responsibilities of control authority pursuant to state and federal law.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.51 DISCHARGE PROHIBITIONS.

(A) *General pollutant prohibitions.* No user shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions shall apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or to any other federal, state, or local pretreatment standards or requirements. In addition, it shall be unlawful for a user to discharge into the POTW:

(1) Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, wastestreams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 C.F.R 261.21; or

(2) Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshlings, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or

marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or

(3) Any wastewater having a pH of less than 5.0 units or greater than 11.5 units; or

(4) Any wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause interference, or pass through, or constitute a hazard to humans or animals; or

(5) Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or

(6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 USC 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with state criteria applicable to the sludge management method being used; or

(7) Any substance which will cause the POTW to violate either the Consent Judgment in *U.S. EPA v. City of Detroit et al.*, Federal District Court for the Eastern District of Michigan Case No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System permit; or

(8) Any discharge having a color uncharacteristic of the wastewater being discharged; or

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F or which will cause the influent at the wastewater treatment plant to rise above 104°F (40°C); or

(10) Any pollutant discharge which constitutes a slug; or

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable federal or state regulations; or

(12) Any floating fats, oil or grease which are sufficient to cause interference with or pass through the POTW; or

(13) Any solid materials having a specific gravity greater than 1.2 or a cross-section dimension of one-half inch or greater which are sufficient to cause interference with the POTW.

(B) *Specific pollutant prohibitions.* No user shall discharge wastewater containing in excess of the following limitations:

(1) *Compatible pollutants.* See § 52.62.

(2) (a) *Non-compatible pollutants.* No user shall discharge wastewater containing in excess of:

Arsenic (As)	1.0 mg/l
Cadmium (Cd)	See § 52.62
Chromium (Cr)	25.0 mg/l
Copper (Cu)	2.5 mg/l
Cyanide (CN) (Available)	1.0 mg/l
Iron (Fe)	1000.0 mg/l
Lead (Pb)	1.0 mg/l
Nickel (Ni)	5.0 mg/l
Silver (Ag)	1.0 mg/l
Zinc (Zn)	7.3 mg/l
Total Phenolic Compounds or see § 52.61	1.0 mg/l

(b) All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 C.F.R. part 136.

1. The limitation for total PCB is non-detect. Total PCB shall not be discharged at detectable levels, based upon U.S. EPA Method 608, and the quantification level shall not exceed 0.2 ugm/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one or more samples indicate detectable levels of total PCB, the user shall be required to demonstrate compliance. For purposes of this section, this demonstration may be made using analytical data showing that the total PCB concentration is below the detection level, or submission of a BMP in accordance with § 52.58(H).

2. The limitation of mercury (Hg) is non-detect. Mercury (Hg) shall not be discharged at detectable levels, based upon U.S. EPA Method 245.1, and the quantification level shall not exceed 0.2 ug/ml, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one or more samples indicate detectable levels of mercury, the user shall be required to demonstrate compliance. For the purposes of this section, the demonstration may be made using analytical data showing that the mercury concentration is below the detection level, or submission of a BMP in accordance with § 52.58(H). All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 C.F.R. part 136.

(3) *Compliance period.* Within 30 days of the effective date of this section, the Department shall notify all industrial user's operating under an effective wastewater discharge permit of the requirement to submit a compliance report within 180 days after the effective date of this section. The Compliance Report shall demonstrate the user's compliance or non-compliance with these limitations, and, in the event of non-compliance, include the submission of a plan and schedule for achieving compliance with the stated limitation. In no event shall a compliance schedule exceed 18 months from the effective date of this section. An industrial user who does not demonstrate compliance may petition the Department for a second extension as part of an administrative consent order. The Department shall include appropriate monitoring, reporting, and penalties into an administrative consent order that relates to a second extension, and shall enter into such an agreement only upon a good-faith showing by the industrial user of the actions taken to achieve compliance with this provision.

(C) *National categorical pretreatment standards.* All users shall comply with the applicable national categorical pretreatment standards and requirements promulgated pursuant to the Act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, however, that where a more stringent standard or requirement is applicable pursuant to state law or regulation, or to this chapter, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40 C.F.R. part 403 and as established by the Department. The national categorical pretreatment standards which have been promulgated as of the effective date of this chapter are delineated in § 52.60.

(1) *Intake water adjustment.* Industrial users seeking adjustment of national categorical pretreatment standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 C.F.R. 403.15. Upon notification of approval by the Department, the adjustment shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.

(2) *Modification of national categorical pretreatment standards.* The Department may apply to the U.S. Environmental Protection Agency, or to the Michigan Department of Environmental Quality, whichever is appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 C.F.R. 403.7. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided, that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted. Where such authorization is given to the Department, any industrial user desiring to obtain such credit shall make an application to the Department, consistent with the provisions of 40 C.F.R. 403.7 and of this chapter. Any credits which may be granted under this chapter may be subject to modification or revocation as specified in 40 C.F.R. 403.7, or as determined by the Department. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates which the board may establish and, when appropriate, revise from time to time. Permits shall reflect, or be modified to reflect, any credit granted pursuant to this chapter.

(3) *New sources.* Industrial users who meet the new sources criteria shall install, maintain in operating condition, and start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time and not to exceed 90 days, new sources must meet all applicable pretreatment standards.

(4) *Concentration and mass limits.* When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. Equivalent limitations shall be calculated in accordance with Sections 40 C.F.R. 403.6(c)(3) and/or 40 C.F.R. 403.6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 USC 1317(d) and of this chapter. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(5) *Reporting requirements for industrial users upon effective date of categorical pretreatment standards-baseline report.* Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under Section 40 C.F.R. 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into the Detroit POTW shall submit to the Department a report containing the information listed in 40 C.F.R. 403.12(b)(1-7). Where reports containing this information have already been submitted to the Director or regional administrator in compliance with the requirement of 40 C.F.R. 128.140(b), the industrial user will not be required to resubmit this information. At least 90 days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pretreatment standard shall submit to the Department a report which contains the information listed in 40 C.F.R. 403.12(b)(1-5). In such report, new sources shall include information concerning the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in 40 C.F.R. 403.12(b),(4) and (5).

(D) *Dilution prohibited.* Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation or requirement imposed by the village, the City of Detroit or by the State of Michigan.

(E) *Hauled in wastewater.* Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this chapter including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pretreatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the Department for unloading such waste in accordance with the Board's rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the Board. Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirements specified in § 52.53. The Department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this chapter.

(F) *Centralized waste treatment.* It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the Department. Any authorization granted, or permit issued, by the Department to a centralized waste treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the Department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the Department to discharge wastewater is not required to obtain further authorization from the Department before discharging the wastewater. An industrial user, that provides centralized waste treatment services and files an application for the treatment and discharge of such types of wastewater to the POTW, shall provide the following minimum information in support thereof:

(1) The general nature, source and process(es) generating the type of wastewater. Any wastewater, which is generated from those processes and is subject to national categorical pretreatment standards as delineated in § 52.60 shall be so designated;

(2) The identity of the toxic pollutants known or suspected to be present in the wastewater;

(3) At least one sample report showing the results of an analysis for the EPA priority pollutants for each type of wastewater for which application is made in division (F)(1) above;

(4) A statement, that is certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);

(5) The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA, by the state, or by any other governmental agency. Upon request, the centralized waste treatment (CWT) facility shall provide a copy of its permit and/or license to the Department; and

(6) (a) Other information requested by the Department including, but not limited to, information required by §52.53(C) (1) through (18), or by rules adopted by the Board. The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in § 52.53, will be deemed approved for discharge into the POTW. The centralized waste treatment (CWT) facility shall comply with all applicable provisions contained in § 52.53 regarding permits. In furtherance of its obligations as control authority, the Department may include in the permit a requirement to, report at selected intervals the information mandated in divisions (F)(1) through (6) of this section.

(b) All users granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the wastewater accepted for treatment and disposal. These records may be reviewed at any time by the Department.

(G) *Groundwater discharges.* Unless authorization has been granted by the Department, the discharge of any groundwater into the POTW is prohibited.

(1) The Department may authorize the discharge of groundwater resulting from maintenance and related activities of gas, steam, or electrical utilities through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit. Utilities shall comply with this provision within 180 days after its enactment.

(2) If a person, who proposes to discharge groundwater resulting from purge, response activity, or UST projects, has applied for and received a permit from the Department, the Department may authorize the discharge of such wastewater. Permits shall be issued in accordance with the procedures contained in § 52.53, or in accordance with any rules adopted by the Board.

(H) *Village right of revision.* The City of Detroit and the village reserves the right to establish rules or regulations adopted by the Board, additional or more stringent limitations or requirements on discharges to the POTW. Ninety days after adoption by the Board, industrial users shall comply with such rules and regulations.

(I) *Accidental discharges.*

(1) (a) Each industrial user, which does not currently have an approved spill prevention plan or slug control plan, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter, and all significant industrial users shall submit to the Department detailed plans which show facilities and operating procedures to be implemented to provide protection against such accidental discharges. Facilities and measures to prevent and abate accidental discharges shall be implemented, provided, and maintained at the owner's or industrial user's cost or expense. Unless the significant industrial user has an approved spill prevention or slug control plan, all existing significant industrial users shall complete and submit such a plan within 60 days of the effective date of this chapter. New significant industrial users shall submit such a plan prior to the time they commence discharging.

(b) For purposes of this chapter, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of 5% or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than 55 gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass through or cause interference with the POTW.

(c) The industrial user shall promptly notify the Department of any significant changes or modifications to the plan including, but not limited to, a change in the contact person, or substance inventory.

(2) At least once every two years, the Department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined by 40 C.F.R. 403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within 30 days of notification by the Department.

(J) *Notification requirements.* Unless a different notice is provided by this section or applicable law, within one hour of becoming aware of a discharge into the POTW which exceeds or does not conform with federal, state or village laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with this chapter, the industrial user shall telephone the Department at its control center and notify the Department of the discharge. The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW. Within five calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences and when required by the Department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences. Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.

(K) *Notice to employees.* A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the Department in the event of an actual or excessive or prohibited discharge.

(L) *Recovery of costs.* Any user discharging in violation of any of the provisions of this chapter, which produces a deposit or obstruction, or causes damage to or impairs the Department's POTW, or causes the Department to violate its NPDES permit, shall be liable to the Department for any expense, loss, damage, penalty or fine incurred by the Department because of said violation or discharge. Prior to assessing such costs, the Department shall notify the user of its determination that the user's discharge was the proximate cause of such damage, obstruction, impairment, or violation of the city's NPDES permit and the Department's intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of this chapter. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under this chapter, or this code, or other statutes and regulations, or at law or in equity.

(M) *Hazardous waste notification.* All industrial users, who discharge into the village collection system, shall notify the Department in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 C.F.R. Part 261. Such notification must comply with the requirements of 40 C.F.R. 403.12(p).

(N) *Authorized representative.* The authorized representative, as defined in §52.03(A)(3), may designate a duly authorized representative of the individual designated in § 52.03(A)(3)(1) or (2) where:

(1) The authorization is made in writing by the individual defined in §52.03(A)(3)(1) or (2);

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility where the industrial discharge originates, such as the position of plant manager; operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The written authorization is submitted to the Department.

(O) *Pollution prevention.* The Department shall encourage and support industrial users to develop and implement pollution prevention programs which eliminate or reduce pollutant contributions beyond the levels required by this chapter. The Department may require an industrial user to implement pollution prevention initiatives or BMP as part of an enforcement response, or as necessary to comply with its NPDES permit.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01; Am. Ord. 23.33, passed 2-9-09) Penalty, see §10.99

§ 52.52 FEES.

(A) The purpose of this section is to provide for the recovery of costs from users of the POTW. The applicable charges or fees established by the Board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by Board action.

(B) The Board shall adopt charges and fees which shall include, but not be limited to:

(1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the Department's industrial waste control and pretreatment programs; and

(2) User fees based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal; and

(3) Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and

(4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.53 WASTEWATER DISCHARGE PERMITS.

(A) *Required.* It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass through, or otherwise not comply with the discharge prohibitions of § 52.51. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater discharge permit from the Detroit Water and Sewerage Department. Unless otherwise expressly authorized by the Department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this chapter.

(1) All significant industrial users, which are in existence on the effective date of this chapter, shall apply for a wastewater discharge permit within 30 days of the effective date of this chapter. Significant industrial users who are currently operating with a valid wastewater discharge permit are not subject to this provision. These applications are to include all information specified in division (C) below and, where applicable, any additional information which may be needed to satisfy the federal baseline monitoring report requirements of 40 C.F.R. 403.12(b).

(2) All new significant users shall apply for a wastewater discharge permit at least 90 days prior to commencement of discharge. The application must include all information specified in division (C) below and, where applicable, any additional information that may be needed to satisfy the federal BMR requirements of 40 C.F.R. 403.12(b). Until a permit is issued and finalized by the Department, no discharge shall be made into the POTW.

(3) Any user, who proposes to discharge any wastewater other than sanitary or non-contact cooling water into the POTW, shall request approval from the Department for the discharge(s) at least 30 days prior to the commencement of the discharge.

(B) *Permit application or reapplication.* The Department may require any user to complete a questionnaire and/or a permit application and to submit the same to the Department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within 30 days of being so notified, a user shall comply with the Department's request in the manner and form prescribed by the Department. Failure of the Department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this chapter.

(1) A user, which becomes subject to a new or revised national categorical pretreatment standard, shall apply for a wastewater discharge permit within 90 days after the promulgation of the applicable national categorical pretreatment standard, unless an earlier date is specified or required by 40 C.F.R. 403.12(b). The existing user shall provide a permit application which includes all the information specified in divisions (C) and (G) below.

(2) A separate permit application shall be required for each separate facility.

(3) Existing permittees shall apply for permit reissuance a minimum of 90 days prior to the expiration of existing permits on a form prescribed by the Department.

(C) *Application or reapplication information.* In support of an application or reapplication for a wastewater discharge permit, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Corporate or individual name, any assumed name(s), federal employer identification number, address, and location of the discharging facility;

(2) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;

(3) All SIC numbers of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;

(4) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in § 52.51(A) and

(B), those pollutants limited by national categorical pretreatment standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Detroit Water and Sewerage Department. For each parameter, the expected or experienced maximum and average concentrations during a one-year period shall be provided. For industries subject to national categorical pretreatment standards or requirements, the data requested herein shall be separately shown for each categorical process wastestream. Combined wastestreams proposed to be regulated by the combined wastestream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 USC 1314(g) and contained in 40 C.F.R. Part 136, as amended. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the Administrator.

(5) A listing and description of activities, facilities and plant processes on the premises. Those processes, which are subject to national categorical pretreatment standards or requirements, shall be so designated. As pertains to division (C)(4) above, identify which pollutants are associated with each process;

(6) Restricted to only those pollutants referred to in division (C)(4) above, a listing of raw materials and chemicals which are either used in the manufacturing process or could yield the pollutants referred to in division (C)(4) above. Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;

(7) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven days of the week;

(8) Denote:

(a) The average and maximum 24-hour wastewater flow rates including, if any, daily, monthly and seasonal variations;

(b) Each national categorical process wastestream flow rate and the cooling water, sanitary water and storm water flow rates separately for each connection to the POTW; and

(c) Each combined wastestream;

(9) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process wastestream and which connections receive storm water, sanitary water or cooling water; also show which lines handle each combined wastestream. This schematic shall be cross-referenced to the information furnished in division (C)(8) above;

(10) Each product produced by type, amount, process or processes and rate of production as pertains to processes subject to production based limits under the national categorical pretreatment standards or requirements only;

(11) A statement regarding whether or not the requirements of this chapter and of the national categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements. This statement shall be reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional;

(12) Basic information on the program for the prevention of accidental discharges in accordance with the requirements of § 52.51(I);

(13) Proposed or actual hours of operation of each pretreatment system for each production process;

(14) A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;

(15) If other than Detroit Water and Sewerage Department potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;

(16) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this section and the national categorical pretreatment standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;

(17) Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and

(18) Any other information as may reasonably be required to prepare and process a wastewater discharge permit.

(D) *Permit issuance.* Upon receipt of an application, the Department shall review the application, determine, and so notify the industrial user in writing regarding any of the following:

(1) The industrial user does not meet the definition of a significant industrial user and is not required to have a wastewater discharge permit;

(2) The industrial user does meet the definition of a significant industrial user but is found by the Department to have no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, and is not required to have a wastewater discharge permit. The Department shall make such determination in accordance with the requirements of 40 C.F.R. 403.8(f)(6);

(3) The application is incomplete or the information only partially satisfies the information and data required by 40 C.F.R. 403.12 or by the Department, and that additional information and data are required which shall be promptly furnished. Where appropriate, the industrial user is notified regarding specific information that is missing, or that the application is unacceptable.

(4) (a) The industrial user is required to have a wastewater discharge permit. The Department shall notify the industrial user of its determination and the basis of the determination.

(b) The Department may withhold issuance of a permit to a significant user, which has not submitted an adequate or timely report, or permit application, to the Department as the control authority in accordance with the reporting requirements of 40 C.F.R. 403.12, or whose discharge is in violation of this chapter. If the Department determines that an industrial user is required to have a wastewater discharge permit and has evaluated and accepted the data furnished, the industrial user will be notified accordingly by certified mail. The notification shall contain a copy of the draft permit, so marked, for the industrial user's review. An industrial user has 30 days from the date of mailing to file a response to the draft permit and, in accordance with the procedures contained in § 52.59, 20 days from the date of mailing to file an appeal regarding a permit issued as final. Upon disposition by the Department of any contested terms or conditions, a permit shall be issued as final. Only one facility location shall be included in each permit.

(E) *Permit conditions.* Wastewater discharge permits shall contain all requirements of 40 C.F.R. 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this chapter, other applicable laws, rules, regulations, and user charges and fees established by the City of Detroit or village without repetition therein. In addition, permits may contain the following:

(1) Limits on the average and maximum wastewater constituents or characteristics which are equivalent, more restrictive than, or supplemental to the numeric limits enumerated in § 52.51, or the applicable national categorical pretreatment standards;

(2) Limits on average, and maximum rate and time of discharge or requirements for flow regulation and equalization;

(3) Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;

(4) Restrictions on which of the user's discharge wastestreams are to be allowed to be discharged at each point of connection to the POTW;

(5) Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;

(6) Requirements for the prevention of accidental discharges and the containment of spills or slug discharges;

(7) Restrictions based on the information furnished in the application;

(8) Additional reporting requirements:

(a) All permittees shall submit a report on the form prescribed by the Department, or on an alternative form approved by the Department, indicating the status of compliance with all conditions enumerated or referred to in the wastewater discharge permit, or made applicable to the permit by this chapter. Unless required more frequently, the reports shall be submitted at six-month intervals on a schedule to be established by the Department. Analytical data generated by the Department may not be submitted in lieu of the facility's own monitoring data as required by the wastewater discharge permit.

(b) Permittees not subject to national categorical pretreatment standards or requirements shall submit a report in accordance with the requirements of divisions (E)(8)(d) and (e) below. The report shall show the concentration of each substance for which there is a specific limitation in the permit, or which may be identified by the Department in accordance with divisions (E)(9) and (11) below.

(c) Permittees subject to national categorical pretreatment standards or requirements shall submit compliance reports at the times and intervals specified by federal regulations and by the Department. A compliance report shall be submitted to the Department no later than 90 days following the final compliance date for a standard, or in the case of a new source, no later than 90 days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 C.F.R. 403.12(d). A report on continued compliance shall be submitted at six-month intervals thereafter on the schedule established by the Department and incorporated into the industrial users discharge permit and in accordance with divisions (E)(8)(d) and (e) below. The reports shall be either on a form prescribed by the Department or on an alternate form approved by the Department, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by national categorical pretreatment standards, or which there is a specific limitation in the permit, or which may be identified by the Department in accordance with divisions (E)(9) and (11) below. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the Department, provided there have been no changes to the elements composing the combined wastestream.

(d) 1. Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for significant industrial users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 C.F.R. Part 403, or by the Department, but no less than is necessary to assess and assure compliance by the industrial user with the most stringent applicable pretreatment standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the Administrator.

2. If an industrial user monitors any pollutant more frequently than required by the Department using the procedures as prescribed in this section, the results of this monitoring shall be included in such report. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the industrial user into compliance with the applicable pretreatment standards.

(e) This report, and those required under § 52.51(C)(5) and divisions (E)(8)(b) and (c) above, shall include the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations." Said certification shall be signed by the facility's authorized representative, as defined in § 52.03. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of the authorized representative definition must be submitted to the Department prior to, or together with, any reports to be signed by an authorized representative.

(f) If sampling performed by a permittee indicates a violation, the user shall notify the Department within 24 hours of the time said user becomes, or should have become, aware of the violation. In addition, the user shall repeat the sampling and analysis, and submit the results of the repeat analysis to the Department within 30 days after said user becomes, or should have become, aware of the violation.

(9) In the event the Director determines that an industrial user is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the Department has the authority to develop and enforce effluent limits applicable to the user. To the extent the Department seeks to impose restrictions in a permit which are more restrictive than established in this chapter, the Department shall provide written documentation to explain the greater restriction for protection against pass through, interference, or violation of the NPDES permit;

(10) Requirement for pollution prevention initiatives; and

(11) Other requirements reasonably necessary to ensure compliance with this section.

(F) *Permit duration.* Permits shall be issued for a specified time period. Except as deemed necessary by the Department, or as otherwise provided for under this division, permits shall be issued for a specified period of not more than five years nor less than one year. The existing permit for significant industrial users, who timely submit an application for permit reissuance to the Department, shall be automatically extended until a permit is issued as final.

(G) *Permit modification.*

(1) The terms and conditions of the permit may be subject to modification by the Department during the term of the permit as limitations or pretreatment standards and requirements identified in § 52.51 are amended, or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:

(a) Material or substantial changes to an industrial user's facility or operation, or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an application form and apply for a modification of the permit within 30 calendar days of the change;

(b) Change(s) in the Department's NPDES permit;

(c) Embodiment of the provisions of a legal settlement or of a court order;

(d) Any changes necessary to fulfill the Department's role as control authority;

(e) An industrial user's noncompliance with portions of an existing permit;

(f) A change of conditions within the POTW;

(g) A finding of interference or pass through attributable to the industrial user;

(h) Amendments to, or promulgation of, national categorical pretreatment standards or requirements including 40 C.F.R. Part 403 and those delineated in § 52.60. Permittees shall request an application form and apply to the Department for a modified permit within 90 days after the promulgation of a new or revised national categorical pretreatment standard to which the industrial user shall be subject. Information submitted pursuant to this chapter shall be confined to that information related to the newly promulgated or amended national categorical pretreatment standard or requirement. However,

information previously submitted need not be duplicated, insofar as the previously submitted information continues to be current and applicable. In addition, the Department may initiate this action;

- (i) Changes in the monitoring location. (See §52.54);
- (j) Typographical errors or omissions in permits;
- (k) The Department may modify the permit on its own initiative based on its findings or reasonable belief of the above; or
- (l) The user may request a modification of the permit.

(2) When initiated by the Department, the industrial user shall be informed of any proposed change in its permit. The Department will issue a draft permit and an industrial user has 30 days to file a response to the draft modified permit. Thereafter, the Department will issue a final permit and, unless appealed in accordance with the procedures contained in § 52.59, the permit will become effective 20 days after issuance.

(H) *Permit custody and transfer.* Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without notice to and written approval of the Department, and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the Department of any such change at least 30 days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the Department prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it has occurred, the Department may revoke a permit. If a change takes place, the Department may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the Department allows to be retained.

(I) *Permit notification requirements.* All industrial users shall promptly notify the Department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which initial notification under 40 C.F.R. 403.12(p) has been made, request a permit application form, and apply for a modification of the permit at least 30 calendar days prior to the change. Failure of the industrial user to so apply shall be considered a violation of this chapter.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.54 MONITORING FACILITIES.

(A) Significant industrial users shall provide, operate and maintain at their own expense a sampling manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the Department and the industrial user, and to enable the Department to conduct such other monitoring and sampling as required for determining compliance with discharge requirements, limits and standards as provided for in this chapter. In the event the Department determines that the monitoring facility identified in the permit application is inadequate, a new monitoring facility must be identified, or provided, which shall allow for collection of a representative sample of the wastewater discharged from the facility. Unless otherwise determined at the discretion of the Department, said facility shall be provided within 90 days of receipt of notification by the Department. The industrial user shall provide the Department with:

(1) A drawing showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW;

(2) (a) A flow schematic showing:

1. Which connections receive each national categorical process wastestream,
2. Which connections receive storm water, sanitary water or cooling water, and
3. Which lines handle each combined wastestream.

(b) This report shall be certified by a professional engineer. If a significant industrial user fails to install the monitoring facilities within the prescribed time limits, then the Department may install such structure or device and the significant user shall reimburse the Department for any costs incurred therein.

(B) The sampling manhole should be situated on the industrial user's premises in a location readily accessible to the Department. When such a location would be impractical or cause undue hardship to the industrial user, the Department may allow the facility to be constructed in the public street or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the industrial user to obtain any necessary approvals which may be required from other government agencies for the location and construction of monitoring facilities. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with the Department's requirements and all applicable local construction standards and specifications. See § 52.53(G) regarding permit modification.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.55 INSPECTION SAMPLING AND RECORD KEEPING.

(A) For purposes of administering and enforcing this chapter, any other applicable provisions of this code or applicable state or federal laws and regulations, the Department may inspect the establishment, facility or other premises of the industrial user. The Department's employees or authorized representative shall have access to the industrial user's premises for purposes of inspection, sampling, compliance monitoring and/or metering activities.

(B) Each such inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner. Upon arrival at the industrial user's premises, the Department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that the facility's authorized representative has the right to observe the inspection and/or sampling. The Department shall neither refrain from, nor be prevented or delayed from, carrying out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.

(C) While performing work on private property, employees or authorized representatives of the Department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user. Duly authorized employees or representatives of the Department shall bear proper credentials and identification, and at the industrial user's option may be accompanied by a duly authorized representative of the industrial user. Duly authorized Department representatives shall not be restricted from viewing any of the facility site. Department employees or representatives may take photographs of facilities subject to this chapter which shall be maintained by the Department as confidential in accordance with § 52.56.

(D) Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, personnel from the Department will be permitted to enter for the purposes of performing their specific responsibilities.

(E) Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The Department may require such samples to be split with the Department for the Department's independent analysis.

(F) Industrial users shall maintain records of all information from monitoring activities required by this division, or by 40 C.F.R. 403.12(n). Industrial users shall maintain the records for no less than three years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the City of Detroit's Industrial Waste Program, or when requested by the department, by the state, or by the EPA.

(G) Upon the request of the Department, industrial users shall furnish information and records relating to discharges into the POTW. Industrial users shall make such records readily accessible to the Department at all reasonable times, and allow the Department to copy such records.

(H) In the event the Department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the Department employee or representative shall leave with the user, a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the Department shall be controlling unless proven invalid.

(I) In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the Department, and then analyzed in accordance with 40 C.F.R. Part 136, and found to contain concentrations of pollutants which are two or more times greater than the numeric limitations as listed in § 52.51(B), or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the Department within 14 days, which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two times the limitation in the future.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.56 CONFIDENTIAL INFORMATION.

(A) (1) Information and data on an industrial user obtained from written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

(2) When submitted to the Department, all information claimed to be confidential must be clearly marked "confidential". When requested by the person furnishing the report, the portions of a report determined by the Department to disclose trade secrets or trade secret processes, and which are clearly labeled as confidential, shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this division, to the National Pollutant Discharge Elimination System (NPDES) permit, and to the State Disposal System permit and/or the pretreatment programs, provided, however that information shall be treated as confidential by the governmental agency, until such time as the information has been determined to be non-confidential by the governmental agency. Confidential information on industrial users, which the Department releases pursuant to a request of another governmental agency, should be handled by the other governmental agency pursuant to its own confidentiality procedures. The Department cannot

control how another governmental agency handles such confidential information, and assumes no responsibility for the disposition of the information released to the governmental agency. The Department will use sufficient care to inform the other governmental agency of the existence of the industrial user's confidentiality claim.

(3) The Department shall determine whether the information requested to be treated as confidential, in fact, satisfies the requirements of confidential information as defined herein. The decision of the Department shall be made in writing.

(4) Wastewater constituents and characteristics will not be recognized as confidential information.

(B) Except as otherwise determined by the Department or provided for by applicable law, all information with respect to an industrial user on file with the city shall be made available upon request by such user or the user's authorized representative during normal business hours.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.57 STATUTES, LAWS AND REGULATIONS.

The national categorical pretreatment standards defined in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof. Unless otherwise provided, any reference in this chapter to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any private organization, or by any element or organization of government other than the village shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of this chapter.

(Ord. 23.27, passed 1-8-90; Am. Ord. 23.31, passed 12-10-01)

§ 52.58 ENFORCEMENT.

(A) *Violations.* It shall be a violation of this chapter for any user to:

(1) Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;

(2) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics within the time frames provided in § 52.53(G)(1);

(3) Refuse reasonable access to the industrial user's premises, waste discharge, or sample location for the purpose of inspection or monitoring;

(4) Restrict, lockout or prevent, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided, that upon request reasonable access to the facility is promptly provided to the Department;

(5) Restrict, interfere, tamper with, or render inaccurate any of the Departments monitoring devices including, but not limited to, samplers;

(6) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit;

(7) Fail to comply with any limitation, prohibition, or requirement of this chapter including any rule, regulation, or order issued hereunder. Industrial users acting in full compliance with wastewater discharge permits issued prior to the effective date of this chapter shall be deemed to be in compliance with the requirements of this chapter, and such permits shall remain in effect and be enforceable under this chapter until a superseding permit is effective. Industrial users shall comply with applicable national categorical pretreatment standards and requirements on the date specified in the federal regulations, regardless of compliance schedules.

(B) *Upsets.* An upset shall constitute an affirmative defense to an action brought for noncompliance with national categorical pretreatment standards where the requirements of division (1) below are met.

(1) An industrial user who wishes to establish the affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

(a) An upset occurred and the industrial user can identify the cause(s) of the upset;

(b) At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(c) The industrial user has submitted the following information to the Department, orally or in writing, within 24 hours of becoming aware of the upset and where this information is provided orally, a written submission must be provided within five days:

1. A description of the discharge and cause of noncompliance;

2. The period of noncompliance including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(2) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the

burden of proof;

(3) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with this division upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(C) *Bypass.* Bypasses are prohibited unless the bypass does not cause a violation of pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of divisions (1) and (2) below.

(1) *Notice of anticipated bypass.* Industrial users anticipating a bypass shall submit notice to the Department at least ten days in advance.

(2) *Notice of unanticipated bypass.* An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the industrial user becomes or should have become aware of the bypass. A written submission shall be provided within five days of the time the industrial user becomes or should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(3) *Prohibition of bypass and enforcement.* Bypass is prohibited, and the Department may take enforcement action against a user for a bypass, unless:

(a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(c) The industrial user properly notified the Department as described in division (C)(2) above.

(4) *Bypass approval.* Where it meets all conditions in division (C)(3) above, the Department may approve an anticipated bypass.

(d) *Emergency suspensions and orders.* The Department may order suspension of the sewer or wastewater treatment service and/or a wastewater discharge permit where, in the opinion of the Department, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the City of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event the Department provides informal notification under this section, written confirmation and an order shall be provided within 24 hours. In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the Department shall take such steps as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment. In the event such steps are taken, the Director shall notify the industrial user within 24 hours in writing of such action and order, and the specific recourse available. In any event, the Department shall provide the industrial user with an opportunity for a hearing before the Director, or his designated representative, within ten days of such action. The industrial user shall submit a detailed written statement to the Department within 15 days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Upon proof of elimination of the noncomplying discharge, the Department shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service.

(E) *Notice of violation.* Except in the case of an actual or threatened discharge as specified in division (D) above, whenever the Department has reason to believe that any industrial user has violated or is violating this chapter, the Department shall serve a written notice stating the nature of the violation upon such industrial user. Where applicable, the Department shall pursue appropriate escalating enforcement action as defined within its approved enforcement response plan. The failure of the Department to issue a notice of violation shall not preclude the Department from escalating its enforcement response.

(F) *Administrative actions.* Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, or a pretreatment standard or requirement or any prohibition of this chapter, the Department, except in the case of emergency or flagrant violation, may initiate appropriate administrative enforcement action in order to compel the industrial user to eliminate or to remedy such violation as soon as possible.

(1) (a) *Conferences.* The Department may order any person, who violates this chapter, to attend a conference wherein the Department may endeavor to cause the user to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violation shall be served at least ten days before the scheduled conference and shall set forth the date, time, and place thereof. The conference shall be conducted by a representative of the Department. The industrial user shall present a plan and schedule for achieving compliance with this chapter. Nothing contained herein shall require the Department to accept or agree to any proposed plan or schedule, or to prevent the Department from proceeding with a show cause hearing as set forth in division (F)(2) below. If the attendees agree upon a compliance schedule, the user and the Department's duly authorized representative may enter, by consent, into a compliance agreement or an

administrative order setting forth the terms of such agreement. An industrial user must exhibit good faith and expeditious efforts to comply with this chapter and any procedures, requirements, and agreements hereunder.

(b) *Compliance schedules.* The user and the Department may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a compliance agreement, or an administrative consent order. Schedules developed under this subsection shall adhere to the following conditions:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the industrial user to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction;

2. No single increment referred to in division (F)(1)(b)1. above shall exceed nine months;

3. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Department including, at a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the industrial user to return to the established schedule; and

4. Any deviations from the compliance schedule may result in the industrial user being found in violation of this chapter.

(c) *Administrative orders.* The Department may order any industrial user, who violates or continues to violate this chapter or a duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An order may be either an administrative consent order, which is the result of an agreement, or a unilateral administrative order.

(2) *Show cause hearing.* The Department may order any industrial user, who violates this chapter or allows such violation to occur, to show cause before the Department why a proposed enforcement action should not be taken. A notice shall be served upon the industrial user specifying the time and place of a hearing before the Department regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the Department why any proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail with return receipt requested, at least ten days before the hearing. Service may be made upon any agent or officer of a corporation, or its authorized representative.

(a) *Hearing proceeding.* The hearing shall be conducted in accordance with the procedures adopted by the Board. A hearings officer shall conduct the show cause hearing and take the evidence, and may:

1. In the name of the Board, issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

2. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.

(b) *Transcript.* At any show cause hearing held pursuant to this chapter, testimony shall be recorded by a court reporter.

(3) *Actions.* After a show cause hearing has been conducted, the hearings officer shall issue an order to the industrial user directing any of the following actions:

(a) Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition, restriction or requirement of this division, or applicable local, state or federal law or regulation;

(b) Pretreatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period;

(c) Submission of compliance reports on effluent quality and quantity as determined by self-monitoring and analysis during a specified time period;

(d) Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;

(e) Control of discharge quantities;

(f) Payment of costs for reasonable and necessary inspection, monitoring, and administration of the industrial user's activities by the Department during compliance efforts; and/or

(g) Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, or revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or

operation and maintenance practices have been employed;

(h) A finding the user has demonstrated by a preponderance of the evidence that a violation either of this chapter or of a duly issued permit did not occur.

(4) *Public notification of significant noncompliance.* The Department shall publish in the largest daily newspaper published in the City of Detroit and the village a list of all industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous 12 months. All industrial users identified in a proposed publication shall be provided with a copy of the proposed notice at least 30 days before publication and allowed an opportunity to comment as to its accuracy.

(G) *Legal actions.*

(1) *Criminal action.* Any user, who violates any provision of this chapter including the failure to pay any fees, fines, charges or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant thereto, or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit, or who tampers with or knowingly renders inaccurate any monitoring device required under this chapter, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500 for each violation per day, or by imprisonment for not more than 90 days, or by both. The Department, consistent with the terms and conditions of the Delegation Agreement entered into with village, is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this chapter.

(2) *Civil action.* Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of this chapter, the Director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and/or to obtain appropriate relief to remedy the violations. The Department or Board may also seek additional legal and/or equitable relief. The commencement of suit does not constitute an exclusive election of remedies and does not prohibit the Department, Director, Board, City of Detroit or the village from commencing action in federal court for discharges believed to be in violation of this chapter, state and federal requirements contained in the Clean Water Act, the City of Detroit's NPDES permit, or other applicable laws or requirements. In addition, the City of Detroit and/or the village may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this chapter, or the orders, rules, regulations and permits issued hereunder.

(3) All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the City of Detroit Water and Sewerage Department and the village where applicable.

(H) *Prevention initiatives/BMP.* Where one or more of the measurements taken for any pollutant defined in §52.51(B) of this code during a six month period exceed by any magnitude the daily maximum non-detect limit for the same parameter, the industrial user may develop and implement pollution prevention initiatives, or a BMP, a part of its response. The Department may, as part of an administrative order, also require development of a BMP as a part of the Department's enforcement response. Upon approval of the Department, these pollution prevention initiative, or BMPs shall be made an enforceable part of the wastewater discharge permit. Industrial users shall provide, at six month intervals, analytical results and certifications in support of its implementation of an approved pollution prevention initiative or BMPs. Upon demonstration of compliance, the industrial user may request to be relieved of this implementation requirement.

(Ord. 23.31, passed 12-10-01; Am. Ord. 23.33, passed 2-9-09)

§ 52.59 RECONSIDERATION AND APPEAL.

Through the procedures of reconsideration and appeal, a user may contest actions, determinations, or decisions of the Department which result from its construction, application and enforcement of this chapter. The procedures contained within this section govern reconsideration and appeal with respect to construction, application, and enforcement of this chapter.

(A) *Selection of reconsideration or of appeal.*

(1) Except for those actions, determinations, or decisions which are expressly identified as subject only to appeal, reconsideration may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by any action, determination, or decision that is made by, or on behalf of, the Department by the Director, or an authorized representative, and that interprets, implements or enforces the provisions of this chapter.

(2) An appeal may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected:

(a) By a permit issued as final by the Department, or

(b) By an administrative order entered after a show cause order and hearing, or after a hearing for reconsideration.

(3) Unless otherwise expressly provided for by this chapter, a request for reconsideration or appeal must be signed by an authorized representative, and received at the Department's General Offices within 20 days from the date of the occurrence of the action, determination, or decision in dispute. A request for reconsideration shall contain the requester's name and address, a brief statement of the reason(s), and the factual basis underlying the request.

(4) A request for reconsideration shall be filed in triplicate either by hand delivery or by certified mail to the General Offices of the Department. Where a request for reconsideration or appeal either is not filed within the time period provided for in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to reconsideration or appeal may be deemed waived.

(B) *Reconsideration.* Within 15 days after receipt of a timely and proper request for reconsideration, the Department shall notify the applicant of the time and place for a hearing.

(1) A hearing for reconsideration shall be conducted by a hearings officer who is designated by the Director and may be an employee of the Department. The decision of the hearings officer shall be in the form of a recommendation to the Director and embodied in an administrative order. Except for an administrative consent order that was negotiated and agreed to by both parties, an administrative order is appealable in accordance with division (C) below.

(2) Where improperly or untimely submitted, the Department may reject a request for reconsideration. The Department shall notify the requester in writing that the request has been rejected.

(3) Unless the date is mutually extended by both parties, the hearing shall be conducted neither less than ten days nor more than 30 days after mailing of the notice. For cause and at the discretion of the hearings officer, the hearing may be continued for a reasonable time.

(4) The hearing for reconsideration shall be an informal consultation and conference where the requester in person, or by counsel, shall present their argument, evidence, data, and proof in connection with the issue(s) being reconsidered. The parties shall not be bound by the Michigan Rules of Evidence. The hearing shall be transcribed and the requester may obtain a copy of the hearing transcript, as appropriate, from the Department or from the court reporter.

(5) Within 30 days after the close of the hearing, the hearings officer shall issue a final decision which shall contain a recommendation to the Director. The hearings officer shall send such decision to the requester by certified mail.

(6) Unless such action is necessary to prevent pass-through, interference or other harm to the POTW, to the public or to the waters of this state, the filing of a request for reconsideration in accordance with this section shall stay the action by the Department that is the subject of the hearing for reconsideration.

(C) *Appeal.* Within 30 days after receipt of a timely and proper request for an appeal, the Department shall notify the applicant in writing regarding the time and place for a hearing. The hearing shall be conducted in accordance with procedures set by the Board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter. In addition:

(1) Any request for an appeal must be made within 20 days of the Department's action, determination or decision regarding the request for reconsideration or any permit issued in accordance with this chapter.

(2) Where a request either is not filed within the time period contained in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to appeal may be deemed waived. Where untimely or improperly submitted, the Department may reject the request for an appeal, and shall notify the requester in writing that such request has been rejected.

(3) The Department shall appoint a hearings officer. The hearings officer shall review the evidence, and within 15 days after the close of the hearing shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the Department.

(4) The written recommendation of the hearings officer shall be submitted to the Board which shall render a final decision within 30 days of its next regularly scheduled meeting.

(5) In accordance with applicable law, the user or the Department may appeal any final decision of the Board to a court of competent jurisdiction.

(6) Unless such action is necessary to prevent pass through, interference, or other harm to the POTW, to the public or to the waters of this state, the filing of a request for appeal in accordance with this section shall stay the action by the Department that is the subject of the appeal.

(Ord. 23.31, passed 12-10-01)

§ 52.60 NATIONAL CATEGORICAL PRETREATMENT STANDARDS - 40 C.F.R.

Aluminum Forming	40 C.F.R. Part 467
Asbestos Manufacturing	40 C.F.R. Part 427
Battery Manufacturing	40 C.F.R. Part 461
Builder's Paper and Board Mills	40 C.F.R. Part 431
Canned and Preserved Fruits and Vegetables	40 C.F.R. Part 407
Canned and Preserved Seafood Processing	40 C.F.R. Part 408
Carbon Black Manufacturing	40 C.F.R. Part 458
Cement Manufacturing	40 C.F.R. Part 411

Centralized Waste Treatment	40 C.F.R. Part 437
Coal Mining	40 C.F.R. Part 434
Coil Coating	40 C.F.R. Part 465
Copper Forming	40 C.F.R. Part 468
Dairy Products Processing	40 C.F.R. Part 405
Electrical and Electronic Components I & II	40 C.F.R. Part 469
Electroplating	40 C.F.R. Part 413
Explosives Manufacturing	40 C.F.R. Part 457
Feed Lots	40 C.F.R. Part 412
Ferroalloy Manufacturing	40 C.F.R. Part 424
Fertilizer Manufacturing	40 C.F.R. Part 418
Glass Manufacturing	40 C.F.R. Part 426
Grain Mills	40 C.F.R. Part 406
Gum and Wood Chemicals Manufacturing	40 C.F.R. Part 454
Hospital	40 C.F.R. Part 460
Ink Formulating	40 C.F.R. Part 447
Inorganic Chemicals Manufacture (I & II)	40 C.F.R. Part 415
Iron and Steel	40 C.F.R. Part 420
Landfills	40 C.F.R. Part 445
Leather Tanning and Finishing	40 C.F.R. Part 425
Meat Products	40 C.F.R. Part 432
Metal Finishing	40 C.F.R. Part 433
Metal Molding and Casting	40 C.F.R. Part 464
Metal Products and Machinery	40 C.F.R. Part 438
Mineral Mining and Processing	40 C.F.R. Part 436
Nonferrous Metals Forming	40 C.F.R. Part 471
Nonferrous Metals Manufacturing I	40 C.F.R. Part 421
Nonferrous Metals Manufacturing II	40 C.F.R. Part 421
Ore Mining and Dressing	40 C.F.R. Part 440
Organic Chemicals, Plastics, and Synthetic Fibers	40 C.F.R. Part 414
Paint Formulating	40 C.F.R. Part 446
Paving and Roofing Materials	40 C.F.R. Part 443
Pesticide Chemicals	40 C.F.R. Part 455
Petroleum Refining	40 C.F.R. Part 419
Pharmaceutical	40 C.F.R. Part 439
Phosphate Manufacturing	40 C.F.R. Part 422
Photographic	40 C.F.R. Part 459
Plastics Molding and Forming	40 C.F.R. Part 463
Porcelain Enameling	40 C.F.R. Part 466
Pulp, Paper, and Paperboard	40 C.F.R. Parts 430 and 431
Rubber Manufacturing	40 C.F.R. Part 428
Soap and Detergent Manufacturing	40 C.F.R. Part 417
Steam Electric	40 C.F.R. Part 423
Sugar Processing	40 C.F.R. Part 409
Textile Mills	40 C.F.R. Part 410
Timber Products	40 C.F.R. Part 429
Transportation Equipment Cleaning	40 C.F.R. Part 442
Waste Combustors	40 C.F.R. Part 444

(Ord. 23.31, passed 12-10-01; Am. Ord. 23.33, passed 2-9-09)

§ 52.61 PHENOLS LIMITATIONS.

(A) An industrial user may elect, in lieu of the total phenols limitation specified in §52.51(B)(2), to substitute specific limitations for each of the eight individual phenolic compounds identified under the

total phenols limitation. The following specific limitations, expressed in mg/l, shall be applied in lieu of the total phenols limitation, upon election:

2-Chlorophenol	2.0 mg/l
4-Chlorophenol	2.0 mg/l
4-Chloro-3-methylphenol	1.0 mg/l
2,4-Dichlorophenol	5.5 mg/l
2,4-Dinitrophenol	2.0 mg/l
4-Methylphenol	5.0 mg/l
4-Nitrophenol	15.0 mg/l
Phenol	14.0 mg/l

(B) Following election, the wastewater discharge permit shall be modified to incorporate these substituted parameters and an industrial user shall be responsible for monitoring and reporting compliance with these parameters.

(Ord. 23.33, passed 2-9-09)

§ 52.62 INTERIM DISCHARGE LIMITATIONS.

No user shall discharge wastewater containing any of the following pollutants in excess of the following interim pollutant discharge limitations:

(A) *Compatible pollutants:*

(1) Any fats, oil or grease (FOG) in concentration greater than 1,500 mg/l based on an average of all samples collected within a 24 hour period.

(2) Any total suspended solids (TSS) in concentrations greater than 7,500 mg/l.

(3) Any biochemical oxygen demand (BOD) in concentrations greater than 7,500 mg/l.

(4) Any phosphorus (P) in concentrations greater than 250 mg/l.

(B) Unless otherwise stated, all limitations are based upon samples collected over an operating period representative of a user's discharge, and in accordance with 40 C.F.R. Part 136.

(C) (1) *Non-compatible pollutants:*

(2) Cadmium (Cd): 1.0 mg/l.

(Ord. 23.33, passed 2-9-09)

CHAPTER 53: WATER

Section

General Provisions

53.01 Administration

53.02 Water mains

53.03 Water service pipes

53.04 Water service

53.05 Meters

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53.07 Fire hydrants

53.08 Water rates, billing and lien upon premises rates

53.09 Seasonal or temporary shut off

53.10 Emergency and summer outdoor water use restrictions

53.11 Complaints; payment to cashier; prior notice for shut off

53.12 Service outside the village limits

53.13 Inspections

Cross-Connections

53.20 Adopting water supply cross-connection rules

53.21 Inspections

53.22 Inspector's rights

53.23 Discontinuance of service

53.24 Potable water supply

53.25 Exceptions

53.26 Violations

GENERAL PROVISIONS

§ 53.01 ADMINISTRATION.

(A) The Village Manager shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment, distribution system, fire hydrants, meters and all other appurtenances of the water supply system of the village. He may designate the Superintendent of Public Works and such other employees as may be necessary for the proper operation of the system. He shall be in charge of the enforcement of this chapter.

(B) The Village Manager or person delegated by him shall be held responsible for the collection of water bills and other charges arising out of the operation of the water system. All revenues therefrom shall be accounted for in a manner satisfactory to the Village Council. A statement of the receipts and expenditures of the water department shall be presented to the Council. Water revenues shall be deposited in the manner approved for other municipal deposits, but shall be kept in a separate and distinct account as approved by the Council.

(Ord. 18.04, passed 10-23-78)

§ 53.02 WATER MAINS.

(A) The water mains of the village shall be under the exclusive control of the Village Manager and no person, firm or corporation other than authorized agents or employees of the village shall tap, change, obstruct, interfere with, or in any way disturb the system of water mains.

(B) All extensions and alterations to the system of water mains shall be made under the supervision of the Village Manager. Petitions for the extension of existing or construction of new mains shall be addressed to the Village Manager who may refuse to grant, and may prescribe the terms and conditions upon which the petition will be granted and may require written acceptance of such terms and conditions by the petitioners. The Village Council shall determine and stipulate the proportions of the cost to be borne by petitioners and by the village.

(C) Any person, firm or corporation who shall propose the installation of water mains shall first submit complete plans and specifications, prepared by a Professional Registered Civil Engineer, for such work, to the Village Manager. The Village Manager shall approve or disapprove any such plans and shall stipulate under what conditions such installation shall be made.

(D) No private well system will be allowed to be connected at any point with the village water supply system without the approval of the Village Council and the State Health Department.

(Ord. 18.04, passed 10-23-78)

§ 53.03 WATER SERVICE PIPES.

(A) All water service pipe on either public or private property shall be laid on a solid bottom not less than five feet below the established grade. Service pipe laid in the same trench with sewer shall be at least three feet distant from the sewer horizontally, and if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom.

(B) All water service pipe, on either public or private property, shall be of type "K" copper or approved equal by the Village Manager, not less than 3/4 inch in diameter extending from the main to the meter. All stop or service cocks shall be at least 3/4 inch extra heavy round way stops placed outside of the property line. The stop box shall be so placed that the cover is not below grade and must be set on a firm foundation to prevent settlement.

(C) A separate stop and waste cock, or valve and waste, shall be placed on the water pipe just inside the building wall so that the water may be turned off and drained from the top pipe in case of accident, or in order to make repairs. A valve shall also be installed on the house side of the meter.

(D) The water service pipe from the main to the curb stop, and also curb stop and the curb box will be provided in place by the village under the fee for water permits hereinafter provided. Water service pipe from the curb stop to the building on private property shall be installed and maintained by the owner of the premises. If the owner fails, after due notice, to

maintain such service, the village is hereby authorized to turn off the water at the curb stop.

(E) The owner or his agent shall not interfere with the water service pipe installed by the village in any way and shall not be permitted to turn on or off the water at the curb stop for any reason. Any person called upon to shut off water and drain pipes in any premises shall do so inside the building only.

(Ord. 18.04, passed 10-23-78)

§ 53.04 WATER SERVICE.

(A) Before any connection is made to any water main, application for a permit must be made in writing by the owner or his authorized agent, of the premises to be served, at the office of the Village Clerk. Such application shall be made on forms provided by the village, and shall contain such information and/or agreement as the Village Manager may require.

(B) No connection shall be made until the applicant has paid to the village the following permit fees for tapping the main, the installation of the service pipe from the main to the service cock, the service cock and stop box and the furnishing of a meter (which shall remain the property of the village):

Water Tap and Meter	Fee
3/4" tap	\$1,800
1" tap	2,000
1-1/2" tap	2,600
2" tap	3,400
greater than 2" tap	4,500 tap fee. The customer is also responsible for making the tap and paying for the meter at cost plus 20% for administration.

(C) Temporary use of water for construction or other purposes will not be permitted unless suitable protection is provided to prevent damage or freezing of the water meter. All temporary water usage shall be metered and all necessary tap and installation fees shall be paid prior to turn on of water.

(D) All water using premises located in the village shall apply for an installation permit and be connected to the water system. Those dwellings that are not connected on the date of enactment of this chapter are excluded.

(Ord. 18.04, passed 10-23-78; Am. Ord. 18.14, passed 6-12-96; Am. Ord. 18.20, passed 3-22-99)

§ 53.05 METERS.

(A) All service connections except for separate fire connections shall be metered and payment for water shall be at the established rates.

(B) All premises in the village presently using village water shall be metered.

(C) All meters will be furnished by the village, and shall remain the property of the village, and will, at all times, be under the control of the village. In cases where a meter larger than 3/4 inch is required the Village Manager shall determine the necessity of such larger size.

(D) The Village Water Department shall be responsible for installation of the water meter only. Required piping repairs and revisions to allow installation of the meter shall be the responsibility of the customer.

(E) All water-using premises located in the village shall apply for an installation permit and be connected to the water system. Those dwellings which are not connected on the date of enactment of this ordinance are excluded (Section 5 of Ordinance No. 18.04 passed 10-23-78).

(F) Meters shall be set in a horizontal position not less than 18 inches or higher than three feet from the floor level and not less than six inches or not more than 12 inches from the wall. Meters shall be set in an accessible location satisfactory to the Village Manager and shall not be set in a coal bin, crawl space or other location where the meter cannot be easily reached by the meter reader. Where it becomes necessary to set the meter in a pit, such pit shall be furnished by the customer and built as specified by the Village Manager.

(G) Meters shall be sealed by the village, and no other than authorized employees of the village shall break or injure such seals, or alter, change the location of, or interfere in any manner with the meter.

(H) Except as otherwise provided for in this chapter, the village will furnish and maintain the meters; however, where replacements, repairs or adjustments of the meter are necessary due to neglect, carelessness, freezing or negligence on the part of the customer or owner, the owner will be charged for the necessary costs to make the corrections.

(I) All village water used on any premises must pass through the meter except as otherwise provided for in this chapter. It shall be unlawful to install or use any bypass around the meter or any connection that would prevent the flow of water used from being metered. In case of meter stoppage or imperfect operation, immediate notice shall be given to the village

and the consumer will be charged at the average quarterly consumption rate as shown by the meter when in working order.

(J) The accuracy of the meter on any premises shall be tested by the village upon the request of the account holder, who shall pay a testing fee to cover the cost of testing which billing shall be placed on the next water bill. Fees for testing shall be set by resolution of the Village Council. If, upon such test, the meter is found to over-register by 5% more water than actually passes through it, another meter will be substituted, at no charge, and the testing fee shall be credited to the account holder, and the Village Manager will adjust the water bill in such a manner as shall be fair and just.

(Ord. 18.04, passed 10-23-78; Am. Ord. 18.19, passed 12-9-96)

§ 53.06 USE OF WATER.

(A) When new service pipes are installed in any premises, the service cock shall be left closed, and will thereafter only be opened by an authorized employee of the village; and only upon the request of the occupant, owner or his agent.

(B) Where a permit shall be issued for water service to a building under construction or other temporary purpose and a water meter has been installed, the owner shall notify the village upon the completion of his work in order that the water meter may be read and the connection shut off.

(C) Where a building originally built as a single dwelling and fitted with one service pipe is thereafter subdivided by sale or otherwise, each sub-division as created must be connected to the water system by a separate meter within 30 days after such division.

(D) Where the water has been turned off by the village for any reason, no person except an authorized employee of the village may turn it on again.

(E) No steam boiler shall be directly connected to the service pipe. The owner shall make such provisions as may be required by the village before the water may be supplied to such an installation.

(F) All cross-connections between any type of water supply and village water supply are prohibited without the approval of the Village Council and the State Health Department. In the event a cross-connection is discovered, the water will be turned off at the curb cock until the cross-connection is severed. No direct connection of any type to a sewer line shall be allowed.

(Ord. 18.04, passed 10-23-78)

§ 53.07 FIRE HYDRANTS.

(A) Fire hydrants may be opened and used only by authorized employees or agents of the village.

(B) The Village Manager must approve the type, size of openings and types of nozzle thread on all hydrants installed on private property or installed by other than the village.

(C) Hydrants are located within the road right of way or easement and any person, firm or corporation requesting to have a hydrant relocated shall pay the complete cost of moving the hydrant.

(Ord. 18.04, passed 10-23-78)

§ 53.08 WATER RATES, BILLING AND LIEN UPON PREMISES RATES.

(A) A minimum quarterly ready to serve charge shall be established by resolution of the Village Council at a regular meeting after a public hearing.

(B) For all water used during any quarterly period, a water usage charge for each 100 cubic feet or fraction thereof shall be established by resolution of the Village Council at a regular meeting after a public hearing.

(C) Unmetered customers shall pay a charge per quarter as established by resolution of the Village Council at a regular meeting after a public hearing.

(D) There is hereby imposed upon Orion Township an annual charge per hydrant as established by resolution of the Village Council for standby water usage; billing to be made on or about January 1 of each year using a hydrant count as of December 31 of the previous calendar year. Except as otherwise provided in this chapter, rates for special supply or for temporary supply for any purpose shall be fixed by the Village Manager.

(E) In the event that a property owner fails to install a water meter pursuant to this chapter, the village shall cause the same to be built in a meter pit or other acceptable chamber with the cost of labor, materials, and construction billed to the water customer on the next ensuing quarterly bill and collected in the same manner as other water bills.

(F) *Billing.*

(1) For the purpose of making and collecting charges for water used by consumers, the calendar year shall be subdivided into quarterly periods to be established by the Village Manager, and statements shall be rendered quarterly and shall be due and payable on or before 30 days after the expiration of each quarterly period; provided, however, that for the purpose of establishing the commencement of any quarterly period, the first of any subsequent billing may be made for less than or greater than a quarter period. The due date of such charges shall be stated upon the billing therefore, and the same shall be paid on or before the due date stated therein.

(2) *Delinquent charges.* If any charges for water supply services are not paid on or before the due date then a penalty of 10% shall be added thereto. In the event that the charges for any such services furnished to any premises shall not be paid within 90 days after the due date thereof, then the village shall assess an automatic \$250 fine in addition to the ten percent penalty. In addition thereto, in the event the same is not paid within the 90-day period, all services furnished by the water supply system may be discontinued. Services so discontinued shall not be restored until all sums then due and owing, including penalties, are paid, plus a shut-off and a turn-on charge. A penalty of 10% shall be added to and become part of any charge that is not paid before the same becomes delinquent.

(G) *Lien upon premises.*

(1) Such charges shall constitute a lien upon the respective properties served and if any charge is not paid before it becomes delinquent it may be recovered by the village in an action of assumpsit against the owner of the property served as well as any tenant supplied with such water, or such charges may be certified to the Village Treasurer by the Village Council and assessed against the property on the next village tax roll, in which event such charge shall be collected and returned in the same manner as other village taxes are collected and returned; provided that any charge shall not be so certified which has not been delinquent for a period of at least 6 months, in addition to any other remedy provided in this chapter or by law, if such charges for water consumed shall not be paid within 30 days after the same shall become delinquent, the Village Manager shall have the authority to shut off the supply of water to any such premises, provided:

(a) Notice is provided by first class mail to the property owner(s) according to village records affording the owner(s) an administrative hearing before the Village Manager prior to the water being shut off; and

(b) Notice of the administrative hearing is provided to any occupant(s) of the property by posting notice of the same at the premises.

(2) After the hearing, the village may shut off and sever such water connection. In such event, such connection shall not thereafter be re-connected until all such water charges and penalties shall be fully paid, together with a shut-off charge of \$100 and a turn-on charge of \$250 as established by resolution of the Village Council at a regular meeting after public hearing.

(Ord. 18.04, passed 10-23-78; Am. Ord. 18.05, passed 4-11-83; Am. Ord. 18.09, passed 11-23-92; Am. Ord. 18.10, passed 1-11-93; Am. Ord. 18.11, passed 9-13-93; Am. Ord. 18.12, passed 8-8-94; Am. Ord. 18.13, passed 3-13-95; Am. Ord. 18.17, passed 5-28-96; Am. Ord. 18.21, passed 6-14-99; Am. Ord. 18.22, passed 5-22-00; Am. Ord. 18.23, passed 5-29-01; Am. Ord. 18.24, passed 6-25-02; Am. Ord. 18.25, passed 8-14-06; Am. Ord. 18.27, passed 11-9-15; Am. Ord. 18.28, passed 8-28-17)

§ 53.09 SEASONAL OR TEMPORARY SHUT OFF.

(A) In case of seasonal or temporary vacancy, at the request of the customer, and after notification by the customer no less than 48 hours prior to a required turn-off date, the village will turn off the water at the curb stop. A turn-off and turn-on fee of \$5 each shall be charged. During each seasonal vacancy, and provided that no water use is recorded on the meter during such vacancy, a ready-to-serve fee in the amount of \$3 per month or fraction of a month shall be charged. In the event the water meter shall record use of water during the seasonal vacancy, the charges set forth in § 53.08(A) and (B) shall apply. For temporary shut-off necessary for the purpose of a customer making repairs, upon 48 hours notification, the village will turn off the water at the curb stop and a turn-off and turn-on fee of \$5 each shall be charged.

(B) The customer shall be responsible for draining the system within the premises in order to protect the meter and piping from freezing, and shall be charged for all repairs to village-owned meters, valves or pipes as a result of freezing.

(C) Damage to the water system within the property lines of the customer will be the customer's responsibility for repair.

(D) In the case of the customer's need to have the water turned off at the curb box for the purpose of making repairs, the village will, upon reasonable notice, and during regular working hours, turn the water off, and will turn the water back on upon the completion of the repairs. A turn off and turn on fee of \$5 each will be charged.

(Ord. 18.04, passed 10-23-78; Am. Ord. 18.12, passed 8-8-94)

§ 53.10 EMERGENCY AND SUMMER OUTDOOR WATER USE RESTRICTIONS.

(A) *Emergency restrictions.* Whenever the Village Manager receives notification from the Detroit Water and Sewerage Department that the supply or pressure demand for water cannot be accommodated and the general welfare is likely to be endangered, or conditions within the water system of the village are likely to endanger the general welfare of the village, the Village Manager shall determine that a state of emergency exists and prescribe the following emergency regulations which shall apply to the use of water provided by the village for all properties connected to the village water system.

(1) If the emergency is before May 1 or after September 30, the summer lawn watering/irrigation restrictions in divisions (C) and (D), and a ban on all other outdoor water use may be ordered and enforced by the Manager.

(2) If the Manager receives notification from the Detroit Water and Sewerage Department or separately determines that the restrictions in division (1) above are not sufficient, a ban on all watering/irrigation and other outdoor water use may be ordered and enforced by the Manager.

(3) The village shall provide public notice of emergency regulations by postings at the village office and on the local cable television channel and village website, and by publication in newspapers of general circulation in the village, with the

emergency regulations to be effective immediately upon posting at the village office.

(4) Upon notification from the Detroit Water and Sewerage Department and determination by the Village Manager that emergency regulations are no longer necessary, the Manager shall order a lifting of the restrictions, public notice of which shall be provided in the same manner as provided in division (3) above.

(B) *General summer restrictions.* From May 1 through September 30 of each year, mandatory outdoor watering/irrigation restrictions as described in divisions (C) and (D) shall be in effect and apply to the use of water provided by the village for all properties connected to the village water system, with compliance being the responsibility of the owners and persons in possession of a property, who shall be subject to the penalties set forth in § 53.26 for violations.

(C) *Non-residential restrictions.* The following restrictions shall apply to all properties except single-family dwelling properties.

(1) Lawn and landscape irrigation may only be done between the hours of 12:00 a.m. (midnight) and 5:00 a.m.

(2) Property with odd-numbered addresses may only irrigate on Monday, Wednesday, and Friday.

(3) Property with even-numbered addresses may only irrigate on Tuesday, Thursday, and Saturday.

(4) If a property has mixed odd and even-numbered addresses or an undetermined address, the Manager or Manager's designee may assign an odd/even designation for compliance with this section.

(D) *Residential restrictions.* The following restrictions apply to single-family dwelling properties.

(1) A property with an odd-numbered address shall only irrigate on Monday, Wednesday, Friday, and Sunday.

(2) Property with even-numbered address may only irrigate on Tuesday, Thursday, Saturday, and Sunday.

(3) If a property has mixed odd and even-numbered addresses or an undetermined address, the Manager or Manager's designee may assign an odd/even designation for compliance with this section.

(4) All automatic lawn and/or landscape irrigation systems shall be set to activate only between the hours of 12:00 a.m. and 5:00 a.m. daylight savings time (DST).

(5) A property with a newly seeded or sodded lawn is not subject to these restrictions.

(Ord. 18.04, passed 10-23-78; Am. Ord. 18.07, passed 10-11-88; Am. Ord. 18.18, passed 6-24-96; Am. Ord. 18.26, passed 1-11-10; Am. Ord. 18.29, passed 6-11-18)

§ 53.11 COMPLAINTS; PAYMENT TO CASHIER; PRIOR NOTICE FOR SHUT OFF.

(A) Except as otherwise provided for in this chapter, customers having a complaint with the billing for water may notify the Village Manager who will determine the validity of the complaint and make adjustments to the bill if warranted under the circumstances.

(B) Payment for all water charges and other accounts shall be made to the cashier.

(C) Should it be necessary to shut off the water to any part of the water system due to damage or for the purpose of making repairs or extensions of the water system, the village will give as much prior notice as it shall consider advisable under the situation, but failure to give such notice shall not render the village responsible or liable for damages resulting therefrom or any other causes.

(Ord. 18.04, passed 10-23-78)

§ 53.12 SERVICE OUTSIDE THE VILLAGE LIMITS.

The village may provide service upon request to persons, firms or corporations outside the village limits; provided that such persons, firms or corporations pay the entire cost of installation and such administrative cost as may be determined by the Village Manager. Such persons, firms or corporations shall be subject to all rules and regulations as determined by the resolutions and ordinances of the village relating to the use of water. In the event that service is provided to Charter Township of Orion residents, then, in that event, the provisions of the Intergovernmental Agreement between the Charter Township of Orion and the Village of Lake Orion for the Sale, Purchase and Delivery of Municipal Water Services dated 9-27-93 shall also apply.

(Ord. 18.04, passed 10-23-78; Am. Ord. 18.12, passed 8-8-94)

§ 53.13 INSPECTIONS.

(A) Inspectors and designated employees of the village whose duty it may be to enter upon private premises to make inspections of and/or repairs to pipes, fixtures and attachments, including, but not limited to water meters, used in connection with the village water supply shall have free access at all reasonable hours for the purpose of making an inspection or repair thereof, including the examination of the entire water supply and plumbing system upon said premises.

(B) No person shall refuse to admit any inspector or designated employees of the village to private premises for the purpose of making inspections of and/or repairs to pipes, fixtures and attachments, including but not limited to water meters. In the event the water system inspector or designated village employees are refused admittance to any premises,

or, being admitted, shall be hindered or prevented from making such an examination, the Village Manager, after notice of hearing is posted on the premises and the occupants are afforded an administrative hearing before the Village Manager, shall have the authority to shut off the supply of water to said premises. In the event the water system inspector or designated village employees cannot gain admission to any premises within 15 days after mailing notice of the need for inspection or repair to the owner or occupant by first class mail, the Village Manager, after notice of hearing is posted on the premises and the occupants are afforded an administrative hearing before the Village Manager, shall have the authority to shut off the supply of water to any premises. If the water supply to any premises is shut off pursuant to the provisions of this section, the village subsequently will turn on the water supply to said premises only after receipt of payment of a \$5 turn-off fee and a \$25 turn-on fee.

(C) In the event of a bona fide emergency in connection with the water supply to any premises, as determined by the Village Manager, the Village Manager shall have the authority to shut off the supply of water to said premises, with a suspension of all requirements for notice to the owner or occupant of the premises.

(Ord. 18.04, passed 10-23-78; Am. Ord. 18.08, passed 2-12-91)

CROSS-CONNECTIONS

§ 53.20 ADOPTING WATER SUPPLY CROSS-CONNECTION RULES.

The village adopts by reference the "Water Supply Cross Connection Rules of the Michigan Department of Public Health," being R 325.431 and R 325.440 of the Michigan Administrative Code.

(Ord. 18.02, passed 2-10-75)

§ 53.21 INSPECTIONS.

It shall be the duty of the village to cause inspections to be made of all properties served by the public water supply where cross-connection with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the village and as approved by the Michigan Department of Public Health.

(Ord. 18.02, passed 2-10-75)

§ 53.22 INSPECTOR'S RIGHTS.

The representative of the village shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the village for the purpose of inspecting the piping system or systems thereof for cross-connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(Ord. 18.02, passed 2-10-75)

§ 53.23 DISCONTINUANCE OF SERVICE.

The village is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this chapter.

(Ord. 18.02, passed 2-10-75)

§ 53.24 POTABLE WATER SUPPLY.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this chapter and by the state and the Plumbing Code adopted in Chapter 153 of this Code of Ordinances. Any water outlet that could be used for potable or domestic purposes and that is not supplied by the potable system must be labeled in a conspicuous manner.

(Ord. 18.02, passed 2-10-75)

§ 53.25 EXCEPTIONS.

This subchapter does not supersede the Plumbing Code as adopted by village ordinance in Chapter 153, but is supplementary to them.

(Ord. 18.02, passed 2-10-75)

§ 53.26 VIOLATIONS.

Any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of § 10.99(A)(2).

(Ord. A-3, passed 1-13-97)

TITLE XV: LAND USAGE

Chapter

- 150. STATE CONSTRUCTION CODE
- 151. DESIGN AND CONSTRUCTION STANDARDS
- 152. (RESERVED)
- 153. (RESERVED)
- 154. PROPERTY MAINTENANCE
- 155. SIGN REGULATIONS
- 156. (RESERVED)
- 157. SUBDIVISIONS
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CHAPTER 150: STATE CONSTRUCTION CODE

Section

- 150.01 Administration and enforcement of State Construction Code Act and Code
- 150.02 Enforcing agency
- 150.03 Violations and enforcement
- 150.04 Designation of regulated flood prone hazard areas
- 150.05 Construction Board of Appeals
- 150.06 Fees
- 150.07 Electrical Code
- 150.08 State registration and licensing
- 150.09 Mechanical Code
- 150.10 Building Code
- 150.11 Plumbing Code

§ 150.01 ADMINISTRATION AND ENFORCEMENT OF STATE CONSTRUCTION CODE ACT AND CODE.

(A) The Village of Lake Orion assumes responsibility for administering and enforcing the Stille- DeRossett-Hale single state construction code act, Act. No. 230 of the Public Acts of 1972, as amended, and state construction code prepared and promulgated as provided in that Act (referred to in this chapter as the State Construction Code and Act) within the boundaries of the village.

(B) Pursuant to the provisions of the State Construction Code, in accordance with Section 8(b) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the Village Building Official within the Village of Lake Orion.

(Ord. 31.23, passed 3-28-05; Am. Ord. 31.24, passed 10-10-06)

§ 150.02 ENFORCING AGENCY.

(A) The position of Village Building Official is hereby established and designated as the enforcing agency to administer and enforce the State Construction Code and Act in the village. The Village Building Official shall be an official or agent of a governmental subdivision that is registered under the Building Officials and Inspectors Registration Act, 1986 PA 54, M.C.L.A. §§ 338.2301 to 338.2313, as amended, that is qualified by experience or training to perform the duties associated with construction code administration and enforcement and shall be appointed by resolution of the Village Council.

(B) To assist and allow the Village Building Official to fulfill the responsibilities of the village and its enforcing agency in the manner required by the State Construction Code and Act, the Village Council shall contract for, appoint or otherwise secure the services of necessary:

(1) Building, electrical, plumbing and mechanical officials, inspectors and plan reviewers registered under the Building Officials and Inspectors Registration Act, 1986 PA 54, M.C.L.A. §§ 338.2301 to 338.2313, as amended, that are qualified by experience or training to perform the duties associated with construction code administration and enforcement; and

(2) Administrative and clerical personnel.

(C) The Village Manager, as the chief administrative officer of the village responsible for supervision and management of village services and enforcement of ordinances of the village and laws of the state pursuant to the Village Charter, shall be responsible for communications to, from or regarding the enforcing agency, authorizing court enforcement actions in the name of the village, coordination of the enforcing agency's administration and enforcement of the State Construction Code and Act with the administration and enforcement of other village ordinances and codes, and notices or reports to the enforcing agency and Village Council regarding the enforcing agency's administration and enforcement of the State Construction Code and Act.

(Ord. 31.23, passed 3-28-05)

§ 150.03 VIOLATIONS AND ENFORCEMENT.

Violations of the State Construction Code and/or Act are municipal civil infractions related to the use or occupancy of land, with violations punishable by a civil fine of up to \$500 plus costs, all of which shall be established and enforceable as provided in Act No. 12 of the Public Acts of 1994, as amended, and may be enforced by the village with the same power and authority it possesses for violations of village ordinances, with the village to retain any fines imposed upon a finding of responsibility. In addition, a person determined to be responsible shall pay damages and expenses incurred by the village in responding to a violation, including any costs in securing or placing a structure or property in a safe condition. Each occurrence of a violation of the State Construction Code and/or Act, and each day a violation exists, shall constitute a separate offense. Violations of the State Construction Code and/or Act are considered to be a nuisance per se, with such violations and correction of any conditions resulting from violations, subject to abatement by, and injunctive or other appropriate order of a court of competent jurisdiction. Violations of the State Construction Code and/or Act subject the violator to village enforcement through one or more of the remedies provided in this section, and the election by the village to pursue one form of remedy does not waive or restrict the village's option to pursue other remedies at the same or later time.

(Ord. 31.23, passed 3-28-05)

§ 150.04 DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "Flood Insurance Study, Oakland County, Michigan and Incorporated Areas", and dated September 29, 2006, the Flood Insurance Rate Maps (FIRMS) panel numbers 26125CO236F, 26125CO238F, 261125CO217F, 25125CO219F dated September 29, 2006, are adopted by reference and declared to be part of Section 1612.3 of the Michigan Building Code.

(Ord. 31.24, passed 10-10-06)

§ 150.05 CONSTRUCTION BOARD OF APPEALS.

A Village Construction Board of Appeals is hereby created to consist of five members appointed by resolution of the Village Council. Appointees shall be qualified by experience or training to perform the duties of members of the Construction Board of Appeals, shall be appointed for two-year terms and shall perform their duties as provided in Section 14 of the State Construction Code Act.

(Ord. 31.23, passed 3-28-05)

§ 150.06 FEES.

Reasonable fees charged and collected for the acts and services performed by the enforcing agency or Construction Board of Appeals under the State Construction Code and Act being administered and enforced by the village shall be established and may be amended from time to time by resolution of the Village Council, with said fees to bear a reasonable relation to the cost, including overhead, in administering and enforcing the State Construction Code and Act and to only be used for the operation of the enforcing agency and/or Construction Board of Appeals.

(Ord. 31.23, passed 3-28-05)

§ 150.07 ELECTRICAL CODE.

The Electrical Code is part of the State Construction Code being administered and enforced by the village.

(Ord. 31.23, passed 3-28-05)

§ 150.08 STATE REGISTRATION AND LICENSING.

An electrical contractor, master electrician, electrical journeyman, fire alarm contractor, fire alarm specialty technician, sign specialty contractor, sign specialist and others shall be licensed, and an apprentice electrician, fire alarm specialty apprentice technician and others shall be registered as required and provided in the Electrical Administrative Act, Act No. 217 of the Public Acts of 1956, as amended.

(Ord. 31.23, passed 3-28-05)

§ 150.09 MECHANICAL CODE.

The Mechanical Code is part of the State Construction Code being administered and enforced by the village.
(Ord. 31.23, passed 3-28-05)

§ 150.10 BUILDING CODE.

The Building Code is part of the State Construction Code being administered and enforced by the village.
(Ord. 31.23, passed 3-28-05)

§ 150.11 PLUMBING CODE.

The Plumbing Code is part of the State Construction Code being administered and enforced by the village.
(Ord. 31.23, passed 3-28-05)

CHAPTER 151: DESIGN AND CONSTRUCTION STANDARDS

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GENERAL PROVISIONS

§ 151.001 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AASHTO. American Association of State Highway and Transportation Officials.

APPLICANT. The party or the parties who are submitting development or improvement plans for review, and approval by the village.

ANSI. American National Standards Institute.

AS-BUILTS. Revised plans showing the as-constructed conditions of the site, including utilities, grading, detention, and the like.

ASTM. American Society of Testing and Materials.

AWWA. American Water Works Association.

DEVELOPER. A person, partnership, or corporation building; one building, for occupancy by other than the owner, or creating or developing any parcel of land for any use other than agricultural or form thereof.

DEVELOPMENT.

(1) Shall include a subdivision as defined by Act 288, Public Acts of 1967, as amended, a condominium pursuant to the provisions of Act 59, Public Acts of 1978, as amended, or any group of dwellings or structures which are proposed.

(2) Shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

FINAL SITE PLAN. A plan showing all features of a proposed development, as required under the provisions of the Village Zoning Ordinance, including all engineering such as paving, grading, utilities, detention, and the like.

LANDOWNER. The person who owns or holds a recorded easement on the property or who is engaged in construction in a public right-of-way in accordance with §§ 13, 14, 15, and 16 of Act No. 368 of the Public Acts of 1925, as amended.

MDOT. Michigan Department of Transportation.

MUNICIPALITY. The Village of Lake Orion.

MUNICIPALITY'S ENGINEER or **VILLAGE ENGINEER.** The staff engineer or professional engineer employed by the village.

OWNER. Any person who has dominion over, control of, title to and/or any other proprietary interest in designated wetland and/or watercourse areas, or title to an obstruction, natural or otherwise, to wetland and watercourse properties.

PUBLIC ROADS. Those which are to be dedicated to the Village of Lake Orion.

RCOC or **OCRC.** Road Commission for Oakland County.

USGS. United States Geological Survey.

VILLAGE. The Village of Lake Orion, Oakland County, Michigan, acting through its duly elected Village Council.

VARIANCE. A modification of the literal provisions of this chapter granted by the Village Council or Board of Zoning Appeals in situations or under circumstances where permitted by law.

(Ord. 31.26, passed 5-13-13)

§ 151.002 TITLE.

This chapter shall be known as the design and construction standards of the Village of Lake Orion ("village"), and shall hereinafter be referred to as "standards."

(Ord. 31.26, passed 5-13-13)

§ 151.003 PURPOSE.

The purpose of the standards is to establish general requirements for the design and construction of subdivisions, site condominiums, commercial sites, and all other site improvements under the jurisdiction of the village which require site plan submittal in conformance with the village's Zoning Ordinance.

(Ord. 31.26, passed 5-13-13)

§ 151.004 INTENT.

It is the intent of these standards to:

(A) Provide a flexible yet reasonable and proper basis for the design and construction of land improvements, including but not limited to, drainage facilities, sanitary sewers, storm water management facilities, road and parking lot improvements, pedestrian activities, landscaping, grading, and where warranted, water supply, distribution and fire suppression facilities and sewage collection and disposal systems.

(B) Establish uniformity in village requirements and supplement village ordinances.

(C) Outline information required for plans submitted for review so that the plans are complete and in a proper form.

(Ord. 31.26, passed 5-13-13)

§ 151.005 CONFLICTS.

If there should exist conflicts or discrepancies between these standards and other adopted ordinances, these standards shall apply.

(Ord. 31.26, passed 5-13-13)

§ 151.006 VARIANCE FROM STANDARDS.

The Village Council may authorize a variance from these standards when practical difficulty may result from strict compliance. In granting any variance, the Village Council may prescribe conditions that it deems necessary or desirable for the public safety, health, welfare and interest of the community. No variance shall be granted unless the Village Council finds that all of the following is established by the applicant:

(A) That strict compliance with these standards would either unreasonably prevent the owner from using the property for a permitted purpose or that conformity with the standards would be unnecessarily burdensome;

(B) That the variance is the minimum necessary to give appropriate relief to the applicant, giving consideration to the effect of the variance on surrounding property owners within 250 feet;

(C) That the granting of a variance will not be detrimental to the public health, safety or welfare or injurious to other properties in the area; and

(D) That the variance will be in accordance with the objectives and policies of the village.

(Ord. 31.26, passed 5-13-13)

§ 151.007 INTERPRETATION.

(A) Provisions of these standards shall be held to be the minimum requirements necessary for promotion and preservation of public health, safety and general welfare of the village. The standards are not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or ordinances of the Village of Lake Orion, standards or regulations of the County of Oakland where they have jurisdiction, nor to conflict with any statutes of the State of Michigan.

(B) Proprietors and their engineers are encouraged to design facilities to provide for actual conditions encountered in their project work area. As site conditions dictate, the village in the review process may allow more flexible designs, which are more or less stringent than the minimum requirements specified herein, provided that the design alternative is in accordance with village objectives and goals (i.e., preservation of natural features).

(Ord. 31.26, passed 5-13-13)

§ 151.008 RIGHT TO REVISE STANDARDS.

The village reserves the right to revise these standards at any time by amending this chapter and to require that such revised standards be incorporated into the work at any time prior to final site plan approval. The village also reserves the right to require revisions or corrections to any plans, that have been approved for construction due to errors, omissions, or changes or unforeseen field conditions and to require that such revisions and corrections be incorporated into the work at any time prior to the final acceptance of the work.

(Ord. 31.26, passed 5-13-13)

GENERAL REQUIREMENTS AND PROCEDURES

§ 151.020 DETAILED ENGINEERING PLANS.

Detailed engineering construction plans shall be submitted by the applicant for site improvements, including but not limited to, storm and sanitary sewers, storm water management facilities, paving, soil erosion control measures, and site grading. Where applicable construction plans must also be submitted for community sewer systems, sewage collection facilities and water supply and distribution systems. Timing of plan submittal shall follow the requirements of the ordinances and the procedures set forth by the village.

(Ord. 31.26, passed 5-13-13)

§ 151.021 PLANS AND SPECIFICATIONS.

All plans submitted for review and approval are to comply with the requirements specified herein and shall be rejected for failure to comply.

(Ord. 31.26, passed 5-13-13)

§ 151.022 PLAN REVIEW FEES.

Plan review fees for projects located in the village shall be payable to the village in the amount as set forth by resolution in the adopted fee schedule.

(Ord. 31.26, passed 5-13-13)

§ 151.023 SPECIFICATIONS BY REFERENCE.

(A) Where reference is made in these standards to the specifications of any technical society, association, governmental agency, and the like, such as those promulgated by AASHTO, ANSI, MDOT, and the like, said specifications shall apply and be binding as if fully set forth herein. Such specifications or standards are incorporated by reference.

(B) Reference to standard specifications of any technical society, organization, association or to codes of local or state authorities, shall mean the latest standard, code, specifications, or tentative specification adopted and published unless specifically stated otherwise.

(Ord. 31.26, passed 5-13-13)

§ 151.024 EXISTING UTILITIES AND SITE CONDITIONS.

It shall be the sole responsibility of the applicant to locate, survey, and field verify all existing utilities within the construction area. The village or their engineers may have completed projects in the same area or have utility information available for review. This information, while intended to assist the applicant, is not intended to be the only source of such information or to be utilized solely in lieu of the applicant's own investigation. The village shall not be held liable or responsible for errors, omissions, and the like of provided utility information.

(Ord. 31.26, passed 5-13-13)

§ 151.025 EASEMENTS.

(A) A developer must provide the village with the necessary easements for any water mains, sanitary sewers, storm drains, roadways or other facilities that are to be located on the developed property and which may be maintained by the village. Easements shall be a minimum width to provide proper access as determined by the village, or as stated in these standards. Furthermore, it shall be required that the applicant provide all utility and drainage easements (i.e., storm sewers, surface drainage, private water and sanitary systems, and the like) to the village for review and approval prior to final project approval. The easements shall be subject to a recommendation of approval by the Village Engineer and the Village Attorney.

(B) Proof of ownership shall be provided along with the easement in the form of title insurance, acceptable to the Village Attorney, to show that the grantor of the easement is the owner of the property. All parties having a legal interest in the property shall execute and grant the easement.

(C) Easements must be submitted to the village in recordable form prior to the start of work. The cost of recording with the Oakland County Register of Deeds shall be borne by the applicant. In the event of a condominium development, the Master Deed shall be recorded and the cost of recording shall be borne by the applicant.

(Ord. 31.26, passed 5-13-13)

§ 151.026 USE OR ACCESS TO PRIVATE PROPERTY.

A contractor shall not enter upon private property for any purpose without first obtaining written permission from the property owner, and he or she shall be responsible for the preservation of all public property, trees, survey monuments, and the like, along, within and adjacent to the private property, and shall use every precaution necessary to prevent damage or injury thereto. He or she shall use suitable precautions to prevent damage to pipes, conduits, and other underground structures.

(Ord. 31.26, passed 5-13-13)

§ 151.027 VILLAGE MAPPING.

When the submitted plans are prepared in digital format the developer may be requested to provide the village with electronic files of the approved final site plan and as-built plans in order to facilitate any village map updates. Village maps may be modified to incorporate the utilities to service the subject development.

(Ord. 31.26, passed 5-13-13)

§ 151.028 PHASED CONSTRUCTION.

On all projects in which construction is to proceed in phases, a separate plan sheet shall be included in the construction drawings which breaks down all improvement quantities by item, i.e.: walkways, paths, grading, landscaping, community septic and sewage collection systems, water supply and distribution systems, sewer, storm sewer, landscaping, pavement base and wearing courses, and utilities for each phase. Said phasing limits shall match those approved or to be approved by the Village. Approval of phased construction shall not supersede the requirement to obtain site plan approval for each phase of the construction.

(Ord. 31.26, passed 5-13-13)

§ 151.029 CODES, ORDINANCES, LAWS AND REGULATIONS.

The contractor and subcontractors shall observe and comply with all federal, state and local codes, ordinances, laws and regulations in force at the construction site. The contractor shall pay for and obtain all building permits, licenses for the work, pay for inspection and testing, and file plans and specifications to the village department having jurisdiction.

(Ord. 31.26, passed 5-13-13)

§ 151.030 SUBMITTALS FOR REVIEW AND APPROVAL.

(A) All plan documents shall be submitted to the village. The applicant shall contact the village regarding the number of plans to submit and the review process. No documents shall be submitted directly to the Village Engineer, Planner, or Attorney unless prior written authorization is given by the village.

(B) All plans, computations, and cost estimates shall be signed and sealed by a registered professional, licensed to practice in the state. The Village Engineer shall review and make recommendations to the Village Council. Comments for approval or non-approval shall be in writing. They may also be marked on a set of plans at the discretion of the village. Copies of the letter recommending approval or non-approval and any marked up plans will be forwarded to the village, the applicant, and the applicant's consultants. The applicant shall forward revised copies of the plans or documents in question to the village for further processing and review should additional information or plan revisions be required.

(Ord. 31.26, passed 5-13-13)

§ 151.031 AGENCY APPROVAL.

Engineering drawings for proposed subdivision or condominium improvements, site plan improvements, and utility construction shall be approved by all jurisdictional agencies and the village prior to the beginning of any construction. Construction shall not begin until all required approvals and permits are obtained.

(Ord. 31.26, passed 5-13-13)

§ 151.032 SUBMITTAL FOR CONSTRUCTION.

Five complete sets of the approved site plan, signed and sealed shall be submitted for the village's use after final site plan approval and prior to the pre construction meeting. Additional plan sets, individual plan sheets or digital files may be requested at the village's discretion.

(Ord. 31.26, passed 5-13-13)

§ 151.033 MEETINGS.

(A) A pre-construction meeting shall be held prior to the start of any site improvements. The pre-construction meeting should include a representative of the village, the Village Engineer, the applicant or authorized representatives, the contractor, and where necessary any utility company officials whose underground, overhead, or at grade utilities may conflict in any manner with the proposed project, state, county, and local government persons who may be involved, directly or indirectly, with the proposed project, and any other persons who may be able to contribute information in regard to the construction of the subject project.

(B) It shall be the applicant and/or contractor's responsibility to contact the village at least seven days prior to planned construction commencement to arrange for a preconstruction meeting. The project shall not be permitted to commence until such time that the applicant and/or contractor has secured all required permits, submitted observation (inspection) escrow funds, and submitted all insurance and bonds in accordance with the village's requirements.

(Ord. 31.26, passed 5-13-13)

§ 151.034 GUARANTEE.

The applicant shall be required to deposit with the village, cash, certified check, or irrevocable bank letter of credit, whichever the applicant selects, in an amount sufficient to guarantee the completion of the construction of all required improvements, as shown on the approved final site plan. Copies of contractor contracts with the applicant or estimates of cost provided by the applicant shall be required to be submitted to the Village Engineer for approval and for review prior to establishment of the required security. The final release of security will only be made after the improvements have been final inspected and accepted by the village and only upon written request by the applicant.

(Ord. 31.26, passed 5-13-13)

§ 151.035 CONSTRUCTION OBSERVATION.

(A) Full-time or part-time observation shall be required for all site improvements associated with subdivisions, site condominiums, commercial sites, and elsewhere as determined by the village. Part-time observation may also be required for improvements covered by other governmental agencies. Observation personnel shall be provided by the village or its agents. The developer shall pay all applicable observation fees as established by the village. The contractor shall notify the village and the Village Engineer's supervising field observer at least 48 hours prior to commencing construction. Any work installed without field observation as required by the village may not be accepted by the village.

(B) In such an event, the village's decision regarding removing or exposing covered work, testing, or any other appropriate course of action, shall be final and binding on the applicant.

(C) The applicant shall deposit with the village at least 48 hours prior to the start of construction, an observation escrow based on the estimated observation time required as determined by the village. The observation escrow amount shall be determined prior to or at the pre-construction meeting. The village may assess an administration fee to cover the construction portion of the project. The observation fees will be billed to the village on a time and material basis by the Village Engineer and deducted from the observation escrow deposit.

(D) A minimum of four hours will be charged against the observation escrow if the observer keeps a scheduled observation appointment and the contractor does not work or cancels work with less than 24 hours notice and the observer cannot be reassigned to another job. In the event of a rain out the contractor shall notify the appropriate personnel prior to the regular starting time or be charged the four hour increment. All costs incurred for consulting services and testing conducted by the village will be billed against the escrow account.

(E) The applicant will be notified in the event the escrow deposit has been depleted and/or additional funds are required. Within three business days the applicant shall re-establish the deposit so as to prevent the project construction from being stopped and/or building or occupancy permits withheld. The account balance upon completion of the project and acceptance of the record plans will be returned to the applicant and only upon written request by the applicant.

(F) Review of as-constructed or as-built record drawings shall be invoiced against the observation account.

(Ord. 31.26, passed 5-13-13)

§ 151.036 INSURANCE REQUIREMENTS.

It is agreed that the contractor for all private developments shall comply with the following general requirements and provide the village with proof of the insurance requirement herein prior to the start of construction. All monetary amounts

quoted herein may be revised at the discretion of the village at any time and without notice.

(A) *Contractor's comprehensive general liability insurance.*

(1) The contractor shall procure and shall maintain during the life of his or her contract, contractor's personal injury insurance in an amount not less than \$1,000,000 for injuries, including accidental death, to each person, in an amount not less than \$1,000,000 on account of each occurrence; and contractor's property damage insurance in an amount not less than \$1,000,000 each occurrence; and \$1,000,000 aggregate including completed operations and contractual liability coverage.

(2) This comprehensive general liability insurance shall include coverage for explosion, collapse, underground hazards, and flooding and coverage assumed in the indemnification clause of this section of the work.

(B) *Owner's protective public liability insurance.* The contractor shall procure and maintain during the life of his or her contract owner's protective public liability insurance in the name of the village and Village Engineer in an amount not less than \$1,000,000 for injuries, including accidental death to each person, and in an amount not less than \$1,000,000 on account of each occurrence; and property damage in an amount not less than \$1,000,000 each occurrence, and \$1,000,000 aggregate.

(C) *Contractor's automobile bodily injury and property damage insurance.*

(1) The contractor shall procure and shall maintain during the life of his or her contract automobile bodily injury insurance in an amount not less than \$1,000,000 for injuries, including accidental death, to each person, and in an amount not less than \$1,000,000 for each occurrence; and property damage in an amount not less than \$1,000,000 for each occurrence.

(2) The contractor shall procure and shall maintain during the life of his or her contract hired and non-ownership automobile bodily injury and protection damage insurance in an amount not less than \$1,000,000 for injuries, including accidental death, to each person; and in an amount not less than \$1,000,000 for each occurrence; and property damage in an amount not less than \$1,000,000 for each occurrence.

(D) *Umbrella or excess liability.* The contractor is granted the option of arranging under a single policy for the full limit required for general liability and/or automobile liability or by a combination of underlying policies with the balance provided by an excess or umbrella liability policy equal to the total limit(s) requested. The umbrella or excess liability shall be in an amount not less than \$2,000,000 per occurrence and \$2,000,000 aggregate.

(E) *Worker's compensation insurance.* If requested by the project owner, the contractor shall procure and shall maintain during the life of his or her contract, worker's compensation insurance, including employer's liability, in an amount not less than \$500,000 for employer's liability and a statutory rate for compensation.

(F) *Indemnification clause.* The contractor shall indemnify, defend, and save harmless the village and the Engineer, their elected officials, officers, owners, consultants, agents, and employees, from and against all loss or expense (including costs and attorney fees) by reason of liability imposed by law upon the village and the Engineer, their elected officials, officers, owners, consultants, agents, and employees for damages because of bodily injury; including death at any time resulting therefrom, sustained by any person or persons or on account of damage to property, including loss of use thereof, arising out of or in consequence of the performance of this work, whether such injuries to persons or damage to property is due, or claimed to be due, to the negligence of the contractor, his or her subcontractors, the village, the Engineer, and their elected officials, officers, owners, consultants, agents, and employees, except only as such injury or damage shall have been occasioned by the sole negligence of the village, or their elected officials, officers, owners, agents, employees, or consultants.

(G) *Proof of coverage of insurance.* The contractor shall provide the village certificates of insurance for the required coverage. A guarantee that 30 days notice to the village prior to cancellation or non-renewal of or change in any such insurance shall be endorsed on each policy and certificate of insurance.

(H) *Additional insured.* All insurance policies with the exception of Worker's Compensation, are to include the following additional insured:

(1) Village of Lake Orion: all elected officials, officers, owners, consultants, agents, and employees.

(2) The Village Engineer: their owners, officers, consultants, owners, agents, and employees.

(I) Sample forms may be obtained from the village or Village Engineer.

(J) The village to be listed as the certificate holder.

(Ord. 31.26, passed 5-13-13)

GENERAL PROVISIONS AND PLAN REQUIREMENTS

§ 151.050 INTENT.

This chapter is to provide the applicant with general plan requirements. Failure to comply with these requirements may lead to the plans being rejected.

(Ord. 31.26, passed 5-13-13)

§ 151.051 APPLICATION AND SITE PLAN REQUIREMENTS.

(A) The applicant shall submit application packet at least 30 days prior to the Planning Commission meeting for review. All of the following must be submitted in order for the village to accept the application for review:

- (1) Original application form using blue or black ink. Each area must be completed.
- (2) Narrative of the project.
- (3) Site plan requirements checklist with applicable attachments.
- (4) Proof of ownership of subject property. Consent is required from all involved property owners and must be included with submittal.

(B) Plans submitted for review must include the following:

- (1) The date, revision date, north arrow, and scale. The scale shall not be less than one inch equals 20 feet for sites less than three acres in area and at least one inch equals 50 feet for those sites of three acres or more. The plan sheet size shall be 24 inches by 36 inches in size.
- (2) Complete improvement plans bearing the seal of a registered professional, licensed to practice in the state, shall be submitted prior to review and approval of any portion thereof.
- (3) The name and address of the property owner or petitioner, and proof of ownership or option to purchase.
- (4) A general location map.
- (5) Legal and common or popular description of the site, and the proposed site address, if available.
- (6) Site area in square feet and acres, gross and net.
- (7) The existing zoning of the site and all lots abutting it.
- (8) All lot and/or property lines and setback lines shown and dimensioned, including building setback lines on corner lots, and front, side, and rear setback dimensions.
- (9) The location and height of all existing structures and improvements on and within 50 feet of the site, and all proposed improvements to the site, to scale.
- (10) Proposed and existing building width, length, and distance between buildings dimensioned.
- (11) The location, dimensions, and hard surface type of all existing and proposed drives, sidewalks, walkways, paths, curb openings, curbing, wheel stops, parking areas including total number of parking spaces, loading/unloading spaces and areas, and fire lanes.
- (12) The location, pavement width, and existing and planned right-of-way width of all abutting roads, streets, alleys, or easements.
- (13) Acceleration, deceleration, and bypass lanes and cross-access easements located and dimensioned.
- (14) General landscape plan, indicating the type, location, density, and intended function of existing and proposed landscape materials including groundcover, trees, shrubs, ornamentals, and other landscape plantings and features.
- (15) Location, height, and type of existing and proposed fences and walls, screening, and greenbelts.
- (16) Location, height, materials, and cross sections of any screening walls, fences, or berms.
- (17) Location and dimensions of any recreation areas, common use areas, and areas to be conveyed for public use and purpose.
- (18) Trash receptacle and transformer pad location and method of screening.
- (19) Location of existing and proposed service facilities, including septic systems, drain fields and other wastewater treatment systems; well site if any; water mains, hydrants, pump houses and building services and sizes; sanitary sewers and pumping stations; storm water management facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including preliminary calculations for detention/retention facilities; location of easements.
- (20) Topography showing existing grade at no more than two foot intervals on the site and 50 feet beyond the site boundaries. If there are major topographic features/elevation changes in vicinity of the site, the Planning Commission may require that topographic contours be shown on the plan, extending up to 100 feet beyond the site boundaries. Areas of cut and fill and proposed grade changes must be identified along with a statement of how those changes will be addressed.
- (21) Floodplain and flood hazard elevations. If there are none on the site, then a statement included on the plan that there are none. Streams or other bodies of water or other unbuildable areas, if present on site.
- (22) Provide construction phasing plan, if applicable.
- (23) Front, side, and rear building elevations for each building proposed. All facade materials and colors labeled on the

elevations.

(24) Dimensioned floor plans for each building, and total and usable floor area by type of use.

(25) The number of residents and/or employees during peak usage.

(26) A narrative description of the proposed project and use.

(27) Height of all outdoor light fixtures, cut sheets, method of shielding, and illustration of pole(s) and fixture(s), and a statement that the site will comply with all lighting requirements.

(28) Sign location and type of sign. The plan shall note that all signs will conform to the village sign ordinance and that the required sign permits will be obtained.

(29) In case of residential uses, the following additional information and data is required:

(a) The proposed number of dwelling units by type (apartment, condominiums, cooperative, and the like) and the number, size, and location (by code if necessary) of one-bedroom units, two-bedroom units, and the like. The total number of bedrooms shall be listed.

(b) The proposed density and the residential area of the site in acres and in square feet, including breakdowns for any sub-areas or staging areas and gross and net acreage areas and calculations.

(c) Location, elevations, and details of community buildings and facilities, carports, swimming pools, and similar facilities.

(30) Owners and their engineers are encouraged to explore alternate approaches to the site construction that address and treat both storm water quality and quantity of runoff from the site. These alternate approaches include the following partial list of BMPs (best management practices):

(a) Green roofs;

(b) Bio swales;

(c) Cisterns;

(d) Rain gardens;

(e) Porous pavement;

(f) Native landscaping; and

(g) Filter strips.

(31) The village will consider alternate designs that provide for improved water quality and/or water quantity reduction. In order to substitute these designs for the minimum standards, documentation must be provided that addresses the alternate's sustainability and long term maintenance requirements. Any alternate design must be approved by the village and Village Engineer.

(32) The submission of special data that it deems critical to the adequate review of the proposed use and its impacts on the site or village may be required.

(Ord. 31.26, passed 5-13-13)

§ 151.052 FINAL PLAN.

All applications for final plan approval shall contain the following items:

(A) All information required for site plan approval.

(B) Storm drainage and retention computations must be shown and must meet current village stormwater management requirements.

(C) Display profiles of the storm sewer, including pipe size, slope, type, length, and ground rim elevations.

(D) Size and location of existing and proposed hydrants, manholes, and utilities, including proposed connections to public sewer and water supply system.

(E) Soil erosion and sedimentation control plan, subject to requirements of the Soil Erosion and Sedimentation Control Act, Public Act 347 of 1972, as amended.

(F) Grading plan.

(G) Indicate the status and location of any known environmental contamination.

(H) A complete landscape plan, including the location of all existing and proposed landscaping and vegetation; location, size, and type of any trees larger than three inches in caliper proposed to be removed; plant list with the number, size at planting, and name of all proposed plant material; maintenance plan; type of ground cover noted and all grass to be specified as to whether it will be seeded or sodded; and notation that any dead or diseased plant material will be replaced

within one year in the next appropriate planting season. The final landscape plan shall be prepared by and bear the seal of a registered landscape architect.

(I) A photometric plan including the proposed location of all outdoor light fixtures, a photometric grid overlaid upon the site plan showing the proposed light intensities on the site measured at grade level, a schedule of light fixtures including the manufacturer and model number of all fixtures, the maximum, average, and minimum illumination levels proposed in applicable areas on the site, and a statement of the proposed hours when the luminaries will be on and when they will be turned off. The plans must note if photocells, time clocks, motion detectors, or other automatic switching systems are proposed.

(J) Complete text and description of purpose of all existing and proposed easements.

(Ord. 31.26, passed 5-13-13)

GENERAL CONSTRUCTION PROVISIONS AND REQUIREMENTS

§ 151.065 INTENT.

This chapter is intended to provide the applicant with general construction requirements to be adhered to throughout the duration of the project. Failure to do so may result in a stop work order being issued to the contractor following written notice by the village requiring the issue to be resolved prior to starting work.

(Ord. 31.26, passed 5-13-13)

§ 151.066 GENERAL PROVISIONS.

(A) The village or their agents will not act as the general supervisor of the contract work or be held responsible for on-site safety. This shall be the responsibility of the property owner, property owner's engineer, and/or contractor.

(B) The village will provide observation/inspection personnel in accordance with §151.035 of these standards.

(C) Subsequent to any required village plan approvals, and prior to starting any construction, the contractor must obtain all required permits, establish all necessary escrow accounts, pay all fees, provide the required insurance certificates and attend the preconstruction meeting.

(D) All improvements must also be field staked under the supervision of a licensed professional. Staking must be in accordance with the approved plans.

(Ord. 31.26, passed 5-13-13)

§ 151.067 WORKING SPACE.

(A) The contractor shall confine the work operations to the minimum space possible within the project limits. Stockpiling of construction material and equipment will be permitted as necessary, but in no case shall traveled roadways, driveways, or entrances be unduly obstructed. Any offsite storage or disposal areas within the village must be shown on the final site plan drawings and approved by the village.

(B) It shall be the contractor's responsibility to use such methods and/or materials, including sheeting, so as to prevent any portion of the work from encroaching on adjacent property.

(Ord. 31.26, passed 5-13-13)

§ 151.068 LOCATING WORK.

The contractor shall accurately locate the work from reference points established by the project engineer/surveyor along the surface of the ground and the line of work. "Cut sheets" for all underground work shall be furnished to the contractor and the village by the applicant. Reference points shall be protected and preserved by the contractor.

(Ord. 31.26, passed 5-13-13)

§ 151.069 SURVEY MONUMENTS.

Monuments or other recognized property boundary markers at street intersections, section corners, acreage or lot corners, and right-of-way lines shall be preserved and protected. Where such monuments or markers must be removed during construction, the village shall be notified and the contractor shall make all necessary arrangements with a land surveyor registered in the state to have these monuments or markers properly witnessed prior to disturbance or removal and later reset by the registered land surveyor at no cost to the village.

(Ord. 31.26, passed 5-13-13)

§ 151.070 TRENCH BACKFILL.

(A) Special backfill shall be used at all locations and of the type called for on the drawings, and at other locations specified herein whether called for on the drawings or not. The type and method of backfilling is dependent on its locations and function and shall conform with the following requirements. The applicant will supply field testing on the special backfill compaction requirements.

(B) Backfilling of trenches in the shoulder area and under private gravel drives shall be carried to within six inches of the existing surface as specified under Trench A or Trench B as required. The shoulder shall be defined herein as the area within five feet of the pavement edge, or the width of the existing graveled shoulder, whichever is greater. The remaining depth shall be backfilled with six inches of compacted 21AA aggregate. Backfilling of trenches crossing gravel roads or streets shall be carried to within eight inches of the existing surface and the remaining depth shall be backfilled with eight inches of compacted 21AA aggregate. Compaction shall be performed by a pneumatic-tired roller or a vibratory compactor until the compaction requirements as required for Trench A or Trench B and as detailed in the following divisions are met.

(C) The requirements as specified herein are in addition to the conditions provided for under permit granted by the Road Commission for Oakland County (RCOC) or the Michigan Department of Transportation (MDOT) where applicable.

(D) *Trench A.* All trenches under graveled, slag or hard surfaced roads, pavements, hard surfaced parking lots and driveways, sidewalks, curbs and where the trench edge is within three feet of a pavement shall be backfilled with bank run sand meeting the requirements of granular material, MDOT Class II. The material shall be placed by the controlled density method or other effective means having the approval of the Engineer and is to be compacted to 95% of maximum unit weight as determined by ASTM D-1557 Modified Proctor. Trenches under pavement to be constructed in the near future, as noted or shown on the drawings, shall be backfilled with granular material, meeting the requirements of current MDOT Standard Specifications for Construction.

(E) *Trench B.* Trench B shall be used where called for on the drawings. All trenches shall be backfilled with granular material, MDOT Class II to a point 12 inches above the pipe for diameters less than 24 inches and up to the spring line with materials meeting the requirements of the current MDOT Standards for diameters 24 inches or larger. This portion of the backfill is to be placed in layers not exceeding six inches in depth, and shall be thoroughly compacted by mechanical tamping to not less than 95% of maximum unit weight utilizing ASTM D-1557 Modified Proctor. The remainder of the backfill shall be made with suitable excavated material (excluding blue and gray clays, peat, muck, marl or other organic materials) placed in one foot layers with each layer being thoroughly compacted by approved mechanical methods, or other effective means having the approval of the Engineer, to a density of 90% of maximum unit weight utilizing ASTM D-1557 Modified Proctor.

(Ord. 31.26, passed 5-13-13)

§ 151.071 MAINTENANCE AND RESTORATION OF PAVEMENTS, ROAD SURFACES, STRUCTURES AND TRENCH BACKFILL.

(A) Where trenches cross existing improved roadways or drives or where the trench parallels an existing improved roadway which is disturbed by the contractor's operations, the contractor shall consolidate the trench backfill and shall immediately place a temporary gravel fill, meeting 21AA Aggregate Gradation at least eight inches thick; and shall, during the life of the project, maintain the same in good condition with additional gravel as settling takes place. All structures, including curbing, walks, paving, gravel, or sheet road surfaces, and the like, that may be damaged or destroyed by the contractor's operations, shall be repaired and replaced by the contractor at their expense. In restoring pavement, a saw shall be used and a cut equal to tire thickness of the existing pavement shall be made on each side of the part to be restored. Concrete shall be 3500 psi, using six sacks of cement per cubic yard of concrete, unless otherwise required.

(B) If the pavement removed had an asphaltic concrete surface, the surface shall be removed to a distance one foot beyond the limits of the removed asphaltic concrete pavement. The butt joint in asphaltic concrete removal shall be prepared by sawing through the total depth of asphaltic concrete. The surface shall be replaced with a nominal three inches of MDOT bituminous surface mixture as required by the village and meeting the requirements of the Michigan Department of Transportation as to materials and method of replacement at no extra cost to the village.

(Ord. 31.26, passed 5-13-13)

§ 151.072 PROTECTION OF THE PUBLIC.

The contractor shall provide sufficient barricades, guard railings, fencing, advance construction signing, coverings or other means to protect the public from injury due to the work operations, including completed or uncompleted work, at all times until final approval of the work by the village.

(Ord. 31.26, passed 5-13-13)

§ 151.073 PRESERVATION OF TREES.

(A) The contractor shall protect and preserve all trees and natural areas along the line of work, and will be held responsible for any damage to trees. Construction fencing shall be placed to fence off designated areas at the drip edge of the trees to be protected. Where necessary to preserve a tree and its main roots, the contractor shall tunnel under such tree. Where specifically called for on the drawings, the contractor shall remove trees completely, including stumps and main roots.

(B) Where tunneling is required, augering shall be done in a manner to protect the trees and at a distance away from the tree in accordance with the following table:

<i>Tunneling or Augering Beneath Tree Roots</i>
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<i>Tree Diameter (DBH)</i>	<i>Minimum Auger Distance</i>
<i>Tunneling or Augering Beneath Tree Roots</i>	
<i>Tree Diameter (DBH)</i>	<i>Minimum Auger Distance</i>
Up to 2"	Auger 1 foot from trunk of tree
3 - 4"	Auger 2 foot from trunk of tree
5 - 9"	Auger 5 foot from trunk of tree
10 - 14"	Auger 10 foot from trunk of tree
15 - 19"	Auger 12 foot from trunk of tree
19" and Over	Auger 15 foot from trunk of tree
Note: Diameter Breast Height (DBH) is measured 4.5' above the ground	

(C) The minimum depth of auger within the root zone, as described above, shall be 24 inches below the soil surface. In any event, the tunneling must be below the major root system of the tree. All voids around the tunneled or augured facility shall be backfilled with excavated material and thoroughly compacted to avoid settlement. Compaction must be completed without compacting the soil within the root zone.

(D) Where tunneling is not required for trees close to the trench and root trimming is necessary, the contractor shall hand trench ahead of the machine digging and cut all roots cleanly to minimize damage to the roots.

(E) Tree branches shall be tied back to protect them from the contractor's machinery where necessary.

(Ord. 31.26, passed 5-13-13)

§ 151.074 PROTECTION AND REPLACEMENT OF LANDSCAPING.

The contractor shall protect, replace and/or restore all shrubbery, trees, lawns, and landscaping damaged or destroyed by operations under his or her contract to the satisfaction of the village.

(A) *Tree replacement requirements.* The applicant shall be required to replace all protected trees being removed having eight inches or more DBH subject to the following conditions:

(1) The replacement calculations shall indicate the total caliper inch at DBH of protected trees being removed, as well as any trees being considered for exemption. The total number of replacement trees and caliper inches shall be provided and graphically illustrated on a plan.

(a) Replacement trees shall be at least three inches caliper and eight feet in height for evergreens. Trees will be measured at six inches above finished grade for replacement trees four inches caliper or less and at 12 inches above finished grade for all trees greater than four inches caliper.

(b) Larger evergreen trees may be used to fulfill replacement requirements at the equivalent rate of one inch for each 2.8 feet in height.

(c) Consideration may be given to allow smaller caliper trees if they are part of a replacement plan that specifies a mixture of sizes and intended to simulate as natural woodland habitat.

(2) *Replacement rate for protected trees.* Protected trees must be replaced at a rate of 50% of the total DBH removed. Each protected tree(s) must be replaced with a tree that is a minimum of three inch caliper or seven feet in height for deciduous shade trees, and six feet in height for evergreen trees.

(3) Diversity of tree species shall be maintained where essential to preserving a wooded area.

(4) The location of transplanted trees and required woodland replacement trees must be provided on the landscape plan. Transplanted and replacement trees shall be clearly distinguished from required landscape elements.

(5) Trees required to be planted in accordance with this section shall be in place and properly supported prior to the issuance of a final certificate of occupancy.

(6) All purchased replacement trees shall satisfy American Association of Nurseryman standards, including:

(a) Nursery grown.

(b) Clean and free of weeds and noxious pests and diseases.

(c) Tree spade transplanted while in the dormant state, or if not in the dormant state, having been balled and burlapped with a solid well-laced root ball when in the dormant state.

(d) Number one grade, with straight unscarred trunk and a well-developed uniform crown. Park grade trees are not acceptable.

(e) Staked, watered and mulched in accordance with standard planting practices.

(7) Replacement trees shall be guaranteed for a minimum of one year, including labor. After one year, dead or diseased trees must be replaced prior to final village approval.

(8) Where it is not reasonable or desirable to relocate or replace trees on site, relocation or replacement may be made at another approved location within the village.

(9) A protected tree is defined as any tree that is six inches DBH or greater in size.

(B) *Tree protection procedures.* Prior to construction, land clearing, filling, and/or land alteration, the applicant shall do the following:

(1) All trees for which application is being made for removal shall be so identified on-site by fluorescent orange spray paint (chalk based) or by fluorescent orange flagging tape prior to field inspection by the village. Trees selected for transplanting shall be flagged with a separate distinguishing color.

(2) Protective fencing shall be erected which restricts access to protected areas.

(a) Fencing shall be installed five feet outside the tree drip line or tree groupings, unless it can be demonstrated that this is not practical.

(b) Stakes for fencing shall be staked into the ground, with stakes spaced at a maximum of ten feet.

(c) The protective fencing shall be maintained and all construction materials, supplies and equipment shall be kept outside of the protective areas.

(d) Fencing material shall be a minimum of 48 inches high. Acceptable materials include: green or orange snow fence and galvanized or vinyl-coated chain link.

(3) Tree protection shall remain in its approved location until such time removal is authorized by the village. During construction, no attachments or wires shall be attached to any trees which are protected. Wood, metal or other substantial material shall be utilized in the construction of barriers.

(4) No activity shall be conducted within ten feet of the tree drip line, including but not limited to placing of any solvents, material, construction machinery, vehicles, or soil.

(5) The location of fencing may be adjusted, as administratively approved, in the field to accommodate site-specific conditions or constraints.

(6) The developer and/or the builder shall be responsible to inform all subcontractors, suppliers and tradesmen that they are to help maintain the trees and will be held responsible for any unauthorized damage to trees and woodlands.

(7) Prior to issuance of a temporary certificate of occupancy or certificate of occupancy, all required replacement trees shall be planted in accordance with the approved plans, or cash deposit in the amount of the estimated tree replacement and transplant costs to be refunded in full at time of completion.

(C) *Replacement of trees during construction.* The developer or builder shall be required to replace trees originally intended to be preserved when such trees are damaged during construction. The replacement requirements for such damaged trees shall be one caliper inch for each one caliper inch DBH of the damaged trees.

(D) *Tree maintenance and replacement.* If any of the trees required to be retained or trees planted as part of the landscaping plan should die within a period of 12 months after completion of the activities associated with the tree removal permit, the owner of the property shall replace the trees within six months at a ratio of one-to-one with an approved tree having a minimum of three inch caliper or eight feet in height for evergreens. Shrubbery or other plantings that die within 12 months of completion of the activities shall be replaced in kind within six months.

(E) *Variances.* An appeal may be made to the Zoning Board of Appeals if a practical difficulty makes strict compliance with this chapter impractical. In determining the existence of a practical difficulty, the Zoning Board of Appeals shall consider:

(1) The intent and purpose of the chapter.

(2) The character and community value of the protected trees affected; and

(3) The presence of unique circumstances which makes compliance with the chapter physically impractical.

(F) *Restoration.*

(1) The contractor shall restore all disturbed areas to the finished grade shown or to conform with existing grades and provide a smooth and uniform surface to meet existing ground surface. Ground cover must be established and conform to the approved site plan and landscaping plan.

(2) Where areas are to be planted at a later date or construction schedules result in areas exposed for extended periods, they are to be temporarily seeded with an annual rye grass to prevent erosion as soon as rough grade is established. Replant restored areas as needed to provide a well established vegetative ground cover.

(3) The contractor shall go over the entire area and regrade and fill any areas that may have settled, including fills made from excess excavated materials and all other areas that may have been disturbed during construction operations. Ground covers must be established on all such areas after repair.

(4) Where established lawn or grass areas have been disturbed by the contractor's operations, the contractor shall provide, unless otherwise specified or called for on the drawings or in the specifications, not less than the minimum depth of approved top soil and shall grade, seed, fertilize and mulch or install Class A sod where directed by the village.

(5) Restoration areas are to be kept moist by the contractor for 14 days after planting to insure growth.

(G) *Public and private utilities.*

(1) *Utilities.* The contractor must provide adequate protection for water, sewer, gas, telephone, TV, cable, fiber optics, drainage, or any other public or private utilities encountered. The contractor will be held responsible for any damages to such utilities arising from his or her operation.

(2) When it is apparent that construction operations may endanger the foundations of any utility conduit, or the support of any structure, the contractor shall notify the utility owner of this possibility and shall take steps as may be required to provide temporary bracing or support of conduit or structures.

(3) When construction operations may impact existing drainage facilities, the contractor shall make necessary provisions to maintain the integrity of the drainage facility and of flow. In all cases where permits or inspection fees are required by utilities in connection with changes to or temporary support of their conduits, the contractor shall secure such permits and pay all inspection fees.

(4) Where it is necessary in order to carry out the work, that a pole, electric or telephone, be moved to a new location, or moved and replaced after construction, the contractor shall obtain applicable permits and arrange for the moving of such pole or poles, and the lines thereof, and shall pay any charges therefor.

(5) Where it is the policy of any utility owner to make repairs to damaged conduit or other structures, the contractor shall cooperate to the fullest extent with the utility and shall see that construction operations interfere as little as possible with the utilities operations. The contractor shall pay any charges for these repairs.

(6) Where existing gas mains and services are encountered, the contractor shall arrange with the gas company for any necessary relaying, and shall pay for the cost of such work unless otherwise provided.

(H) *Pumping, bailing and draining of trenches.*

(1) The contractor shall provide and maintain adequate pumping and drainage facilities for removal and disposal of water from trenches or other excavations. No direct discharge to existing water courses is permitted. The contractor shall contact the village for approval of the discharge point.

(2) In any event, all pumping and drainage shall be done without damage to any roadway or other property, public or private, and without interference with the rights of the public or private property owners and in accordance with the MDEQ and local requirements for soil erosion and sedimentation control.

(I) *Sheeting, shoring and bracing.* Where necessary, in order to construct the work called for on the approved plans, the contractor shall use and, if necessary, leave in place, such sheeting, shoring, and bracing as is needed to carry out the work or to adequately insure the stability of such work, to protect adjoining areas.

(J) *Disposal of excavated material.* With the exception of an amount of excavated materials sufficient for backfilling and construction of fills, as called for on the drawings, all broken concrete, stone, and excess excavated materials shall be disposed of away from the site by the contractor unless an on-site disposal area has been reviewed and approved by the village during the site plan review process. The contractor will be required to obtain his or her own disposal ground and indicate the location at the pre-construction meeting. If disposal site is within the village, the site must have prior written approval from the village.

(K) *Disposal of waste materials.* Unless otherwise directed by the applicant or village, all scrap lumber, stumps, brush, concrete, other waste materials and debris resulting from the construction work shall be removed from the premises. No waste materials may be buried or burned on site. Wood may be chipped and used on site for landscaping mulch or paths, but wood-chip stockpile areas must be approved by the village.

(L) *Tunneling.* The contractor shall construct the work in tunnel where shown on the drawings or required by permits, and at other locations may, at his or her option, construct the work in tunnel where it crosses existing roadways, public and private utilities, walks or other structures. Tunnel work shall be constructed in accordance with the drawings and specifications, road permit requirements, or as otherwise noted on the drawings.

(M) *Site dewatering.*

(1) Any anticipated construction dewatering activity requires approval by the village during the site plan review process. If the unexpected need for dewatering arises during construction, dewatering provisions must be submitted to and approved by the village prior to dewatering.

(2) The dewatering provisions shall include the number and location, depth, and size of all proposed pumps. The maximum flow from each pump should be indicated. In addition, the provisions shall indicate the precise location for discharge of the water. All water must be retained on site, unless extenuating circumstances are demonstrated and the village approves of the concept to discharge off-site. The contractor shall be responsible for obtaining permission from the appropriate property owners and regulatory agencies that may have jurisdiction over the proposed receiving waters for off site discharge. Proper soil erosion control and water quality measures must be properly installed at the outlet.

(N) *Progress of work.*

(1) The work shall start promptly and continue uninterrupted.

(2) If the village determines it is necessary or advisable that certain portions of the work be done immediately, the contractor, upon written order, shall proceed with such work without delay.

(O) *Explosives.* If explosives are used, the contractor shall comply with all laws, rules, and regulations governing their use. The contractor shall be fully responsible for the safety of all persons and property and any approval by the village shall not relieve the contractor of such responsibility. It shall also be the contractor's responsibility to provide written notification to property owners and tenants within 200 feet of the use of explosives at least 24 hours in advance.

(P) *Schedule of operations.* If requested by the village, the contractor shall submit, for the village's review and approval, a schedule of his or her proposed operations. The contractor's schedule shall be complete and shall show in detail the manner in which he or she proposes to complete the work under his or her contract.

(Q) *Requirements pertaining to work within railroad rights-of-way.* Where the contract drawings call for work within railroad rights-of-way or where the work crosses under railroad tracks, the contractor shall secure the approval of the railroad company of the method and schedule of operations and shall carry out the work in strict accordance therewith, all to the satisfaction of the railroad company. Plan notes, provisions, requirements, and the like, for the railroad right-of-way work must be shown on the plans.

(R) *Dust control.* The contractor shall provide adequate measures to control dust caused by his or her operation. The methods employed, and frequency of application shall be as approved or as directed by the village.

(S) *Hours of operation.* The applicant shall comply with § 130.02(A)(2) of the this code dealing with construction noises.

(T) *Testing.*

(1) Testing shall be required as specified in the respective chapter detailing the item of work to be completed. Generally, testing will be required when, but not limited to, engineering fill or trench backfill, pavement compaction, concrete break testing, subgrade compaction, and the like. Testing may be required in circumstances where unstable soils are encountered and are to be removed and replaced. Additional testing as determined by the applicant is encouraged.

(2) The contractor shall obtain the services of a certified testing laboratory approved by the Village Engineer. This laboratory will perform all material testing. Copies of the results shall be furnished to the village and Village Engineer.

(3) For materials covered by ASTM, AWWA, state and/or federal specifications, the required tests are to be made by the manufacturer or supplier and his or her certificates submitted to the Village Engineer.

(4) At the request of the Village Engineer soil density and compaction tests must be made by a representative of the applicant, and will be paid for by the applicant. The tests will be reviewed and accepted by the Village Engineer.

(U) *Samples.*

(1) Where requested by the village or these standards, samples of materials in the quantity required shall be submitted to the Village Engineer for approval. The work shall be in accordance with approved samples.

(2) Samples are to be forwarded to the Village Engineer with all shipping charges prepaid, boxed or wrapped separately and each labeled with the name of the material, the name of the producer, the contractor furnishing the same and use for which the material is intended.

(V) *Subcontracts.* The contractor shall be fully responsible to the village for the acts or omissions of his or her subcontractors and for anyone employed directly or indirectly by him or her or them. The contractor shall bind every subcontractor and every subcontractor shall be bound by these standards, as far as applicable to his or her work, unless otherwise specifically approved in writing by the village.

(W) *Equivalent materials and equipment.* Whenever any of the material or equipment is defined by describing a proprietary product, or by using the name of a manufacturer or vender, the term "or equal" if not inserted, shall be implied. The specific article, material, or equipment mentioned shall be understood as indicating the type, function, minimum standard of design efficiency and quality desired and shall not be construed in such a manner as to exclude manufacturers' products of comparable quality, design and efficiency. Other manufacturers' products will be accepted provided sufficient information is submitted by the Project Engineer with their approval to use the alternate material to the Village Engineer to determine that the products proposed are equivalent to those named. Whenever material or equipment is submitted for approval as being equal to that specified, the final decision of whether or not such material or equipment is equal to that specified shall be made by the Village Engineer. Upon rejection of any material or equipment submitted as the equivalent of that specifically named, the contractor shall immediately proceed to furnish the designated material or equipment. The approval by the Village Engineer of alternate material or equipment as being equivalent to that specified shall not in any way relieve the contractor of responsibility for failure of the material, or workmanship, to perform the functions required of them.

(X) *Contractor's responsibility.* The contractor shall assume full responsibility for the work, specifically including job site safety, and take all precautions for preventing injuries to persons and property on or about the work; shall bear all losses resulting to him or her on account of the amount or character of the work or because the conditions under which the work is done are different, or because the nature of the ground in which the work is done is different from what was estimated or expected, or on account of the weather, floods, elements or other causes, and in accordance with § 151.036(F) of this

chapter he or she shall assume the defense and save harmless the village, Village Engineer, and their individual officers and agents from all claims arising out of the work performed or to be performed; and to any act, or neglect of the contractor, his or her agents or employees.

(Y) *General requirements for materials and workmanship.* The contractor shall furnish suitable tools and equipment and employ competent labor to perform the work to be done. Any labor or tools or appliances that shall not, in the judgment of the Village Engineer, be suitable or competent to produce this result may be ordered from the work by the Village Engineer.

(Z) *Storage of materials.* Materials and equipment distributed, stored and placed upon or near the site of the work shall at all times be so disposed as not to interfere with work of other contractors, with drainage, fire hydrants or with access thereto and not to hinder traffic.

(AA) *Contractor's supervision and origination.*

(1) The general contractor shall give efficient supervision to the work. The contractor shall at all times keep on the site of the work, during its progress, a competent superintendent and any and all necessary foremen and assistants. The superintendent shall represent and have full authority to act for the contractor in the latter's absence, and all directions given to him or her shall be as binding as if given to the contractor. On request in each case, all such directions will be confirmed in writing to the contractor.

(2) Copies of the drawings and specifications shall at all times be kept on file by the contractor at readily accessible points at or near the work.

(BB) *Facilities for inspection.* The village, their agents, and their employees shall at all times have the right to enter upon the premises upon which work is being done, or upon which material is stored, to inspect the work and materials and to ascertain whether or not the construction is carried out in accordance with the approved plans. The contractor shall promptly remove from the premises all materials rejected by the Village Engineer as failing to meet standard requirements, without expense to the village.

(CC) *Cleaning up.* The contractor shall remove from the site and from all public and private property, all temporary structures, rubbish and waste materials resulting from his or her operations on a regular basis so as not to create a nuisance.

(DD) *Prohibition of salvaged materials.* No secondhand or salvaged materials will be permitted, except upon specific written authorization from the village.

(EE) *Trench enclosures.* All trenches shall normally be backfilled at the end of the workday. Only under special conditions and with the approval of the Village Engineer, shall trenches be left open overnight. Trenches which are allowed to be left open overnight shall be completely enclosed with suitable fencing or lighted barricades. When the trench contains water or when required by the Village Engineer, the exposed end of the pipe shall be securely closed with a watertight plug.

(FF) *Cleanup scheduling.*

(1) General cleanup, including completion of rough grading of backfilled trench areas, shall continuously progress along with, and shall lag no further than 100 feet behind, the pipe installation operations.

(2) Fine grading and restoration work not dependent on weather or subject to seasonal limitations shall also progress concurrently with and shall lag no further than 500 feet behind pipe installation operations.

(GG) *Excavation.* The trench shall be excavated so that the pipe can be laid to the alignment and grade shown on the plan, taking into consideration the bedding specified. Excavation shall include removal of all materials encountered and disposal (off the site) of those materials not suitable or needed for backfilling of the trench. Excavation shall not proceed ahead of pipe laying a distance that will result in a cave in. All adjacent structures encountered, above and below the ground surface, shall be properly supported.

(HH) *Width of trench.*

(1) If the maximum trench widths noted on the plans are exceeded, unless otherwise authorized by the Village Engineer, the contractor shall construct a concrete cradle or other type of approved bedding to provide support for the additional load.

(2) When sand bedding is used, the maximum trench widths shall be used to permit compaction of the bedding around the pipe.

(3) If stone bedding is used, a minimum six inch clearance shall be provided on each side of the pipe with the maximum trench width as tabulated.

(II) *Pipe bedding.*

(1) Pipe bedding is defined as the material placed from a minimum of four inches below the pipe to the centerline of the pipe. It shall consist of stone or sand, as noted on the bedding detail. The bedding shall be removed under the bell so that the pipe barrel will be uniformly supported for its full length.

(2) The bedding material shall be placed and compacted uniformly on both sides of the pipe to prevent lateral movement. Mechanical methods of tamping shall be used when it is possible to do so without damaging the pipe. Bedding shall be placed in layers of six inches or less as necessary to obtain thorough compaction around the pipe.

(3) In the event density tests become necessary to resolve a question of the sufficiency of compaction of bedding material, the minimum acceptable density shall be considered to be 95% of maximum density as determined by the AASHTO T99 method.

(4) Stone used for bedding shall not lose more than 7% by washing. Stone used for this purpose shall pass a 3/4 inch sieve and be retained on a 1/4 inch sieve.

(JJ) *Concrete cradle.* Where called for on the plans, a concrete cradle shall be constructed using MDOT Grade 30P concrete. The cradle shall extend half-way up the sides of the pipe.

(KK) *Laying of pipe.*

(1) Proper and suitable tools and appliances for the safe and careful handling, conveying, and laying of the pipe shall be used. Care shall be taken to prevent the coating of castings or ductile iron pipe from being damaged. Pipe, valves, hydrants, and fittings strung along the route shall be placed in such a manner that they will not be submerged or collect water. Dropping of material directly from a truck or platform is prohibited. All pipe and castings shall be carefully examined for defects. If any materials are found to be defective, they shall immediately be removed from the site.

(2) All lumps, blisters, and excess coal-tar coating shall be removed from both the bell and spigot ends of each length of pipe and each fitting. The outside of each spigot and the inside of each bell shall be wire brushed and wiped clean, dry, and free from oil or grease immediately prior to installation. The inside of the pipe shall be free of dirt and debris. Any damage to exterior pipe coating shall be repaired with an approved coating before the pipe is laid.

(3) Each pipe shall be inspected by the contractor for possible defects and compliance with the plans before being placed in the trench. Joint surfaces shall be free of foreign matter. Pipe laying operations shall follow immediately behind the excavation.

(4) Pipe shall be laid from the lower end of the sewer upstream, with bell ends up grade. The use of brick, lumps of clay, wood, and the like, to level the pipe will not be permitted. Pipe shall be thrust home and if joints do not remain tightly closed or construction is in saturated sand, a cable and winch, or other approved means, shall be used to maintain a tight joint. Under no circumstances shall pipe be dropped directly into the trench.

(5) All pipe shall be laid to line and grade as called for on the plans. Each pipe as laid shall be checked by the contractor. The trench shall be excavated to provide equal clearance on both sides of the pipe. After the pipe is set, care shall be taken in backfilling so as not to disturb its line or grade. As work progresses, the interior of the pipe shall be thoroughly cleaned. At all times the open ends of the pipe shall be covered to prevent foreign matter from entering.

(LL) *Backfilling.*

(1) Backfilling is defined as the placement in the trench of approved material by an acceptable method, from the top of the bedding to proposed ground surface grade. All backfill material shall be free from cinders, ashes, refuse, organic matter, boulders, rocks or stones, or other material which, in the opinion of the Village Engineer, is unsuitable. Unless otherwise authorized by the Village Engineer, all excavations shall be backfilled at least to a point one foot above the pipe immediately after installation.

(2) From the center of the pipe to a point one foot above the top of the pipe, the trench shall be backfilled with sand approved by the Village Engineer, placed in six inch layers, and thoroughly compacted.

(3) Backfilling to grade shall not fall more than 100 feet behind pipe laying unless otherwise permitted by the Village Engineer. In locations where compaction of the backfill to a specific density is not required by these standards, backfill may, where practicable, be machined placed. Excavated material (other than clay) may be used for backfill and compacted by a small dozer in lifts of not over nine inches loose measure. Machine compaction of backfill may be required by the Village Engineer.

(4) No frozen material shall be buried more than two feet below the final elevation of ground. At no time shall frozen materials be permitted for use as backfill under pavement structures.

(5) All backfill placed within three feet of manholes, catch basins, gate wells and other underground structures shall be approved sand, placed in one foot layers and compacted. After the structure and/or exterior masonry plaster has set up sufficiently to resist, damage, backfilling shall be performed in a manner that will not cause unequal pressure on the structure.

(MM) *Construction in unstable soils or fill sections.*

(1) Pipe and pipe appurtenances must be supported on a firm foundation. The trench bottom shall remain stable during backfilling and all subsequent pipe laying operations. When unstable trench bottoms (wet clays, sands, and the like) are encountered, it will be necessary to excavate below design depth to stable, non-compressible ground and backfill to grade with approved select materials: slag, crushed stone, gravel, and the like, 1/4 inch to 3/4 inch in size.

(2) Where organic materials (peat, marl, muck, and the like) exist at the trench bottom, it shall be necessary to remove these to stable soils and backfill to grade with the aforementioned select materials. Where the material below plan grade is unstable to such a degree that it cannot be removed and replaced with an approved material, the contractor shall construct supports as recommended by the Project Engineer and approved by the Village Engineer.

(3) Where it is necessary to lay pipe in a fill area, unstable or unsuitable material shall be removed before fill material is

placed. The embankment shall be of suitable material, one vertical on two horizontal fill slopes, and shall be placed in layers not exceeding one foot in thickness compacted to 100% of maximum density as determined by the AASHTO T99 Method, to the proposed top of the pipe. The embankment shall not be less than four diameters plus 12 feet wide at the invert of the pipe and shall be continued up to provide no less than three feet of cover over the pipe.

(NN) *Pipe clearance in rocks.* Rocks, boulders, and stones over two inches in diameter shall be removed to provide a clearance of at least six inches from any part of the pipe or appurtenances.

(OO) *Roadway and waterway crossings.* All work within a road right-of-way or a waterway shall be performed in accordance with the requirements of the governmental body having jurisdiction over the right-of-way involved. Notice and permits as required shall be given and secured from said governmental body before work starts.

(PP) *Trench box.* If the trench box rides below the top of the pipe, then care must be taken to protect the integrity of the pipe bedding, particularly when movement of the trench box leaves a void in the pipe bedding. Care must also be taken to ensure that movement of the trench box does not pull the pipe joints apart and, if necessary, the pipe lines should be secured with a wood cross-block, cable, and winch at the downstream manhole.

(QQ) *Bored and jacked casings.*

(1) *Requirement.* The boring and jacking of steel casings shall be installed in any areas considered to be detrimentally affected by open cut construction in the opinion of the village.

(2) *Materials.*

(a) *Casing pipe.* Steel casing pipe shall be electronic-fusion welded pipe, conforming to the requirements of ASTM A-39, Grade B, with minimum 1/4 inch wall thickness. Pipe ends shall be prepared for field welding of circumferential joints.

(b) *Carrier pipe.* Pipe materials shall conform to that specified in the applicable sections of these standards.

(c) *Grout.* Grout material shall be cement-sand mixture containing not less than one part cement to one part sand, unless otherwise approved by the Village Engineer.

(d) *Pipe skid.* Necessary skidding materials required to protect the pipe during installation shall be approved by the Village Engineer and furnished by the contractor.

(3) *Installation.*

(a) *Casing pipe.* Casing pipe shall be installed in a continuous augering (or mining) and jacking operation with the casing pipe installation following directly behind the face of the excavation. Water shall not be introduced during the boring-jacking operation.

(b) *Grouting.* The annular space between the outside surface of pipe and the inside surface of casing pipe shall be pressure grouted with approved materials. The diameter of the casing pipe shall be of sufficient size to ensure proper placement of the pipe to plan line and grade and to allow the proper installation of pressure grouted material. The ends of the casing pipe shall be closed with a masonry bulkhead at least eight inches thick.

(c) *Minimum boring distances.* All work shall be performed from boring and jacking pits adequately sheeted to prevent damage to the roadway, railway, and the like. The minimum distance from the edge of the pavement to the trench or boring and jacking pit for dual highway and interstate routes shall be 30 feet. For curb or guardrail section, railway track, or two-lane highway, the minimum distance will vary from shoulder point to the toe of slope, as shown on the plans or as directed by the Village Engineer.

(RR) *Rip-rap.*

(1) Rip-rap shall be installed at all locations as indicated on the plans.

(2) Typically, all rip-rap shall be installed on a suitable geotextile fabric.

(3) Rip-rap material shall be natural stone, limestone, or broken concrete free of any reinforcement.

(4) Average diameter shall be as indicated on the plans.

(5) Rip-rap shall be placed so individual stones are fit together to form an interlocking mat. Smaller stones are to fill any large voids.

(6) Grouting rip-rap is permitted in lieu of supplementing settlement.

(SS) *Maintenance of traffic.*

(1) During the progress of the work, the contractor shall accommodate both vehicular and pedestrian traffic as provided in these specifications and as indicated on the drawings. In the absence of specific requirements, traffic shall be maintained in accordance with the current edition of the Michigan Manual of Uniform Traffic Control Devices. Access to fire hydrants and water valves shall always be maintained. The contractor's truck and equipment operations on public roads shall be governed by county regulations, all local traffic ordinances, and requirements of the Fire and Police Departments.

(2) Small road openings necessary for manholes, alignment holes, sewer connections, and the like will be permitted. Such holes shall not be open longer than necessary and shall be protected and any traffic detouring necessary shall be done

to the satisfaction of the village. Wherever possible, small openings shall be covered with steel plates at pavement level secured in place during periods that work is not being performed.

(3) Where roads are partially obstructed, the contractor shall place and maintain temporary driveways, ramps, bridges and crossings which in the opinion of the village are necessary to accommodate the public. In the event of the contractor's failure to comply with the foregoing provisions, the village may, with or without notice, cause the same to be done at the contractor's expense.

(4) The contractor shall provide flagmen, warning lights, signs, fencing and barricades necessary to direct and protect vehicular and pedestrian traffic.

(5) The contractor shall inform the Police and Fire Departments in advance of work operations of road obstructions and detours, so that they can set up plans for servicing the area in case of an emergency. The Village Manager's Office, Police, and Fire Department shall be notified one week prior to obstructing any road, except for emergencies.

(Ord. 31.26, passed 5-13-13)

AS-BUILT DRAWING PROCEDURES AND REQUIREMENTS

§ 151.090 INTENT.

Prior to the village's final approval of any site improvements or the final acceptance of any public utilities, which the village will accept for maintenance and operation, as-built drawings must be submitted to the village for review and acceptance.

(Ord. 31.26, passed 5-13-13)

§ 151.091 PROCEDURE.

As-built drawings shall be initially submitted in the form of two sets of prints with blue or black lines. Upon the approval of the as-built drawings by the Village Engineer, complete sets, of reproducible mylar drawings, a minimum of three mils thick, together with two complete sets of blue-line or black-line prints, shall be submitted to the Village Engineer for distribution and archives. The village may, at their discretion, also require the plans to be submitted in digital format. The number of as-built mylar plan sets shall be determined by the village. The applicant shall receive copies of any inspection/observation reports from the Village Engineer. This information is only intended to supplement their own, as-built survey, contractor reports, and own field observation and are not intended to be a complete record for all construction activities for the subject project or the only source of documentation to provide the as-built information required herein.

(Ord. 31.26, passed 5-13-13)

§ 151.092 CERTIFICATE OF OCCUPANCY.

As-built drawings shall be provided prior to a full certificate of occupancy.

(Ord. 31.26, passed 5-13-13)

§ 151.093 CRITERIA.

As-built drawings shall contain, but are not limited to, the following information:

(A) *General plan requirements.* The plans shall contain all information as shown on the approved plans:

- (1) The as-built plans shall include all information as included in §§151.050 through 151.052, such as location map, legend, project contacts, and the like;
- (2) The plans shall be clearly labeled as-built on each sheet;
- (3) All as-built survey data shall tie into the same site benchmarks as those used for the construction plans.

(B) *Grading, site drainage and open channel storm systems.* As-built grading plans shall include, but are not limited to the submittals of a Master Grading Plan with any deviations from the approved Grading Plan noted on the drawing. The plan must also include all drainage courses and open ditch or swale drainage conveyance facilities. In general, the as-built Grading Plan is to provide the village with an accurate plan to verify that individual plot plans, where applicable, conform to the overall grading and drainage pattern.

(C) *Enclosed storm sewer system.* As-built storm sewer system plans shall include, but are not limited to, length, diameter, invert and rim elevations and percentage of grade in plan and profile view. As-built plans shall also include structure locations (shown with a minimum of two offsets from property lines or an as-built coordinate table), material and joint type used, and quantities.

(D) *Storm water management facilities.* As-built detention or retention plans shall include, but are not limited to, as-built contours, adequate spot grades to substantiate these contours, all overflow and outlet invert elevations, and labels identifying the permanent water, high water, and freeboard elevations. Also, as-built volumetric calculations must be included in the plans which include the required volume calculations from the approved plans and as-built calculations. It must be certified on the as-built drawings that any maximum basin side slopes, as stipulated on the approved plans, have not been exceeded, and also the required storage volume for the basin(s) has been provided. If the approved plans required perimeter fencing, it must also be shown and properly as-built. Furthermore, any restrictor location and size must

also be as-built.

(E) *Paving.* As-built paving plans for roads, parking lots, sidewalk paths, and the like shall include, but are not limited to, centerline elevations, curb and gutter elevations, where installed, pavement widths, and sidewalk lengths. Also, any entrance improvements such as turn lanes, acceleration/deceleration lanes, and the like must also be properly as-built.

(F) *Sanitary sewer collection system.* As-built sanitary sewer system plans shall include, but not be limited to, length, diameter, invert and run elevations and percentage of grade in plan and profile view. As-built plans shall also include structure location (shown with a minimum of two offsets from property lines or an as-built coordinate table), material and joint type, and quantities. Also, sanitary sewer house lead information is required. This shall include lead length, distance of wye from downstream manhole, a triangulation dimension and invert depth below grade. This information can be shown in an as-built table or using the symbology as provided by the Village Engineer.

(G) *Water distribution facilities.* As-built water system plans shall include, but not be limited to lengths, diameters, gate well and hydrant finished elevations, locations of all hydrants, structures, gate wells, tapping sleeve and wells, meter pits, PRV's, and the like (shown with offsets from property lines or an as-built coordinate table), materials used including the make and model of the hydrants and quantities.

(H) *Fire suppression facilities.* As-built plans shall include, but not be limited to, where applicable, all dry hydrant dimensions, all dry hydrant assembly parts/fittings information, supply size (i.e., tank dimensions, pond contours and calculations. For fire suppression mains serving building suppression systems, tapping sleeve and valve box locations and building Fire Department connections must be as-built.

(Ord. 31.26, passed 5-13-13)

§ 151.094 CERTIFICATION.

All as-built plans shall contain a statement by a licensed professional who is currently registered in the state, certifying the drawings to be as-built. All plans must also contain the seal and signature of the registered professional.

(Ord. 31.26, passed 5-13-13)

DESIGN AND CONSTRUCTION STANDARDS FOR CLEARING, GRADING, AND SURFACE DRAINAGE

§ 151.110 APPROVAL OF STANDARDS.

The Village Council may approve by resolution design and construction standards, including, but not limited to the following subject matters:

- (A) Clearing, grading and surface drainage;
- (B) Soil erosion control;
- (C) Storm water management;
- (D) Storm sewers;
- (E) Wetlands;
- (F) Flood plains;
- (G) Streets, driveways, pedestrian facilities and paving;
- (H) Water mains;
- (I) Sanitary sewer collection systems; and
- (J) Franchised utilities.

(Ord. 31.26, passed 5-13-13)

§ 151.999 PENALTY.

Any person who violates the provisions of this chapter, as amended, shall be responsible for a municipal civil infraction, subject to civil fine, court order enforcement, and any remedies mandated by the court for violations.

(Ord. 31.26, passed 5-13-13)

CHAPTER 152: (RESERVED)

CHAPTER 153: (RESERVED)

CHAPTER 154: PROPERTY MAINTENANCE

Section

Property Maintenance

- 154.01 Short title; intent and purpose
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- 154.23 Hearing; testimony; order; noncompliance; notice; lien; collection
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Cross-reference:

Nuisances, see Ch. 95

PROPERTY MAINTENANCE

§ 154.01 SHORT TITLE; INTENT AND PURPOSE.

(A) This subchapter shall be known and may be cited as the “Village of Lake Orion Property Maintenance Ordinance.”

(B) In the Council's considerations and deliberations with respect to the adoption of this subchapter, the Council has determined that the protection and promotion of the public health, safety and welfare requires the adoption of regulations that apply to existing residential and nonresidential structures, including, without limitation, in the following respect:

(1) Establishing minimum maintenance standards.

(2) Providing for the completion of structures, and ongoing maintenance, in light of the recognition that if a significant number of structures in a given area were not completed, or existed in a condition of disrepair for extended periods of time, such conditions could lead to a state of frustration and disincentive in and to other property owners in the area in relation to completion and maintenance of other properties, and, would result in the public nuisance condition of wide-spread reduction of property values, deterioration of existing structures, and the general blighting of the village and its residents and property.

(3) Fixing the responsibilities of owners, operators, and occupants of all structures.

(4) Providing for administration, enforcement and penalties.

(Ord. 30.02, passed 6-22-87)

§ 154.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONDITION OF DISREPAIR. The condition of all, or any portion, of a structure that has not been maintained in a workmanlike manner, normal wear and tear for reasonable periods excepted, including, without limitation, instances where structures have windows and/or doors boarded up or which otherwise violate a provision of this subchapter, and shall also mean the lack of substantially continuous and material pursuit of initial construction of a structure toward obtaining a certificate of occupancy or other required approval for a period in excess of six months.

STRUCTURE. Any building or structure for which a permit must be obtained for construction under any ordinance or code of the village.

WORKMANLIKE. The care in carrying out such activities as maintenance and repair in a reasonably skillful manner, i.e., the manner in which a reasonably prudent person would expect or require if another person were hired to perform maintenance or repairs on his or her structure of the type in question.

(Ord. 30.02, passed 6-22-87)

§ 154.03 ENVIRONMENTAL REQUIREMENTS.

(A) *In general.*

(1) All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from accumulation of rubbish or garbage, except when assembled regularly for removal for transport to a proper receptacle.

(2) The owner and person in possession of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

(B) *Exterior structure.*

(1) The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to impose a threat to the health, safety, or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment. Construction of the exterior of a building or structure shall, following issuance of a building permit, be pursued to completion and issuance of a certificate of occupancy, with work being regularly and actively performed, and such pursuit shall not be completely or substantially discontinued for a period in excess of six months. Moreover, the exterior of the building or structure shall be maintained so as not to be in a condition of disrepair for a period of six months.

(2) All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

(3) Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.

(4) All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads, and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

(5) Every exterior wall, window, trim and the like, shall be free of holes, breaks, loose or rotting boards or timbers, and other conditions that might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including, without limitation, wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

(6) All cornices, entablatures, felt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe workmanlike condition.

(7) All canopies, marquees, signs, metal awnings, stairways, fire escapes, stand pipes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

(8) Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good workmanlike repair.

(9) Every window, door and frame shall be constructed and maintained in much relation to the adjacent wall construction so as to exclude rain as reasonably possible, and to substantially exclude wind from entering the dwelling or structure. Windows and exterior doors shall be fitted reasonably in their frames to be weather-tight, and constructed so as to exclude wind or rain from entering the dwelling or structure. Windows, other than fixed windows, shall be capable of being opened with reasonable ease, and shall be held in position by appropriate window hardware.

(10) Every basement hatchway shall be so constructed and maintained as to prevent the entrance of vermin, rain and surface drainage water into the structure.

(C) *Interior structure.*

(1) The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment.

(2) The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration that would render them incapable of carrying the imposed loads.

(3) The interior of every structure shall be maintained free from any accumulation of rubbish, refuse or garbage, other than normal accumulations made for limited periods for disposal purposes. Any rubbish, garbage and/or refuse accumulated on the property for disposal purposes shall be kept inside temporary storage facilities and/or containers.

(Ord. 30.02, passed 6-22-87) Penalty, see §10.99

§ 154.04 PLUMBING AND FIXTURE REQUIREMENTS.

(A) Every dwelling unit shall include its own plumbing facilities for sanitary purposes, which are in proper operating condition, and which can be used in private and are adequate for personal cleanliness and the disposal of human waste.

(B) All plumbing fixtures shall be maintained in a safe, sanitary and usable condition. All plumbing fixtures shall be

approved nonabsorbent material.

(Ord. 30.02, passed 6-22-87) Penalty, see § 10.99

§ 154.05 MECHANICAL AND ELECTRICAL REQUIREMENTS.

(A) All cooking and heating equipment shall be maintained free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, and other laws or ordinances applicable.

(B) All fuel burning equipment shall be connected to an approved chimney, flue or vent, or shall otherwise be approved by the fire marshal.

(C) All required clearances to combustible materials shall be maintained.

(D) Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.

(E) All electrical equipment, wiring and appliances shall be installed and maintained in a condition that will not result in a hazard to life and/or property. Applicable laws and codes shall be utilized in determining the existence of a hazard. However, the mere fact that there is not compliance with an applicable code adopted subsequent to installation of the equipment, wiring, appliances, or the like, shall not, in and of itself, be proof of a hazard.

(F) If, in the opinion of the duly authorized village official inspecting the system, the electrical system in a structure constitutes a hazard to life and/or property by reason of inadequate service, improper fusing, inefficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, such condition shall constitute a material violation of this subchapter.

(Ord. 30.02, passed 6-22-87) Penalty, see § 10.99

§ 154.06 ADMINISTRATION AND ENFORCEMENT.

(A) Whenever the Village Manager, the Building Official, or designate, determines that there has been a material violation of this subchapter, or has reasonable ground to believe that a material violation has occurred, the village may proceed by way of appearance ticket, Circuit Court action, or by giving a notice to the owner or the person or persons responsible for the premises in the manner prescribed below.

(B) The notice referenced in division (A), above, shall:

(1) Be in writing.

(2) Include a description of the real property sufficient for identification.

(3) Include a statement of the reason or reasons why the notice is being issued.

(4) Include a correction order allowing a reasonable time for the repairs, actions and/or improvements required to bring the structure into compliance with the provisions of this subchapter.

(5) Include a statement that if all corrections ordered to be made in the notice have not been completed within a reasonable time, as specified in the notice, a hearing shall be conducted before the Village Council at a time, date and place, also specified in the notice, and, that at such hearing, the property owner, or the property owner's representative, shall be entitled to be heard with respect to why the ordered corrective repairs, actions and/or improvements shall not be required.

(C) The notice shall be sent by certified mail to the person or entity responsible for the property, which may be based upon the name and address on the records of the Assessing Department. In addition, if the notice specifies an order requiring the vacation of occupancy and/or the physical demolition of all or part of a structure, a copy of the notice shall be posted on the property in a conspicuous place.

(D) After the expiration of the time established in the notice for curing of all violations, but before the date fixed in the notice for the hearing, the building official, or designate, shall ascertain and report to the Village Manager whether the corrections have been complete.

(E) If all corrections of violations have not been completed within the time required by the notice referenced in divisions (A) and (B), above, the Village Manager shall direct that an additional notice be sent by regular mail to the person or entity responsible for the property clarifying the position of the village that the corrections required in the prior notice have not been made and that a hearing shall be conducted. The notice shall reiterate the date, time and place of the hearing to be conducted. The Village Council shall conduct a hearing on the date fixed in the notices, which hearing may be adjourned from time-to-time by the Council as needed to properly complete the hearing.

(F) The property owner, and/or representative, shall be given an opportunity to be heard at the hearing.

(G) At the conclusion of the hearing, the Council shall determine, in its discretion, whether a violation exists. If the Council determines that a violation does exist, it shall order specific corrective repairs, actions, and/or improvements, including, if necessary and in the discretion of the Council, a vacation of occupancy and/or a physical demolition of the structure, provided, however, demolition of the structure shall not be ordered unless a health or safety hazard exists, or unless a condition of disrepair shall have existed for a continuous period of at least one year. The Council shall prescribe a

time within which the corrective repairs, actions and/or improvements must be completed.

(H) If the corrective repairs, actions and/or improvements ordered by the Council include the vacation of occupancy of the premises and/or a physical demolition of all or part of a structure, and the property owner or other responsible person has not completed all curative repairs, actions and/or improvements within the time fixed in the order, the village may commence an action in the Circuit Court seeking a declaratory judgment, based upon the record made at the Village Council hearing, praying for an adjudication that:

(1) The procedure undertaken by the village was proper.

(2) The village's action and order did not constitute a breach of discretion and/or violate the constitution of law.

(3) The village is authorized to carry out the curative order, with all costs and expenses incurred by the village in taking such curative action to be paid by the property owner within 30 days of billing from the village, and failing full payment by the property owner, the balance due shall be deemed delinquent and be placed on the tax roll with respect to the property and billed and collected along with the real property taxes of the village according to law.

(Ord. 30.02, passed 6-22-87)

CONDEMNATION OF DANGEROUS BUILDINGS

§ 154.20 DANGEROUS HOUSING PROHIBITED.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof that is a dangerous building as defined in § 154.21.

(Ord. 31.03, passed 6-14-76)

§ 154.21 DANGEROUS BUILDING; DEFINED.

As used in this subchapter, **DANGEROUS BUILDING** means any building or structure that has any of the following defects or is in any of the following conditions:

(A) Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the community wherein the property lies, it shall be considered that such dwelling does not meet the requirements of this subchapter.

(B) Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of this subchapter or any building code of the village for a new building or similar structure, purpose or location.

(C) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(D) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by this subchapter or the building code of the village.

(E) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

(F) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

(G) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts

(H) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Health Officer, or is likely to work injury to the health, safety or general welfare of those living within.

(I) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(Ord. 31.03, passed 6-14-76)

Cross-reference:

Nuisance buildings and dwellings, see §§ 95.15 et seq.

§ 154.22 NOTICE OF UNSAFE OR DANGEROUS CONDITION; CONTENTS; HEARING OFFICER; SERVICE.

(A) Notwithstanding any other provision of this subchapter, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.

(B) Such notice shall be directed to each owner or party in interest in the building in whose name the property appears on the last local tax assessment records.

(C) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(D) The Hearing Officer shall be appointed by the Village President to serve at his pleasure. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(E) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail; return receipt requested addressed to such owner or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

(Ord. 31.03, passed 6-14-76)

§ 154.23 HEARING; TESTIMONY; ORDER; NONCOMPLIANCE; NOTICE; LIEN; COLLECTION.

(A) The hearing officer shall take testimony of the enforcing agency, the owner of the property and any interested party. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(B) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

(C) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the legislative body of the village and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the manner prescribed in § 154.22.

(D) The Village Council shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in § 154.22 of the time and place of the hearing. At the hearing the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Village Council shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.

(E) The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the village who shall assess the cost against the property on which the building or structure is located.

(F) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the Assessor of such notice of the amount thereof, the Assessor shall add the same to the next tax roll of such village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by such village.

(Ord. 31.03, passed 6-14-76)

§ 154.24 APPEALS.

An owner aggrieved by any final decision or order of the Village Council under §154.23 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Ord. 31.03, passed 6-14-76)

§ 154.25 VIOLATIONS.

In addition to the enforcement provisions set forth in this chapter, any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of § 10.99(A)(2).

(Ord. A-3, passed 1-13-97)

CHAPTER 155: SIGN REGULATIONS

- 155.01 Purpose
- 155.02 Definitions
- 155.03 General standards
- 155.04 Permitted in all districts without a sign permit
- 155.05 Signs prohibited in all districts
- 155.06 District regulations
- 155.07 Regulations for specific sign types
- 155.08 Abandoned, damaged, illegal and unsafe signs
- 155.09 Permits
- 155.10 Variance authority
- 155.11 Non-conforming signs

§ 155.01 PURPOSE.

It is the purpose of this chapter to regulate signage in all zoning districts so the village may:

- (A) Reduce visual clutter that is unsightly, confusing and distracting;
- (B) Preserve architectural character of buildings and streetscapes, so they are not overwhelmed or obscured by signage;
- (C) Promote the use of creative and appropriate signage which will enhance the economic viability of the village;
- (D) Regulate the construction, alteration, repair and maintenance of all signs with respect to structural and fire safety;
- (E) To effect the removal of illegal and nonconforming signs; and
- (F) Ensure the health, safety and welfare of the residents of the village by prohibiting signage that creates a traffic hazard or otherwise adversely impacts public safety.

(Ord. 14.21, passed 5-23-18)

§ 155.02 DEFINITIONS.

The following definitions shall apply unless the context clearly indicates or requires a different meaning:

ABANDONED SIGN. A sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed. Whether a sign has been abandoned or not shall be determined by the intent of the owner of the sign and governed by applicable law.

ADD-ON SIGN. A sign that is attached as an appendage to another sign or sign support.



Add-on Sign

ANIMATED SIGN. Any sign, display, device or portion of sign which is designed to provide movement of any part of the sign. Animated signs also include any artificial light which flashes, scrolls or which gives the appearance of movement at any time (see **FLASHING or MOVING SIGN**).

AWNING. A retractable or fixed roof-like shelter projecting from and attached to the exterior wall of a building, typically located over a window or door.

AWNING SIGN. Any sign that is painted on, printed on, cut out from, projected on, or attached to the surface of an

awning.



Awning Sign

BANNER SIGN. Any sign on paper, cloth, fabric, adhesive material or other non-rigid material of any kind, with or without frames.

BILLBOARD. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered other than on the premises (see **OFF-PREMISES SIGN**).

CANOPY. A roof-like architectural structure or shelter without walls that is usually free-standing, as in a gas pump canopy.

CANOPY SIGN. Any sign that is painted on, printed on, cut out from, projected on, or attached to the surface of a canopy.

CHANGEABLE COPY SIGN (ELECTRONIC). A sign or part of a sign where the individual letters, images, numbers or any part of the sign face can be changed electronically in display. Electronic changeable copy signs do not include animated signs or flashing or moving signs, as defined herein.

CHANGEABLE COPY SIGN (MANUAL). A sign or part of a sign that is designed so that the message can be changed or rearranged without altering the face or surface of the sign, by physically replacing the characters, letters or illustrations, but not by electronic or electric means.



Changeable Copy Signs - Manual and Electronic

DIRECTIONAL SIGN. A sign located on the premises of an establishment which indicates traffic flow.

DOUBLE-FACED SIGN. A sign on which both sides are visible and used as signs. A sign is considered double-faced when the angle of intersection of the faces is less than 90 degrees.

ENTRANCEWAY SIGN. An architectural feature that defines, identifies, and differentiates the entrance to a residential subdivision, apartment community, condominium development, mobile home park or office, business or industrial park, or similar development.

FLAG. A banner of distinctive design used as a symbol, standard or emblem.

FLASHING OR MOVING SIGN. A sign or any part of a sign that has intermittently reflecting lights, or which uses intermittent, flashing, scintillating, or varying intensity of illumination or color to

create the appearance of movement, or that has any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural means (see **ANIMATED SIGN**).

GROUND SIGN. A sign supported by one or more uprights, poles, braces, a masonry base, or a monument(s) placed in or upon the ground, fastened to a secure and permanent foundation, and not attached to any building. Ground signs include monument signs, pole and pylon signs.

- (1) **MONUMENT SIGN.** A ground sign mounted on a base that is in contact with the ground.



Ground Sign: Monument Sign

- (2) **MONUMENT SIGN BASE.** The lower part of a monument sign, which may appear as a separate architectural feature, typically constructed of brick, stone or other masonry, and which serves as the sign's ground support.

- (3) **POLE OR PYLON SIGN.** A ground sign mounted on a freestanding pole(s) or other support(s) with a clear space between the bottom of the sign face and the grade.



Ground Sign: Pole Sign

HISTORICAL MARKER. Any sign issued by the State of Michigan Historical Commission or other state or Federal historical agency.

ILLUMINATED SIGN. A sign that is lighted by a direct or indirect source of light.

INCIDENTAL SIGN. A small sign designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties. Examples include, but are not limited to, credit card signs, signs indicating hours of business, open or closed signs, no smoking signs, signs on ATMs, vending machines, kiosks, charitable collection boxes and similar structures, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity.

INFLATABLE SIGN. A sign that is either expanded or its full dimensions are supported by gases contained within the sign, or a sign part, at a pressure greater than atmospheric pressure.

LOT. See **ZONING LOT**.

MARQUEE. A permanent, roofed structure attached to and supported by the building and projecting over public property.

MARQUEE SIGN. A sign attached to or hung from a marquee, projecting from and supported by the building.



Marquee Sign

MURAL. A large picture, image, design or representation of artistic nature painted, adhered, drawn or sculpted on a vertical exterior building wall which may or may not contain text, logos, or symbols.



Mural

NEON SIGN. A sign consisting of glass tubing, filled with neon or another gas, which glows when electric current is passed through it.

NONCONFORMING SIGN. Any sign that was lawfully erected and maintained prior to the effective date of this chapter and any amendments thereto, and that fails to conform to all applicable chapter regulations.

OFF-PREMISES SIGN. A sign which contains a message unrelated to a business or profession conducted on the premises, or to a commodity, service or activity, not sold or offered upon the premises on which the sign is located (see **BILLBOARD**).

PENNANT. A long, tapering, triangular flag, often bearing an emblem.

PERMANENT SIGN. A sign attached or affixed to a building, window, structure or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose use appears to be indefinite.

PORTABLE SIGN. A sign constructed to be readily movable from one location to another and not permanently affixed to a building, structure or the ground, such as, but not limited to "A" frame, "T" shaped or inverted "T" shaped structures, including those mounted on wheeled trailers. Portable signs shall not include yard signs as defined in this chapter (see **VEHICLE SIGN**).

PREMISES. A lot, combination of lots or parcels of property in the same ownership or control which are not divided by a public street, and which form a complete parcel of land for development purposes.

PROJECTING SIGN. A sign attached at one end to a building, other structure or any part thereof, and extending beyond the attachment surface by more than 12 inches. A projecting sign is typically mounted perpendicular to the building wall and is distinguished from a wall sign based on the distance the sign extends from the surface of the building.



ROOF SIGN. Any sign mounted upon, above or supported by the roof of any building or structure, except that a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet shall be a **WALL SIGN**.

SIGN. The name, identification, description, object, device, structure, display or illustration that is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, service, event, organization or business by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images, and which is visible from any public street, sidewalk, alley, park or public property. This definition does not include signs primarily directed at persons who are inside the building or goods displayed in a business window.

SIGN SETBACK. The distance measured from the street property line from which the sign is to be primarily viewed to the nearest edge of the sign.

SPINNER. A rotating disc or propeller-like sign that rotates in the wind or from some other source of power and is typically threaded on a line with other spinners to attract attention.

STREAMER. Any long, narrow material that is intended to float and move in the wind.

TEMPORARY SIGN. A sign, with or without a structural frame, that is not permanently fastened to any structure and is intended for a limited period of display, including but not limited to portable signs, inflatable signs, banners, pennants, spinners, streamers, yard signs, and temporary wall signs and temporary window signs.

VEHICLE SIGN. A sign painted or attached to a vehicle. Vehicles which are generally used daily off-site and which are not parked in a location intended to draw attention to the sign or site, are not included in this definition.

WALL SIGN. A sign which is attached directly to or painted upon a building wall and which does not extend above the height of the wall to which it is attached, nor more than 12 inches therefrom, with the exposed face of the sign in a plane parallel to the building wall. Wall signs include signs mounted flat against the building facade, provided those signs do not protrude beyond any boundary of the facade.



WINDOW SIGN. A temporary or permanent sign painted on or affixed to a window surface, suspended so as to hang more or less parallel with the window surface, or otherwise displayed in a manner intended to be viewed from outside the window.



Window Sign

YARD SIGN. A temporary sign that is freestanding, not permanently anchored or secured to the ground, and typically having a metal or wire support structure.



Yard Sign

ZONING LOT. All or parts of a lot or group of contiguous lots under single or common ownership that are considered to be a single undivided lot under the Village Zoning Ordinance Nos. 13.06 through 13.09, as amended. The term **LOT** as used in this chapter shall mean **ZONING LOT**.

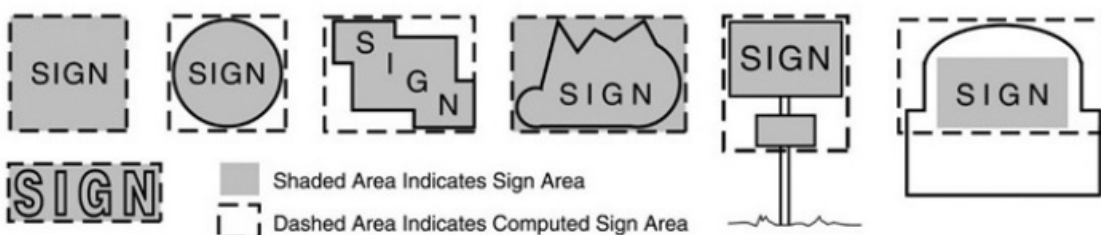
(Ord. 14.21, passed 5-23-18)

§ 155.03 GENERAL STANDARDS.

The following shall apply to all signs:

(A) *Measurement of signs.*

(1) *Sign area.* The entire area within a rectangle or square enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame, tower, or other material, color or internally illuminated area forming an integral part of the display or used to differentiate such sign, shall be included in the measurement. Parts of a sign shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts.



Computation of Sign Area

(2) *Two faces.* Where a sign has two or more faces, the area of all faces shall be included in determining the sign area, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as either:

- (a) The area of one face, if the two faces are of equal area; or
- (b) The area of the larger face, if the two faces are of unequal area.

(3) *Sign height.* Unless otherwise stated in this chapter, sign height shall be measured as the distance from the grade to the highest point of the sign structure, including any supportive or decorative appendages, excluding any berm, landscaping, grading, or artificially or unnaturally constructed raised portion of land at the point of measurement.

(4) *Grade.* The elevation of the public sidewalk closest to the sign base.

(B) *Illumination.*

(1) Sign illumination shall be designed, installed and maintained in a manner that minimizes off-site glare, light trespass and light pollution, and fits the character of the district. All lighting shall be shielded and concentrated within the area of the sign to prevent glare upon the street or adjacent property.

(2) Sign illumination shall be provided solely by electrical means or devices, and shall not be flashing, intermittent, moving or animated.

(3) Sign illumination shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter and certification from the sign manufacturer stating that the sign and/or light source is capable of complying with these brightness provisions must be provided.

(4) Underground wiring shall be required for any signs not attached to a building.

(C) *Construction and maintenance.*

(1) *Materials and design.* All signs shall be designed, constructed and maintained in conformity with the latest adopted edition of the state building code. Signs shall be constructed of permanent, all-weather materials.

(2) *Fastenings.* All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect(s) shall be repaired by the property owner.

(3) *Maintenance/landscaping.* The property surrounding any ground sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plants and other landscape materials surrounding a ground sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.

(4) *Structural maintenance.* All signs and components, including supports, braces, and anchors shall be kept in good repair. Peeling or missing paint, holes, broken, cracked, bent, ripped, warped, rotted, discolored, sagging, out-of-plumb, worn, rusted or missing material parts shall be repaired by the property owner.

(D) *Legibility and design.* All signs within the village must meet the following standards in the determination of the Zoning Administrator:

(1) *Contrast.* All lettering shall contrast with the background on which they are applied.

(2) *Lettering.* The font style and size used shall be clearly legible from all adjacent public rights-of-way.

(E) *Additional regulations.*

(1) *Public right-of-way.* Except for signs established and maintained by the village, county, state or Federal government, and other signs as specifically identified in this chapter, no sign shall be located in or project into a public right-of-way or dedicated public easement.

(2) *Clear vision.* No sign shall obscure the vision of drivers or conflict with traffic control signals on any street. Signs shall not be placed within the clear vision triangle.

(3) *Site changes.* Upon the change of use of the land, building, or use in a building, all signs must be brought into conformity with this chapter.

(4) *Audio levels.* The audio level of speakers and electronic broadcast media associated with any sign shall be restricted so as to not be audible from adjacent residences or beyond the lot lines of the premises on which the sign is located, whichever is less distant.

(5) *Content neutrality.* To prevent any inadvertent favoring of commercial speech or message over noncommercial speech or message, any lawful sign under the provisions of this chapter may contain a non-commercial message. This provision prevails over any more specific provision to the contrary.

(Ord. 14.21, passed 5-23-18)

§ 155.04 PERMITTED IN ALL DISTRICTS WITHOUT A SIGN PERMIT.

The following signs shall not count toward the maximum permitted number and area of signs, and shall be permitted in all districts without obtaining a sign permit prior to installation. This exemption shall not relieve the owner of the sign from responsibility for its proper location, erection, maintenance and removal.

(A) For purposes of identification by emergency personnel (fire, police, EMS) for essential for public safety and emergency response, all businesses, offices, industrial buildings, apartment complexes, and multiple and single-family residences shall prominently display their street address on the front side (facing the street) of their building, upon ground signs or at the building entranceways. All street addresses shall be large enough to be easily read from the street and in all buildings with more than one unit, each individual unit's address shall be clearly marked. All numerals shall contrast with the surface to which they are applied, shall be mounted high enough to be seen from the street, and shall not be obstructed from view by trees, shrubs or any other material.

(1) Non-residential street address signs exceeding three square feet in area, unless the sign area exceeding three square feet is counted in the maximum sign area calculation.

(2) Address signs for single family dwellings, duplexes and individual dwelling units in a multiple family building shall not exceed one per dwelling unit, and shall not exceed two square feet in area.

(B) Incidental signs not exceeding two square feet in area. The total area of all such signs on a premises shall not exceed eight square feet.

(C) Signs on a building wall that are cut into a masonry surface or constructed of bronze or other incombustible material, not exceeding two square feet in area.

(D) Historical markers issued by the State of Michigan Historical Commission and other state/Federal Historical Commission shall be permitted on any premises that is a designated historic site. Historical markers are not calculated as part of the maximum total sign area and the following shall not require a permit:

(1) *Building-mounted historical marker.*

(a) *All buildings and zoning districts.* A building mounted historical marker up to two square feet in area shall be permitted on any building in any zoning district.

(b) *Non-residential buildings.* A building mounted historical marker up to six square feet in area shall be permitted on any non-residential building in any zoning district.

(2) *Freestanding historical marker.*

(a) *All sites and zoning districts.* A freestanding historical marker up to six square feet in area shall be permitted in any zoning district.

(b) *Non-residential sites.* A freestanding historical marker up to 16 square feet in area shall be permitted on any non-residential site in any zoning district.

(E) Temporary, non-illuminated signs attached to vehicles, trailers, watercraft and recreational vehicles, not exceeding two square feet in area.

(F) Signs on vehicles legally parked on a residential lot in the RL or RV district, owned and/or occupied by the operator of the vehicle and driven in the course of his or her business.

(G) Flags bearing the official design of a nation, state, municipality, educational institution or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device. So as to not overwhelm the streetscape and to remain in character with the small town context of the village, the flagpole shall be no taller than the height limit of the district, and the flag no longer than one quarter the height of the flag pole.

(H) Any lawful sign in a public or private right-of-way installed by an authorized public agency, including but not limited to traffic safety and control signs, legal notices, railroad crossing, public safety signs, danger and other emergency notices.

(I) Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

(J) Directional and informational signs required for the purpose of orientation when established by the village, county, state or Federal government.

(K) Signs erected on a governmentally-owned or controlled building or land by the authorized public agency, including but not limited to community identification signs and streetscape banners erected by the municipality.

(L) Persons wearing costume(s), with or without another sign, who call attention to a site, provided the person is not standing within the public right-of-way, but on private property. Compliance with the village's solicitation and other applicable Ordinances is required.

(M) Temporary signs, including but not limited to yard signs, temporary wall signs, and temporary window signs, in accordance with the provisions of §§ 155.06 and 155.07, unless otherwise prohibited by or provided in this chapter.

(N) Temporary, seasonal decorations that are displayed in a manner that does not promote commercial activity, and that

are commonly associated with any national, local or religious holiday.

(O) Signs not visible beyond the boundaries of the premises upon which they are located, or from any road or public right-of-way.

(P) Any sign located completely inside an enclosed building and not visible from outside the building.

(Ord. 14.21, passed 5-23-18)

§ 155.05 SIGNS PROHIBITED IN ALL DISTRICTS.

The following signs are prohibited in all districts:

(A) Signs not expressly permitted.

(B) Animated, flashing signs or revolving signs with any visible moving / revolving part(s) of any description achieved by electrical, electronic pulsations, or by mechanical means, including intermittent electrical pulsations, or by action of normal wind currents (excludes electronic changeable copy signs, § 155.07(L)) and linear lighting (including neon, fluorescent, rope-lighting and low voltage strip-lighting) primarily intended as an architectural highlight to attract attention or used as means of identification or advertisement.

(C) Signs in the public right-of-way (including person(s) wearing costumes with or without a sign) or on public property, except as specifically permitted by this chapter.

(D) Any sign or sign structure unlawfully installed, erected, maintained or determined to be structurally unsafe, a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, not kept in good repair, capable of causing electrical shocks to persons likely to come in contact with it, or abandoned.

(E) Any sign which by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and roads. This includes signs with wording such as "stop", "look", "danger", or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse vehicular traffic.

(F) Any sign which obstructs free ingress/egress to a required door, window, fire escape or other exit way.

(G) Roof signs.

(H) Portable signs, except as otherwise permitted in this chapter, and banners, flags, balloons or other inflatable objects, pennants, streamers and spinners, except as a banner or flag used as otherwise permitted in this chapter.

(I) Billboards. The study for billboard regulations in the village has led to the following conclusions: traffic volume on State Highway M-24 make this corridor the focus for billboard placement; M-24 is a seriously congested commercial corridor; commercial development on M-24 has occurred with minimal road setbacks; heavy traffic volume and multiple curb cuts contribute to the confusing and dangerous traffic situation; billboards of the typical size and/or height are out of proportion with the small scale of the village, and would detract from the community's residential/lakefront image; the aesthetic impact of billboard structures impresses heavily on the enjoyment and value of property and the general welfare; billboards have the potential to hinder visibility of driveways, intersections and streets, particularly along the M-24 commercial strip where traffic problems already exist; billboard structures on the smaller lots and parcels within the village would tend to obstruct motor vehicle sight distance/clear view and be detrimental to the appearance and other aesthetic objectives in the village; billboards tend to foster places which gather refuse/paper and the dumping of dirt, debris and filth; therefore there is no reasonable location for billboards in the village.

(J) Signs painted, posted, ingrained, or mounted on trees, rocks, or other natural features, fences, fence posts, telephone/light/utility poles, wireless towers, sidewalks, benches, flower boxes, and perimeter of privacy walls. Notwithstanding, such signs, less than two square feet in area, shall be allowed without a permit in the RL and RV Districts on lots containing a single family dwelling.

(Ord. 14.21, passed 5-23-18)

§ 155.06 DISTRICT REGULATIONS.

(A) *RV, RL, MU, DC Districts: Single Family and Duplex Dwelling Lots Only.*

Sign Type	Number	Location ^(a)	Maximum Area	Maximum Height	Specific Regulations
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Wall sign	1 per dwelling	-	1 sq. ft.	15 ft. or the height of the wall to which sign is attached, whichever is less	Wall signs may use free-floating channel letters or other applied letters, and be either internally or externally illuminated and shielded. Wall signs painted on a building wall shall not be permitted unless approved by the Planning Commission by site plan approval, or as a mural. A wall sign affixed flat or applied to the surface of a wall shall not exceed the height of the wall to which it is attached.
Temporary yard sign	One per premises	No closer than 5 ft. to any other premises	6 sq. ft.	5 ft.	1 per premises permitted at any time
	4 per lot, per calendar year		6 sq. ft. per sign; 24 sq. ft. total	5 ft.	For 1, 90-day period per calendar year may display up to 4 yard signs on the premises
Private drive sign	1 per driveway entrance	Driveways to public roads only	2 sq. ft.	5 sq. ft.	Pole sign permitted
(a) No sign shall be permitted on the lake side of any premises, other than one permitted temporary yard sign.					

(B) RV, RL, RM, MU and DC Districts: residential uses, residential developments (i.e. subdivisions, multi-family complexes, etc.); and RV, RL, and RM Districts: non-residential uses.

<i>Sign Type</i>	<i>Number</i>	<i>Location (a)</i>	<i>Maximum Area</i>	<i>Maximum Height</i>	<i>Specific Regulations</i>
Ground monument or entrance way sign	2 per major point of entry for each development	At entrance to the major point of entry or in landscaped entrance island if conditions met	24 sq. ft.	6 ft. for sign/ 8 ft. for structure	-
Ground sign	1 per non-residential premises	-	15 sq. ft.	6 ft. for sign / 8 ft. for structure	May include manual changeable copy, not to exceed 30% of the sign area
Wall sign	1 per non-residential premises	-	15 sq. ft.	15 ft. or the height of the wall to which sign is attached, whichever is less	May include manual changeable copy, not to exceed 30% of the sign area
	1 per non-residential building	In street front yard or on the street front building wall	6 sq. ft.	15 ft. or the height of the wall to which sign is attached, whichever is less	-
Temporary banners and flags	1 per non-residential premises	On a wall of the principal building or over the permanent sign face	15 sq. ft.	Not to exceed 15 ft. for a wall sign or 8 ft. for a ground sign	Display not to exceed a 15-day duration, or more than 4 times per calendar year
Temporary yard sign	1 per premises permitted at any time	-	6 sq. ft. per sign	5 ft.	-
	4 per premises per calendar year		6 sq. ft. per sign; 24 sq. ft. total	5 ft.	For 1, 90-day period per calendar year may display up to 4 yard signs on the premises
Ground sign	1 per driveway entrance	At driveways to public road only	2 sq. ft.	5 ft.	Pole sign permitted
(a) No sign shall be permitted on the lake side of any premises, other than one permitted temporary yard sign.					

(C) Signs in the DC District: non-residential uses.

<i>Sign Type</i>	<i>Number</i>	<i>Location (a)</i>	<i>Maximum Area (b) (c)</i>	<i>Maximum Height</i>	<i>Specific Regulations (d)</i>
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Sign Type	Number	Location (a)	Maximum Area (b) (c)	Maximum Height	Specific Regulations (d)
Wall sign: single tenant building	1 on each facade which has a separate public entrance	Shall not project more than 12 inches from the face of the building or any permanent architectural feature	-	No projection above roof or parapet	Building units with a second story visible from M-24 are permitted 1 additional secondary wall sign facing M-24, not to exceed 32 sq. ft. in area
Wall sign: Multi-tenant building (units with individual public entrance)	1 per building unit, plus 1 additional wall sign		10% of front wall area per business, up to a max. 50 sq. ft. per business		
Wall sign: Multi-tenant building (units with shared public entrance)	1 on each facade which has a separate public entrance ; plus 1 additional wall sign (12 sq. ft. or less)		-		
Ground sign: single tenant building	1 per premises ; individual business ground signs not permitted	Located completely on the site to which it pertains, shall not affect line of sight on abutting streets or be located within the clear vision triangle and setback a minimum of 50 ft. to any residential district	24 sq. ft.	5.5 ft.	Pole signs are subject to Planning Commission review and may not exceed 20 ft. or the height of the building, whichever is less
Ground sign: multi-tenant building			50 sq. ft.	7.5 ft.	
Awning / canopy sign	1 per building unit	Placed flat on awning	25% of the total area of the awning or canopy	Min. 8 ft. clearance above sidewalk	No underlit awnings; not permitted above the first floor
Projecting sign	1 per building unit	Placed perpendicular to front wall	9 sq. ft. in addition to max. sign area otherwise permitted; up to 12 sq. ft. with Planning Commission approval	Min. 8 ft. clearance above sidewalk	See § 155.08(H).
Marquee sign	1 per building unit	Placed flat on marquee	Included in calculation of total sign area	Min. 8 foot clearance above sidewalk	See § 155.08(D).
Changeable copy sign (manual)	1 ground or wall sign per premises may include changeable copy	Integrated into an otherwise permitted wall or ground sign	Changeable copy sign area not to exceed 30% of the area of the sign within which it is located	-	Electronic changeable copy is prohibited
Private drive sign	1 per driveway entrance	Driveways to public road only	2 sq. ft.	5 ft.	Pole sign permitted
Mural	-	Upon any building wall	50 sq. ft. maximum; larger murals may be approved by the Planning Commission	-	No wording, logos or other representations that constitute a commercial message
Permanent or temporary window sign	-	Placed along the bottom or the top of the window so as not to block view of activity within the building	Max. 20% of the area of the window within which it is placed (e)	-	Signs placed less than 8 inches apart are considered a single sign for measurement of sign area
Portable sign	1 per premises	-	(e)	-	§ 155.07(J)
Temporary banners, flags or pennants	-	-	Total of 32 sq. ft.(e)	-	§ 155.07(J)
Temporary wall or yard sign	1 per premises permitted at any time	-	12 sq. ft.(e)	5 ft.	-
	4 per premises	-	12 sq. ft. per sign maximum; 24 sq. ft. total of all such signs (e)	5 ft.	For 1, 90-day period per calendar year may display up to 4 yard signs on the premises

- (a) No sign other than a wall sign or projecting sign shall be located nearer than 50 ft. to another sign.
- (b) No sign or multiple of signs shall exceed the greater of 50 sq. ft., or 20% of total wall area of the side of the building facing the front street. In no event shall a sign or multiple of signs exceed 75 square feet if the 20% computation is used.
- (c) Corner lots shall be permitted additional permanent sign area not exceeding 10% of the total square footage of that side of the building facing the side street. That additional wall signage shall be placed flat on the side of the building facing the side street. In no case shall the area of a sign along the side street exceed the area of the front façade sign.
- (d) No sign shall be permitted on the lake side of any premises, other than one permitted temporary yard sign
- (e) Temporary signs do not count toward the maximum total area of signs on the premises, except as otherwise provided in this chapter.

(D) CC and MU Districts: non-residential uses.

Sign Type (a)	Number	Locations	Maximum Area (b) (c)	Maximum Height	Specific Regulations (d) (e)
Sign Type (a)	Number	Locations	Maximum Area (b) (c)	Maximum Height	Specific Regulations (d) (e)
Permanent wall sign: single tenant building	1 on each facade which has a separate public entrance	Shall not project more than 12 inches from the face of the building or any permanent architectural feature	-	Shall not project above the roof or parapet	-
Permanent wall sign: multi-tenant building (units with individual public entrance)	1 wall sign per building unit, plus one additional wall sign		10% of front wall façade area per business, up to a max. 60 sq. ft. per business		
Permanent wall sign: multi-tenant building (units with shared public entrance)	1 on each facade which has a separate public entrance, plus 1 additional wall sign not to exceed 12 sq. ft. in area		-		
Ground sign: single tenant building	1 per premises	Located completely on the site to which it pertains, shall not affect line of sight on abutting streets or be located within the clear vision triangle and setback a minimum of 50 ft. to any residential district	24 sq. ft.	5.5 ft. (f)	A second ground sign may be permitted for a corner lot if the one ground sign permitted cannot be oriented so that it is legible from both abutting streets (See § 155.07(G))
Ground sign: multi-tenant building (shopping center or other)	1 ground sign per premises Individual business ground signs not permitted.		75 sq. ft.	8 ft. (f)	
Awning or canopy sign	1 per building unit	Placed flat on awning	25% of the total area of the awning or canopy	Min. 8 foot clearance above sidewalk	No underlit awnings shall be permitted. No awning or canopy sign shall be permitted above the first floor
Projecting sign	1 per business	Placed perpendicular to front wall	Sign area is in addition to max. sign area otherwise permitted 9 sq. ft. permitted Up to 12 sq. ft. with Planning Commission approval, see § 155.07 (H)	Min. 8 foot clearance above sidewalk	See § 155.07(H)
Marquee sign	1 per building	Placed flat on marquee	-	Min. 8 foot clearance above sidewalk	-
Changeable copy sign (manual or electronic)	1 ground or wall sign per premises may include changeable copy	Integrated into an otherwise permitted wall or ground sign Only permitted along M-24 frontage	Changeable copy sign area shall not to exceed 30% of the area of the sign within which it is located	-	Electronic changeable copy subject to § 155.07(L)
Private drive sign	1 per driveway entrance	Driveways to public road only	2 sq. ft.	5 ft.	Pole sign permitted

Permanent or temporary window signs	-	Placed along the bottom or the top of the window so as not to block view of activity within the building	Max. 20% of the area of the window in which it is located (h)	-	Signs placed less than 8 inches apart shall be considered to be connected and a single sign for measurement of sign area
Portable Signs	1 per premises	-	(h)	-	§ 155.07(J)
Temporary Banners, Flags or Pennants	-	-	Total of 32 sq. ft. (h)	-	§ 155.07(J)
Temporary Wall or Yard Signs	1 per premises permitted at any time	-	12 sq. ft. (h)	5 ft.	-
	4 per premises per calendar year		12 sq. ft. per sign maximum; 24 sq. ft. total (h)	5 ft.	For 1, 90-day period per calendar year may display up to 4 yard signs on the premises

- (a) Street address signs, up to 3 sq. ft. in area on each building are exempt from permitting and do not count toward the maximum number and area of signs.
- (b) No sign or multiple of signs shall exceed the greater of 75 sq. ft., or 30% of total wall area of the side of the building facing the front street. In no event shall a sign or multiple of signs exceed 100 square feet if the 30% computation is used.
- (c) Corner lots shall be permitted additional permanent sign area not exceeding 10% of the total square footage of that side of the building facing the side street. That additional wall signage shall be placed flat on the side of the building facing the side street. In no case shall the area of a sign along the side street exceed the area of the front façade sign.
- (d) No sign other than a wall or projecting sign shall be located nearer than 50 ft. to another sign.
- (e) No sign shall be permitted on the lake side of any premises, other than one permitted temporary yard sign.
- (f) Pole signs are subject to Planning Commission approval under the requirements of § 155.03(F)(5)(c). A pole sign may not exceed the height of the building to which it is accessory or 20 ft. whichever is less.
- (g) For each approved drive-through lane, the Planning Commission may permit up to two additional ground signs. These signs shall be located no more than 6 feet from the drive-through lane, have maximum areas of 16 and 32 sq. ft. respectively, be no greater than 7 feet in height and shall not be readable from off site.
- (h) Temporary signs do not count toward the maximum total area of signs on the premises, except as otherwise provided in this chapter.

(Ord. 14.21, passed 5-23-18)

§ 155.07 REGULATIONS FOR SPECIFIC SIGN TYPES.

(A) Wall signs.

(1) *Construction type.* Wall signs may use free-floating channel letters or other applied letters, and be either internally or externally illuminated and shielded. Wall signs painted on a building wall shall not be permitted unless approved by the Planning Commission by site plan approval, or as a mural.

(2) *Height limit.* A wall sign affixed flat or applied to the surface of a wall shall not exceed the height of the wall to which it is attached.

(B) Ground signs.

(1) *General.* All permanent ground signs shall be monument signs, except as more specifically provided in this chapter. Ground signs shall be integrated into the landscape and shall be compatible with the design and materials used for the building(s) on the premises.

(2) Monument signs.

(a) Shall be located on a base of masonry or similar durable material; the base shall have a minimum height of 18 inches and shall not exceed a height of 30 inches. The base of a monument sign shall be no less than 75% of the greatest horizontal dimension of the sign face, and the vertical separation between the lowest point of the sign face and the highest point of the sign base shall be no greater than 12 inches. Any masonry or decorative features enclosing the sides or top of the face of the sign shall not extend beyond the maximum allowable height of the sign.

(b) The base shall be excluded from the calculation of sign area for a distance of 30 inches above grade, and no sign message shall be located lower than 30 inches above grade. Streetscape and landscape features, which in the determination of the Zoning Administrator, are an integral part of the sign design shall also be excluded from the calculation of sign area.

(3) Pole or pylon signs.

(a) A pole sign may be permitted by the Planning Commission upon finding that one of the following conditions exist:

1. A monument sign would block the vision of drivers; or

2. A wall or projecting sign could not be legally established on a side facing a public street.

(b) When permitting a pole or pylon sign, the Planning Commission shall permit the minimum height necessary to achieve visibility, provided it does not exceed the height of the building to which it is accessory to or 20 feet, whichever is less. The area shall include the entire area of the sign upon which copy, lettering, drawings or photographs could be placed, excluding necessary uprights or supports.

(C) *Window signs.*

(1) For paper or other temporary window signs, the sign area shall include the entire area of the paper. Where adjacent paper or other temporary window signs are within eight inches of each other they shall be measured as a single sign.

(2) Shall be placed along the bottom or top of the window so as to not block the view of activity within the building and shall only be permitted on windows or doors located on the first or ground floor and on windows and doors on the façade facing a public right-of-way or commonly used as a main entrance to the premises.

(D) *Awnings, canopies, and marquee.*

(1) Signs mounted on awnings, marquees and canopies shall comply with the sign area standards of §155.03. The total area of the lettering and logo shall not exceed 25% of the total area of the awning or canopy that is visible from the street. The awning, marquee or canopy shall not be considered the sign frame.

(2) Signs on an awning, marquee or non-freestanding canopy shall be exempt from the limitations on projections of signs from the face of the wall of any building or structure, provided that such sign:

- (a) Shall be affixed flat to the surface of the awning, marquee or non-freestanding canopy;
- (b) Shall not extend vertically or horizontally beyond the limits of the awning, marquee or canopy; and
- (c) Shall not be internally illuminated.

(3) No signs shall be permitted on an awnings or canopies above the first floor. Marquee signs must not extend past the building roof height.

(E) *Freestanding canopy signs.*

(1) One sign shall be permitted on each face of a freestanding canopy that fronts a road right-of-way.

(2) Shall not exceed 25 square feet in area and shall be counted towards the total amount of signage permitted in the district.

(F) *Entranceway signs.*

(1) *Height.* Maximum sign height: six ft. Maximum structure height: eight ft.

(2) *Sign type.* Monument ground signs only with landscaping. If sign is on private property, evidence of an easement must be submitted.

(3) *Island option.* An entranceway sign may be located on a landscaped entranceway island, provided that:

(a) The nearest edge of the sign must be set back a minimum of ten feet from the right-of-way of the intersecting street.

(b) Such signs shall comply with the clear vision triangle so as to maintain visibility for drivers.

(4) *Number permitted.* Two signs per major point of entry.

(G) *Additional ground signs permitted by the Planning Commission.* The Planning Commission may approve up to two additional ground signs on a site zoned CC or MU, subject to site plan review and approval and the following:

(1) Shall be located no farther than six feet from a drive lane.

(2) Shall not exceed seven feet in height.

(3) One sign shall not exceed 16 square feet and the other shall not exceed 32 square feet in area.

(4) The structure's framing shall not be calculated as part of the sign area.

(5) Shall be single-sided, and oriented so that it is only readable on-site.

(6) Cannot be located between the building and the front property line.

(7) All speaker systems shall comply with the sound limits of §155.03(E). The Planning Commission shall have the discretion to place additional restrictions on the hours of operation and volume of the speakers based on the location of the specific site, proximity to residential uses and upon receipt of input or concerns from the neighboring property owners.

(8) Only up to four square feet of said sign may include electronic changeable copy signage.

(9) In addition, the Planning Commission may grant approval of a modified sign area, subject to the following:

- (a) Only one of the signs may be increased in area.
- (b) The sign shall be completely screened from the roadway.
- (c) Under no circumstances shall said sign exceed 48 square feet in area.

(H) *Projecting signs.*

(1) Shall be attached to a wall of the building or to the underside of a canopy or awning by supports painted with a single neutral color that differs from the message area of the sign. The permitted area of a projecting sign shall exclude the braces and supports unless the same are designed or decorated to be integral to the sign's content or appearance. The sign shall not exceed a thickness of six inches.

(2) May extend over the public right-of-way but shall set back from the traveled surface of any road by not less than three feet. The projecting sign shall extend not more than five feet from the building wall, unless attached to a canopy or awning, in which case the projecting sign shall not extend above or horizontally beyond the canopy or awning limits.

(3) A clearance of not less than eight feet shall be maintained above the traveled surface of any sidewalk or other pedestrian-accessible surface beneath the sign.

(4) No projecting sign or part of a projecting sign shall exceed the height of 12 feet above the traveled surface of the sidewalk or other pedestrian surface.

(5) No projecting sign shall be closer than ten feet to another projecting sign.

(6) Projecting signs shall not be constructed to include internal or tube illumination. Any illumination provided for a projecting sign shall be cast from an external source. If the spotlights are projected onto the surface of the sign face, the lights shall be properly shielded to prevent glare from projecting onto adjacent streets or disturbing those living in nearby dwelling units.

(7) The area of a projecting sign shall not exceed nine square feet except as may be permitted by the Planning Commission in accordance with the following. The Planning Commission may permit a larger projecting sign up to a maximum of 12 square feet in area, subject to findings of compliance with the below listed standards.

(8) Shall not block the view of nearby signs, or create a hazard to the public health, safety or general welfare:

(a) The appearance, color, and materials of the sign will not adversely affect neighboring property values.

(b) The appearance of the building exterior with the signage will be in general harmony with other buildings already existing in the immediate neighborhood, and the historic character of the downtown area.

(c) The sign size and location shall be in scale with the building to which it is attached.

(9) Construction, maintenance, safety, and inspection requirements not specified in this chapter shall be regulated by the current building code for the village.

(I) *Murals.* Murals shall be permitted only on facades of buildings or structures located in the DC, CC, and MU District, and may not contain any commercial message or identify the occupant of a premises or relate solely to the use, business, establishment, or profession conducted, or to a principal product or service sold, offered provided or produced. Murals may be of any size, may be externally illuminated, and may not include any commercial message. Murals larger than 50 square feet shall require Planning Commission review and approval.

(J) *Temporary signs - permit required.*

(1) *Banners, flags and pennants.* Banners, flags or pennants may be permitted as temporary signs subject to the following:

(a) Signs under this section shall be permitted only by the Village Council in conjunction with a temporary special event permit, as an exempt flag or streetscape banner under § 155.04 or in accordance with the standards of §155.06 for non-single family dwelling uses in the RV, RL, and RM districts, and in the CC, DC and MU districts.

(b) Signs made of cloth, canvas or similar non-durable temporary materials, flags, pennants or banners may be erected for a period not to exceed 15 days. Permits for these signs shall be granted not more than four times per calendar year for any individual business, tenant or owner.

(c) No temporary sign under this section shall project beyond the property line, and no temporary sign shall be strung across any vehicle lane or parking space, except as may be approved by the village in the DC district, or erected so as to create an obstruction to the passage of pedestrians or vehicles, or to create a public safety hazard.

(d) No temporary flag, banner or pennants or combination of these temporary signs shall exceed a total area of 32 square feet in the CC, DC and MU districts, or 15 square feet in the RV, RL and RM districts. No temporary flag, banner or pennant sign shall be of a greater height than the top of the wall to which it is attached.

(e) The temporary signs shall be removed promptly at the end of the approved display period.

(2) *Portable signs.* There shall be two classes of portable signs (where a Class 1 and Class 2 permit shall not be issued to run concurrently on the same property), as follows:

(a) A Class 1 portable sign shall be of the manual changeable letter type, may be mounted on a trailer, and shall be permitted as follows:

1. A Class 1 portable sign shall measure not greater than the equivalent of eight feet in width by four feet in height, or 32 square feet in area, but in no case shall exceed five feet in height. The area of a Class 1 sign is in addition to the maximum sign area otherwise permitted.
2. Not more than three Class 1 portable sign permits shall be in effect in the village at any given time.
3. At no time shall there be more than one Class 1 portable sign on any premises.
4. Class 1 portable sign permits shall be rotated among area businesses, as determined to be reasonable by the Village Administrator, and an individual tenant, owner or business may not receive more than two Class 1 portable sign permits during any given calendar year.
5. A Class 1 portable sign permit shall be for a period not exceeding one month.
6. Class 1 portable signs shall be permitted only for lots abutting M-24. No such sign shall be displayed on the lake side of any lot.
7. Illumination of a Class 1 portable sign shall be permitted; however, all lighting shall be of a single color and not flash, strobe or otherwise interfere with vision.

(b) A Class 2 sign shall be of the sandwich board type and shall be permitted as follows:

1. Class 2 portable signs shall be permitted in the DC, CC and MU districts only. No such sign shall be displayed on the lake side of any lot.
2. A Class 2 portable sign may be located on a sidewalk in the DC District only if located directly in front of and advertising the same business. In no case shall a Class 2 portable sign obstruct a public sidewalk, and not less than three feet of unobstructed width, or whatever greater width is required by federal or other regulations, shall be maintained at all times along such public sidewalks where a Class 2 sign is placed.
3. Shall measure not greater than the equivalent of three feet in width by four feet in height, or 12 square feet in area, but in no case shall exceed four (4) feet in height. The area of Class 2 portable sign is in addition to the maximum sign area otherwise permitted.
4. Not more than ten Class 2 portable sign permits shall be in effect in the DC District at any given time. No more than 20 Class 2 portable sign permits shall be in effect in the village at any one time.
5. Permits shall be rotated among area businesses, as determined by the Village Administrator and the permit shall be for a period not exceeding three consecutive months.
6. Permit shall be renewable subject to determination by the Village Administrator that the subject sign is in conformance with the provisions of this chapter. There shall be no limit on the number of Class 2 portable sign permits that an individual tenant, owner or business may receive during any given calendar year.
7. Display shall be during regular business hours only.
8. Shall be maintained in a safe manner. If, as determined by the Village Administrator, an unsafe or otherwise hazardous condition exists or will exist, such sign may be ordered to be removed until such time as the Village Administrator determines that such unsafe or otherwise hazardous condition has been abated.
9. No illumination of a Class 2 portable sign shall be permitted.
10. Shall be located on any lot so as to obstruct the view of a driver of a vehicle approaching an intersection, or entering or exiting a driveway. No such sign shall be located within the clear vision triangle, or in the case of a driveway, in the triangular area formed by each driveway curb line and the street line at points ten feet from the intersection of the driveway line and the street line.
11. On a CC or MU lot with multiple tenants, such as in a shopping center, more than one Class 2 sign may be permitted. A minimum distance of 50 feet shall be provided on a multiple tenant lot between any two Class 2 signs.

(K) *Temporary signs.*

(1) *General requirements.*

- (a) No temporary yard or wall sign shall be illuminated.
- (b) No temporary wall or yard sign shall be placed in or project into a public right-of-way except with the permission of the authorized public entity, and shall only be placed on private property with the prior permission of the property owner.
- (c) No temporary yard or wall sign shall be placed in such a manner as to obstruct the view of vehicle drivers when leaving or entering a street, driveway, or parking space.
- (d) Every such sign shall have identified on it the name, address, and telephone number of the person(s) who posted or had caused the posting of the sign.

(e) Signs under this section may be erected for a period not to exceed 30 days. A permit shall be required to place more than one temporary wall or yard sign on a premises at the same time, as provided in each district under § 155.06.

(f) The sign area and number shall not exceed the limits specified for each district in §155.06.

(2) *Limited duration signs.*

(a) A permit shall be required to display any temporary wall or yard sign for a period longer than 30 days.

(b) The permit for a limited duration sign shall specify the date by which the sign shall be removed, however, no permit for extended display shall exceed 90 days. One permit renewal may be approved, subject to the sign being in compliance with all requirements of this chapter.

(L) *Electronic changeable copy signs.*

(1) Shall be permitted only in the CC and MU districts, and only along the M-24 frontage.

(2) Shall be integrated into the site's permitted ground sign and shall not occupy more than 30% of the ground sign's area.

(3) The message change cycle shall not be less than one message per minute.

(4) The images and messages displayed shall be static, and the transition from one static display to another shall be instantaneous with no special effects or the transition may provide a black screen for at least one second.

(5) Signs shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out in any manner imitating movement, or any other means not providing constant illumination.

(6) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

(7) All such signs shall be required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

(8) Shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a measure to immediately discontinue the display if it malfunctions.

(M) *Vehicle signs.* Vehicles with signs that are parked on a non-single family residential lot or in the DC, CC or MU districts for a period of over 24 hours and which are visible from the public right-of-way, shall be counted as part of the signage on that premises and require a permit.

(Ord. 14.21, passed 5-23-18)

§ 155.08 ABANDONED, DAMAGED, ILLEGAL AND UNSAFE SIGNS.

Any person, firm or corporation determined to have been in violation of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to the provisions of the Village of Lake Orion Code of Ordinances, § 10.99(A)(2) Penalties for Municipal Civil Infractions. The village shall be absolved of all liability caused by or resulting from the removal of such signs. If any confiscated damaged, illegal, unsafe, and abandoned sign is not claimed and collected by the owner and all fines and costs associated with confiscation of said sign are not paid within 14 days, it shall be destroyed.

(A) *Damaged signs.* Damaged signs shall be secured, repaired, replaced or removed by the owner, agent or person having the beneficial use of the building or structure upon which the damaged sign is located. Damaged signs may be removed by the Zoning Administrator at the expense of the sign or property owner after that owner has been ordered in writing to remove or replace the sign by the Zoning Administrator and has not done so within ten days of the order's deadline. Repairs to damaged signs must be completed within 30 days.

(B) *Illegal signs.* Illegal signs may be removed by the Zoning Administrator at the expense of the sign or property owner after that owner has been ordered in writing to remove the sign by the Zoning Administrator and has not done so within 30 days.

(C) *Unsafe signs.* Unsafe signs shall be immediately removed or made to conform to the provisions of this chapter by the owner, agent or person having the beneficial use of the building or structure upon which that sign is found. If such action is not taken within 48 hours of notice by the Zoning Administrator, the unsafe signs may be removed or secured by the Zoning Administrator, either at the expense of the owner of the property on which the sign is located or to the owner of the sign.

(D) *Abandoned signs.* If a building or unit is vacated for a period of 180 days or more, the sign(s) used or owned by that building or unit shall be deemed abandoned and must be brought into conformity with this chapter, or shall be removed forthwith by the owner, at the expense of the property owner. Removal of an abandoned sign shall include the removal of the entire sign face, supporting structure, and structural trim. If the owner of the property on which an abandoned sign is located fails to remove the abandoned sign, the sign may be removed by the Zoning Administrator at the expense of the property owner.

(E) *Collection of damaged, illegal, unsafe and abandoned signs.* If any confiscated sign is not claimed and collected by the owner and all fines and costs associated with confiscation of said sign are not paid within 14 days, it shall be destroyed.

(Ord. 14.21, passed 5-23-18)

§ 155.09 PERMITS.

(A) *Permits required.*

(1) No sign shall be erected, or affixed or applied to any structure, constructed, altered or relocated without first obtaining a permit from the village and making payment for such fee as established by Village Council, except the following:

(a) Signs specified in § 155.04, Signs permitted in all districts without a sign permit, and those specifically exempted under other sections of this chapter.

(b) A permit is not required for minor repairs, painting, servicing or cleaning of an existing sign, provided that the sign is restored to its original design and all work is in compliance with this chapter and all other village ordinances.

(2) For each sign application which requires Planning Commission review, the Village Clerk shall, by first class mail, give notice of the receipt of the application and of the time and place at which said application will be reviewed by the Planning Commission, not less than 15 days prior to said Planning Commission meeting. The notice shall be sent to all owners of record of property listed on the most recent assessment roll whose property is located within 100 feet of the boundaries of said application property. If a public hearing is required, the notice shall also be published in a newspaper of record in the village, not less than 15 days prior to the hearing.

(B) *Application.* An applicant for a sign permit shall complete an application form supplied by the village. The application shall be accompanied by plans, drawings, and specifications necessary to fully describe the type, size, shape, construction and materials of the sign, along with a location map, showing exactly where the sign will be placed on the building, or in proximity to zoning lot structures/lot lines. A legible rendering of the proposed sign, showing colors, letter relationships, letter type and all features of the sign is required.

(C) *Inspection fees.* At the time of permit issuance, the applicant shall pay an inspection fee as established by the Village Council per sign to defray the cost of inspecting signs for chapter compliance.

(D) *License and insurance.* Every person who engages in the business of erecting, altering or dismantling signs in the village shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the Village of Lake Orion and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, and their servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the Zoning Administrator at least 30 days prior to the date of cancellation.

(E) *Permit.* The Zoning Administrator shall issue a permit for the sign upon determining that the proposed sign meets the requirements of this and any other applicable village ordinance and after payment is collected.

(Ord. 14.21, passed 5-23-18)

§ 155.10 VARIANCE AUTHORITY.

(A) *General.*

(1) The Village of Lake Orion Board of Zoning Appeals (BZA) pursuant to the Village Zoning Ordinance shall be authorized to grant variances and hear appeals regarding any sign regulation from an interpretation or administrative decision of an official of the Village of Lake Orion or a decision made by the Planning Commission.

(2) Except as modified herein, the application notice processes and proceedings shall be as provided in the Village Zoning Ordinance. Such a variance request shall be published in a newspaper of general circulation a minimum of five days and maximum of 15 days prior to the scheduled meeting and notice shall be sent to all properties within 100 feet of the site for which a variance is requested.

(B) *Required findings.* The BZA shall determine whether the application shall be granted for a variance upon a showing of the following:

(1) The variance would not be contrary to the public interest or general purpose and intent of this chapter;

(2) The variance does not adversely affect properties in the immediate vicinity of the proposed sign; and

(3) The petitioner has a practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

(C) *Considerations.* When determining whether an application complies with the variance standards above, the BZA shall consider the following, however, the BZA may decline to grant a variance even if the following considerations exist:

(1) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.

(2) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the BZA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

(3) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign

on the premises.

(4) A conforming sign would require removal/severe alteration to natural features on the premises, including: tree removal, natural topography alteration, wetland filling, or natural drainage course obstruction.

(5) A conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

(6) The sign is clearly distinguishable from public safety and traffic signs so as to not cause confusion or mislead the public.

(7) The sign is compatible in appearance with the visual character of the surrounding area, i.e. scale and placement to the building, color relationships, and dissimilarity of shape and lettering.

(8) Such a sign variance may further be granted in those instances in which there has been a demonstrated showing by the applicant that the particular sign sought to be approved is suitable to the village or has some value that comports with the history or development of the community and would not, if a variance were granted, be materially in conflict with applicable underlying district regulations.

(D) *Appeals.* As provided in the village's zoning ordinance, any applicant who is denied relief hereunder has the right to an appeal to the Oakland County Circuit Court within the applicable limits established by this chapter or state law. Such an appeal will only be on the basis of the decision from which the appeal has been taken.

(Ord. 14.21, passed 5-23-18)

§ 155.11 NON-CONFORMING SIGNS.

(A) *Elimination of nonconforming signs.* The nonconforming regulations established in the Zoning Ordinance for nonconforming structures shall not be applicable to signs which exist on the effective date of this chapter where those signs fail to comply with the provisions described herein. The village may acquire by purchase, condemnation, or other means any nonconforming sign which it deems necessary to preserve the health, safety, and welfare of the residents. The elimination of nonconforming signs is a public purpose and a public service for the following reasons:

(1) They constitute a nuisance to the village resulting from their incompatibility due to excessive size, poor location, relationship to existing structures, excessive quantity in a small geographic area;

(2) They are detrimental to the public health, safety and welfare arising from quantity, location and bulk having an adverse or detrimental impact upon police and fire protection, causing confusion for motorists; and blocking signage on adjoining lots;

(3) They are incompatible with the adopted sign regulations governing sign location, size, placement and features which have been deemed necessary for public purposes;

(4) Technological advancements in signage have created the opportunity to locate places quicker, minimize maintenance, enhance safety and decrease size requirements;

(5) Readability is limited due to the ill-proportioned nature of many older nonconforming signs; whereas technological advancements often allows instantaneous information or format enhancing readability; and

(6) Age has resulted in the physical deterioration of the signs and thus no longer represents the desired aesthetic conducive to a particular district.

(B) *Nonconforming regulations.* Nonconforming signs shall not be:

(1) Expanded, replaced or changed to another nonconforming sign.

(2) Relocated, or altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the sign's structural or basic parts.

(3) Enhanced with any new feature including the addition of illumination.

(4) Repaired, except if such repair brings the sign into chapter conformance, if such repair necessitates:

(a) An expense that exceeds 50% of the sign's value, as determined by the village; or

(b) The replacement of the sign's primary support pole(s), frame or other support structure.

(c) Re-established after the activity, business, or use which it represents has been discontinued for 180 consecutive days or longer, in which case the sign shall be deemed to be abandoned, per § 155.08.

(C) *Permitted modifications.* A nonconforming sign may be modified only by a change in the wording of the copy or routine repair to maintain the sign in a safe and aesthetically attractive condition as it existed at the time of this chapter's enactment.

(Ord. 14.21, passed 5-23-18)

CHAPTER 157: SUBDIVISIONS

Section

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Cross-reference:

Planning Commission, see §§ 30.15 through 30.22

Zoning Code Adopted, see Ch. 158

GENERAL PROVISIONS

§ 157.01 TITLE.

Sections 157.01 through 157.12 shall be known as the Village of Lake Orion Subdivision Control Ordinance.

(Ord. 25.04, passed 11-25-96)

§ 157.02 PURPOSE.

The purpose of §§ 157.01 through 157.12 is to regulate and control the subdivision of land within the village to promote the public safety, health and general welfare.

(Ord. 25.04, passed 11-25-96)

§ 157.03 AUTHORITY.

(A) These regulations shall apply to all divisions of land within the village corporate limits, except those divisions of land undertaken in or as part of the formation of condominium projects as defined in § 157.04.

(B) No building permit or certificate of occupancy shall be issued for any lot or parcel created by improper subdivision

after the effective date of §§ 157.01 through 157.12.

(C) No excavation of land or construction of any public or private improvements shall be permitted which does not conform to §§ 157.01 through 157.12.

(D) Sections 157.01 through 157.12 shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances, regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements. Where §§ 157.01 through 157.12 impose a greater restriction on land than is imposed or required by an existing provision of any private restriction or other ordinance of this village, the provisions of §§ 157.01 through 157.12 shall control.

(E) Sections 157.01 through 157.12 are enacted pursuant to the authority granted by the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 et seq., which authorizes the village to adopt an ordinance to regulate the subdivision of land within the village, to secure the public health, safety and general welfare.

(Ord. 25.04, passed 11-25-96)

§ 157.04 DEFINITIONS.

For the purpose of §§ 157.01 through 157.12, the following terms and phrases, wherever used in §§ 157.01 through 157.12 shall have the meanings ascribed to them. All terms as defined in the Subdivision Control Act, being M.C.L.A. §§ 560.101 et seq., as amended, shall control unless the context clearly indicates a different meaning.

(A) For the purpose of these regulations, the numbers, abbreviations, terms and words that appear shall be used, interpreted, and defined as indicated in §§ 157.01 through 157.12.

(B) Unless the context clearly indicates otherwise, words used in the present tense include the future tense; words used in the singular include the plural; **THESE REGULATIONS** or **THIS ORDINANCE** means the Subdivision Control Ordinance of the village, being §§ 157.01 through 157.12 of this code.

ALLEY. A strip of land not more than 30 feet in width dedicated and improved for public use that affords a secondary access to abutting property but is not intended for general traffic circulation or for parking, standing or loading.

BLOCK. A subdivided parcel of land surrounded on all sides by one or more of the following barriers: streets, public parks, cemeteries, railroad rights-of-way, shorelines of waterways, unsubdivided acreage, boundary lines of the village, the exterior boundary of the subdivision, or any other barriers to the continuity of development.

BUILDING or **STRUCTURE.** **Building** includes a **structure** and a **building or structure** includes any of its parts.

BUILDING LINE. A line within a platted lot that is parallel to the front lot line at the minimum required front setback line pursuant to the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.04 and all amendments thereto.

CAPTION. The name by which the plat is legally and commonly known.

CONDOMINIUM PROJECT. A project consisting of not less than two condominium units established in conformance with the Condominium Act, Michigan Public Act 59 of 1978, being M.C.L.A. §§ 559.101 et seq.

COUNTY DRAIN COMMISSIONER. The Oakland County Drain Commissioner.

COUNTY HEALTH DEPARTMENT. The Oakland County Health Department.

COUNTY PLAT BOARD. The Oakland County Plat Board.

COUNTY ROAD COMMISSION. The Oakland County Road Commission.

EASEMENT. A grant by the property owner of the use of a strip of land by the public, a corporation, or private person for specific uses or purposes, which shall be designated as a public or private easement depending on the nature of the use.

FLOODPLAIN. That area of land that is typically adjacent to a river, stream, or other body of water, and is designated as subject to flooding from the 100 year base flood indicated on the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency.

IMPROVEMENTS. Grading, street surfacing, curb and gutter, pedestrian/bicycle paths, water mains and lines, storm and sanitary sewers, utilities, bridges, drainage, street trees and other additions to the natural state of land that increases the land's value, utility and habitability.

LOT. As defined in the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

LOT, CORNER. A lot having two adjacent sides, both of which abut their full length upon a street, provided that the two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve that intersect to form a corner.)

LOT, DOUBLE FRONTAGE. A lot having frontage on two more or less parallel streets. In the case of a row of double

frontage lots, one street shall be designated as the front street for all lots in the plat and in a request for a zoning compliance permit or building permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

LOT AREA. As defined in the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

LOT DEPTH. As defined in the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

LOT FRONTAGE. As defined in the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

LOT LINES. As defined in the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

LOT WIDTH. As defined in the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

NON-RESIDENTIAL SUBDIVISION. A subdivision whose intended use is other than residential, such as commercial or office.

OCCUPIED. See **USED** or **OCCUPIED** below.

PARCEL (OR TRACT). A continuous area or acreage of land that can be described as provided in the Subdivision Control Act, being M.C.L.A. §§ 560.101 et seq.

PERSON. Includes a corporation, a partnership, and an incorporated association of persons such as a club.

PLANNING COMMISSION. The Planning Commission of the village.

PLAT. A map or chart of a subdivision of land.

PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to the village for purposes of preliminary consideration prepared in conformance with the Subdivision Control Act, being M.C.L.A. §§ 560.101 et seq. and §§ 157.01 through 157.12.

FINAL PLAT. A map of all or part of a subdivision prepared and certified by a registered engineer or land surveyor substantially conforming to the preliminary plat and prepared in conformance with the Subdivision Control Act, being M.C.L.A. §§ 560.101 et seq. and §§ 157.01 through 157.12, and suitable for recording by the county register of deeds. Such map must meet the requirements of the Subdivision Control Act, being M.C.L.A. §§ 560.101 et seq. and §§ 157.01 through 157.12.

PUBLIC RESERVATION. Part of a subdivision set aside for eventual public use and made available for public acquisition.

PUBLIC UTILITY. All persons, firms, corporation, co-partnerships or municipal or other public authorities providing gas, electricity, water, steam, telephone, sewer or other services of a similar nature.

RESERVE STRIP. A strip of land in a subdivision that extends across the end of a street proposed to be extended by future platting or a strip that extends along the lengths of a partial width street proposed to be widened by future platting.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, walkway, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another use. Every right-of-way strip established and shown on a final plat is to be distinct from the lots or parcels adjoining it. Rights-of-way intended to be maintained by a public agency shall be dedicated to public use.

SHALL/WILL. These terms are always mandatory.

STREET. Any avenue, boulevard, road, lane, parkway, viaduct or other way that is an existing state, county or municipal roadway or any road or way shown in a plat previously approved pursuant to law. A **STREET** includes the land between the right-of-way lines, whether improved or unimproved and may comprise pavement, shoulders, gutters, parking areas and lawns.

BOULEVARD STREET. A street with two one-way pavements separated by a median.

COLLECTOR STREET. A street intended to serve as a major means of access from local streets to major streets and county primaries. **COLLECTOR STREETS** may both serve abutting properties and carry traffic generated by other local streets.

CUL-DE-SAC. A short minor street with one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.

DEAD END OR STUB STREET. A street with one end open to vehicular traffic and no vehicle turnaround at the other end, which provides for eventual extension of the street onto unplatted land.

HALF STREET. A street containing less than the required right-of-way width.

LOCAL STREET. A street of limited continuity used primarily to provide access to abutting residential properties.

MAJOR STREET (THOROUGHFARE). An arterial street of great continuity intended to serve as a large volume trafficway for both the immediate municipal area and region beyond and may be designated in the Village Master Plan as a major thoroughfare, parkway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.

MARGINAL ACCESS STREET OR MINOR STREET. A local street that is parallel to and adjacent to a major street that provides access to abutting properties and protection from through traffic and not carrying through traffic.

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street.

STRUCTURE. See **BUILDING** or **STRUCTURE** above.

SUBDIVIDER OR PROPRIETOR. A natural person, firm, association, partnership, corporation or combination of any of these that may hold any ownership interest in land, whether recorded or not.

SUBDIVISION CONTROL ACT. Act 288 of the Michigan Public Acts of 1967, as amended, being M.C.L.A. §§ 560.101 et seq.

USED or OCCUPIED. As applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

VILLAGE PLANNER. The person or professional planning consultant designated as the Village Planner by the Planning Commission.

VILLAGE ENGINEER. The person or professional engineering consultant designated as the Village Engineer by the Village Council.

ZONING ORDINANCE. The Zoning Ordinance of the village, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

(Ord. 25.04, passed 11-25-96)

§ 157.05 SUBMISSION OF PRELIMINARY PLAT FOR TENTATIVE APPROVAL.

Every person, firm or corporation that shall hereafter submit a proposed preliminary plat to the village for tentative approval, shall submit 10 legible copies of the proposed preliminary plat. These copies must contain, as a minimum, the following information and fees:

- (A) Show topography of the area proposed to be platted with not more than two foot contour intervals.
- (B) Indicate street and road layout.
- (C) Indicate lot layout, showing size and shape of proposed lots.
- (D) Show the location of sanitary sewer and water lines that will be accessed to provide service for the subdivision.
- (E) Indicate the general location and size of any floodplain located within the area to be platted.
- (F) Show, in general, the methods proposed for storm water disposal.
- (G) Indicate wetlands found on the site consistent with the provisions of state and federal regulations.
- (H) Show the general methods to be employed to prevent soil erosion and sedimentation on the site.
- (I) When the proprietor owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
- (J) A fee in an amount as established by resolution of the Village Council adequate to pay the cost of reviewing the proposed plat.

(Ord. 25.04, passed 11-25-96)

§ 157.06 VILLAGE COUNCIL REVIEW - PRELIMINARY PLAT - TENTATIVE APPROVAL.

Upon receipt of copies of a proposed plat for tentative approval, the Village Clerk, on behalf of the Village Council, shall forward copies to the Planning Commission, the Village Planner and the Village Engineer for recommendation. The Planning Commission shall examine the proposed preliminary plat with assistance and review of the Village Planner, Village Engineer and Village Attorney as the Planning Commission and Village Council may require. Upon recommendation by the Planning Commission, the Village Council shall determine whether the proposed preliminary plat complies with all village ordinances and state statutes and makes adequate provision of the following:

(A) *Streets.*

- (1) Compliance with the major street thoroughfare plan adopted by the village.
- (2) The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.

(3) Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract to provide for the future projection of streets into adjoining areas. However, minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.

(4) Where the proposed subdivision abuts or contains a county primary road or major thoroughfare as defined in the Village Master Plan or the Village Major Thoroughfare Plan, the Village Council may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other improvements as are deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

(5) Private streets may be permitted by the Village Council if the Village Council finds that private streets within the plat will not adversely affect public health, safety or welfare.

(6) All new streets shall be named as follows: streets with predominant north-south direction shall be named "Street", streets with predominant east-west direction shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path", "Road" or "Trail" and cul-de-sacs shall be named "Circle", "Court", "Way" or "Place".

(7) Streets should intersect at a 90-degree angle or closely thereto and in no case less than 80 degrees.

(8) Where the proposed continuation of a street at an intersection is not in alignment with an existing street, it must not intersect with the cross street closer than 175 feet from the opposite existing street, as measured from the centerline of said streets.

(9) The maximum length allowed for residential blocks shall be 1,000 feet.

(10) All primary road rights-of-way, as designated by the Village Council, within or abutting plats hereafter recorded, shall provide a 50-foot half-width. All other rights-of-way within or abutting such plats shall be not less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited except upon prior approval of the Village Council, to be granted only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.

(11) A subdivision or extension of an existing subdivision creating a total of 25 or more lots must be developed to provide two or more access streets.

(B) *Lots.*

(1) All lots shall be created consistent with the dimensional and area requirements of the Zoning Code Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

(2) Corner lots shall be created with additional width to permit front yard setback requirements to be attained from both streets.

(C) *General Provisions.*

(1) Privately-held reserve strips controlling access to streets shall be prohibited.

(2) Existing natural features which add value to residential development and that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) shall be preserved insofar as possible in the design of the subdivision. The requirements of the floodplain development regulations set forth in Chapter 156 of this code shall be complied with in creation of subdivisions under these regulations.

(3) Lands subject to flooding or otherwise determined by the village to be uninhabitable shall not be platted for residential or nonresidential purposes. Such lands within a subdivision may be set aside for other purposes such as parks and open space.

(4) If the Village Council determines that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary plat. Approval shall confer upon the proprietor for a period of one year from date of approval, approval of lot sizes, lot orientation and street layout. Tentative approval may be extended for an additional year, in the discretion of the Village Council, upon application of the proprietor.

(Ord. 25.04, passed 11-25-96)

§ 157.07 SUBMISSION OF PRELIMINARY PLAT FOR FINAL APPROVAL.

Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat to the Village Council for final approval shall submit the following relevant data and fees:

(A) Evidence that all requirements imposed by the Village Council at the time of granting tentative approval have been incorporated into the proposed plan.

(B) Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining the plat. Prior to submitting copies of the preliminary plat to the Village Council for final approval, the developer shall document consultation with the Village Engineer and all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements. A preliminary plat shall not be accepted for review by the Village Council unless the Village Engineer has approved

construction plans for the plat.

(C) A fee in an amount as established by resolution of the Village Council adequate to pay the cost of reviewing the proposed plat.

(Ord. 25.04, passed 11-25-96)

§ 157.08 VILLAGE COUNCIL REVIEW - PRELIMINARY PLAT - FINAL APPROVAL.

(A) Upon receipt of all required copies of the preliminary plat for final approval, the Village Council shall examine the same with such assistance and review by the Planning Commission, Village Planner, Village Engineer, Village Attorney and advice from other experts as the Village Council may request. Upon completing its review, the Village Council shall determine whether said proposed preliminary plat complies with the requirements imposed by the Village Council at the time of tentative approval and that the proprietor has obtained the required statutory approval of other governmental agencies and in addition, meets the following requirements:

(1) All road grades shall not exceed a 7% grade or be less than a 0.5% grade except upon approval by the Village Engineer.

(2) All grades in excess of 3% shall require installation of curb and gutter. The curb and gutter to be set apart not less than 27 feet as measured from back to back of the opposite curbs and fully paved between the lip of the gutters.

(3) All road rights-of-way within or abutting such plat shall be constructed with a base of not less than six inches of compacted 21AA stone or eight inches of compacted 22A stone. The stone base shall be not less than 24 feet wide and shall be covered with not less than three inches of bituminous aggregate pavement, 20 feet wide. In the event the minimum County Road Commission requirements are greater and will result in a more durable road, the Village may require the proprietor to utilize the

County Road Commission standards rather than the other construction requirements indicated in this paragraph.

(4) All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a 0.5 foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be removed. The foregoing 0.5 foot elevation and tree and obstruction removal may be varied or adjusted by the Village Council upon recommendation of the Village Engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.

(5) Permanent dead-end streets shall be provided at the closed end with a turnaround having an outside improved roadway diameter of at least 100 feet as measured from the centerline of the gutter or back-of-curb and a street right-of-way diameter of at least 120 feet. Temporary dead-end streets shall be provided at the closed end with a turn-around constructed the full width of the right-of-way.

(6) All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins must not be spaced further than 600 feet apart. The determination of what is equivalent and sufficient drainage shall be left to the Village Council upon the recommendation of the Village Engineer.

(7) Connection to sanitary sewers and water mains will be required by the Village Council.

(8) In the discretion of the Village Council, the proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.

(9) Storm water disposal methods proposed for the subdivision must be adequate to insure each building site and the roadway will not be flooded. All necessary easements for storm sewers or open drains that can feasibly be dedicated to the public for such purposes shall be dedicated at the option of the village. Onsite water detention must meet the requirements of the County Drain Commissioner.

(10) No land within the subdivision may be isolated from a public thoroughfare nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.

(11) Street lighting may be required by the Village Council when the Council determines that street lighting is necessary for public health, safety and welfare.

(12) Pedestrian and bicycle paths may be required by the Village Council when the Village Council determines, in its opinion, that paths are necessary for pedestrian safety, public health, and welfare. When required, paths shall be constructed of concrete or asphalt, five feet in width, four inches in depth, upon a two inch minimum sand base.

(B) The Village Council shall complete the review and consideration of the proposed preliminary plat submitted for final approval at the next regular meeting of the Council or within 20 days after the date of submittal of the proposed preliminary

plat. If the Village Council determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth in §§ 157.01 through 157.12, the Village Council shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of two years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. The two-year period may be extended in the discretion of the Village Council upon application by the proprietor.

(Ord. 25.04, passed 11-25-96)

§ 157.09 SUBMISSION OF FINAL PLAT FOR FINAL APPROVAL.

Every person, firm or corporation which shall hereafter submit a proposed final plat to the Village Council for final approval shall also submit the following relevant data and fees:

- (A) An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
- (B) A fee in an amount as established by resolution of the Village Council adequate to pay the cost of reviewing the proposed plat.
- (C) Other information as may be required by state and federal regulations.

(Ord. 25.04, passed 11-25-96)

§ 157.10 VILLAGE COUNCIL REVIEW - FINAL PLAT - FINAL APPROVAL.

The Village Council shall review the proposed final plat and determine that:

- (A) All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the village and a deposit agreement executed by the proprietors.
- (B) All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the village and a deposit agreement executed by the proprietors.
- (C) If the subdivision has any county drains, or other waterways, as set forth in M.C.L.A. § 560.188, all such county drains and waterways shall be installed or a cash or equivalent deposit made to the village and a deposit agreement executed by the proprietors.
- (D) If any floodplains are involved in the proposed subdivision, then such floodplains shall be restricted as provided in the Subdivision Control Act, being M.C.L.A. §§ 560.101 et seq. and the village floodplain regulations set forth in Chapter 156 of this code, and such restrictions shall be submitted to the Village Council for review and approval prior to recording and thereafter shall be recorded in the office of the Oakland County Register of Deeds contemporaneously with the recording of the plat.

(Ord. 25.04, passed 11-25-96)

§ 157.11 LAND DIVISIONS NOT REQUIRING PLATTING.

Dividing and partitioning land outside the boundaries of a subdivision as regulated by §§157.01 through 157.12 shall be consistent with the provisions of §§ 157.20 through 157.27 of this code.

(Ord. 25.04, passed 11-25-96)

§ 157.12 VARIANCES.

Proposed subdivisions shall comply with the requirements of §§157.01 through 157.12 and all other applicable requirements of the village, county and state. In the event that unusual hardships or unique circumstances exist that make compliance with §§ 157.01 through 157.12 impractical or impossible, the applicant shall use the following procedure to request a variance from the strict enforcement of these regulations.

(A) Prior to final approval of the preliminary plat, the applicant shall state his request for a variance in writing. The written request shall be submitted to the office of the Village Clerk not less than 14 days prior to a scheduled meeting of the Planning Commission. The written request shall be accompanied by such reasonable fees as the Village Council may establish to defray the costs of review by village representatives. The Village Clerk shall transmit a properly prepared variance request to the Planning Commission.

(B) After receipt of a variance request, the request shall be placed on the agenda of the Planning Commission for the next regularly scheduled meeting. The Planning Commission shall schedule a public hearing on the request. Notice of the hearing shall be provided to all owners of record of real property located within 300 feet of the proposed subdivision site boundaries. The notices shall be delivered personally or by mail not less than five days before the date set for the hearing.

(C) The Planning Commission shall submit to the Village Council its findings on the existence of any extraordinary hardships, practical difficulties or unique circumstances that will result from the strict enforcement of these regulations. If the Planning Commission finds the requested variance will not compromise the public interest or the intent of §§ 157.01 through 157.12, the Planning Commission may recommend to the Village Council approval of a variance to these regulations. The Planning Commission may recommend conditions to the variance consistent with the objectives of these regulations.

(D) The Village Council may grant a variance if the Council finds that:

(1) The variance will not be detrimental to the public, health, safety and general welfare nor injurious to other property.

(2) The conditions underlying the variance request are unique to the property and are not generally applicable to other property.

(3) Due to particular characteristics, shape or topographical conditions of the property, a particular hardship to the owner, as distinguished from inconvenience or monetary loss, will result if these regulations are enforced.

(4) The variance will not violate the requirements of the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto; Master Plan; and Subdivision Control Act, being M.C.L.A. §§ 560.101 et seq. or any other applicable law or regulation.

(E) In approving a variance, the Village Council may impose conditions to the variance consistent with the objectives of these regulations.

(F) If the variance request is denied, any further appeal shall be in accordance with the procedures set forth in the Zoning code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto.

(Ord. 25.04, passed 11-25-96)

DIVIDING AND PARTITIONING LAND

§ 157.20 AUTHORITY.

The Village Council shall have the sole power to authorize the division and partitioning of land within the village.

(Ord. 25.01, passed 9-9-85; Am. Ord. 25.02, passed 1-10-94)

§ 157.21 PURPOSE AND SCOPE OF APPLICATION.

In the interest of protecting the public health, safety and welfare, the governing body of the village finds that this subchapter is necessary to regulate the division and partitioning of parcels of land which are otherwise not subject to platting procedures and requirements. It shall be unlawful for any person to divide or partition any lot, outlot, or other parcel of land in a recorded plat, or to divide or partition any unplatted parcel or tract of land, except in accordance with the provisions of this subchapter, unless the division or partition is approved and a part of a recorded plat, pursuant to the Subdivision Control Act, Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 et seq.

(Ord. 25.01, passed 9-9-85; Am. Ord. 25.02, passed 1-10-94) Penalty, see §10.99

§ 157.22 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACREAGE TRACT or ACREAGE LAND. Land or real estate which is not located in, or part of, a recorded plat.

APPLICANT. An individual, firm, association, partnership, corporation, or combination thereof, who holds ownership interest in land and is seeking approval for a division or partition of land in accordance with this subchapter.

DIVIDE OR PARTITION. The splitting or separating of a parcel of land into parts by changing the boundaries and/or legal description, where such splitting or separating of land is not accomplished pursuant to platting procedures under the Subdivision Control Act, Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 et seq.

LAND. The surface area known as real estate.

LOT. A piece of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Oakland County Register of Deeds.

PARCEL. A measured portion of land which is described by virtue of a request to divide or partition the land in accordance with the provisions of this Ordinance. A parcel may be a subdivision lot or portion thereof, a combination of a lot or lots and portions thereof, or an acreage tract or acreage land.

PERSON. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PLAT. A map or chart of a subdivision of land which has been approved in accordance with the Subdivision Control Act, Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 et seq.

PRIVATE ROAD. A strip of land used for ingress and egress to and from land which does not abut onto a public road, where such land or road is not dedicated for use by the public.

PUBLIC FACILITIES. Public services provided by the village or other governmental units including, but not limited to, public water supplies, public sanitary sewers, public storm drainage systems, paved roads, and any other services normally provided by local units of government.

PUBLIC ROAD. A road which is dedicated for use of the public for travel and which is maintained by a public agency, such as the Village or Oakland County.

(Ord. 25.01, passed 9-9-85; Am. Ord. 25.02, passed 1-10-94)

§ 157.23 APPLICATION REQUIREMENTS.

(A) *General requirements.* An application for division or partitioning of land shall be made on the forms and according to the guidelines provided by the village. An application shall be accompanied by payment of the necessary fees and shall provide information as specified in this subchapter.

(B) *Information required.* Applications shall be accompanied by the following information:

(1) Three copies of a sealed 8 ½" x 14" drawing prepared by a Registered Land Surveyor at a scale of not less than 1 inch = 100 feet, showing the following:

- (a) Date (month, day, year) including revision dates.
- (b) Legal description of property to be divided or partitioned.
- (c) The north arrow.
- (d) All parcels that would result from the requested division or partitioning of land.
- (e) Existing lot lines shown with broken lines; proposed lot lines shown with solid lines.
- (f) The dimensions of and a calculation of the area of all proposed parcels.
- (g) Zoning classification of land to be divided or partitioned and all adjoining land.
- (h) The location and dimensions of all existing structures on and within 50 feet of the proposed parcels.
- (i) The dimensions of the front, rear and side yard setbacks of all structures from proposed parcel lines.
- (j) The location of all property irons and monuments found and set.
- (k) The percentage of land coverage by structures of parcels, both existing and proposed.
- (l) Delineation of the floodplain, if applicable.
- (m) Existing utilities and drainage courses on and within 50 feet of land to be divided or partitioned.
- (n) Existing and proposed easements (drainage, utility, access, etc.) prepared in recordable form.
- (o) Indication of public or private road upon which the proposed parcels front.

(2) A legal description prepared by a Registered Land Surveyor of all parcels that would result from the requested division or partitioning of land. The legal description shall be in a form sufficient for recording with the Oakland County Register of Deeds and shall indicate the area of all parcels in square feet and acres.

(3) Copies of existing or proposed deed restrictions related to the proposed parcels.

(4) If any portion of the land has been part of a previous application for division of land, the applicant shall submit the date(s) of such application(s) and action taken.

(5) The Village Manager or Village Council may require additional information, including topographical information, deemed necessary to make the determination required by this subchapter.

(6) The application shall be signed by all persons who have any legal or equitable interest in the property.

(Ord. 25.01, passed 9-9-85; Am. Ord. 25.02, passed 1-10-94) Penalty, see §10.99

§ 157.24 APPROVAL PROCEDURES.

(A) *Submission to Village Manager.* All applications for division or partitioning of land shall be submitted, together with the required information, to the Village Manager.

(B) *Review by Staff.*

(1) The Village Manager shall review the application for completeness of data and to determine whether it is in compliance with this Ordinance. The Village Manager may submit the application to various departments, legal counsel, and consultants of the village for review and recommendation, including but not limited to departments or consultants having jurisdiction over legal matters, assessing, planning, engineering, or building code enforcement functions.

(2) In the event submittal to consultants for review and recommendation shall result in cost incurred by the village for payment of consulting fees or legal fees, the applicant shall be notified of the estimated amount of these fees. Prior to further processing of the application, the applicant shall deposit with the village a sum of cash equal to the amount of the estimated fees. The applicant shall be charged the exact cost to the village of these consulting or legal fees, with any fees in excess of the amount of the applicant's deposit being paid to the village by the applicant prior to Village Council approval.

If the fees are less than the deposit, a refund in the appropriate amount shall be made to the applicant.

(C) *Recommendation to the Planning Commission.* Upon review of the proposed division or partitioning of land, and after consideration of the comments submitted by departments or consultants, the Village Manager shall submit a recommendation to the Planning Commission which shall review the application and submit its recommendation to the Village Council, based on the standards set forth in this subchapter.

(D) *Decision by Village Council.* After reviewing the recommendation submitted by the Planning Commission, the Village Council shall make the final decision concerning any application for division or partitioning of land, based on the standards set forth in this subchapter.

(E) *Action of Board of Zoning Appeals.* The Board of Zoning Appeals shall hear a request for variations or deviations from the provisions of the Zoning Ordinance, adopted in Chapter 158, but only in cases where the Village Council has granted approval for the dividing or partitioning of land, conditioned upon the applicant's successfully obtaining the necessary variances.

(Ord. 25.01, passed 9-9-85; Am. Ord. 25.02, passed 1-10-94)

§ 157.25 STANDARDS FOR GRANTING APPROVAL.

The following standards shall be used as the basis upon which applications for the division or partitioning of land are reviewed and approved:

(A) *Compliance with state law.* An application for division or partitioning of land shall not be approved unless it is in compliance with the Subdivision Control Act, Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 et seq. The village may permit the dividing or partitioning of lots, outlots or other parcels of land into not more than 4 parts; however, any lot, outlot or other parcel of land not served by public sewer and public water systems shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum width and area provided for in Section 186 of the Subdivision Control Act of 1967, being M.C.L.A. § 560.186. A lot which is a part of a recorded plat may not be divided or partitioned into more than 4 parts in perpetuity. An acreage parcel may be divided or partitioned as provided in Section 102(d) of the Subdivision Control Act of 1967, being M.C.L.A. § 560.102(d).

(B) *Lot dimensional requirements.* All parcels created as a result of division or partitioning of land shall comply with the minimum lot dimensional requirements, including lot size and lot width, minimum yard setback requirements and lot coverage requirements of the current village Zoning Ordinance, adopted in Chapter 158, except in the following circumstances:

(1) Where the proposed division or partitioning of land would reduce the degree of existing nonconformity with Zoning Ordinance standards; or

(2) Where the nonconforming parcel created as a result of the division or partitioning of land is intended to be combined with additional land for the purposes of creating a building site that conforms with the Zoning Ordinance requirements.

(C) *Taxes or assessment liens.* Any due or unpaid taxes, special assessments upon the property, or any amounts due to the municipality relating to the land which is the subject of the application, such as, but not limited to, charges for water service, sanitary sewer service, and trash collection service, shall be paid before the division or partitioning of land is given final approval.

(D) *Depth to width ratio.* Wherever possible, the depth to width ratio of a parcel created through land division or partitioning shall not exceed 3 to 1.

(E) *Disruption to flow of water.* No division or partitioning of land shall be approved if subsequent development would result in disruption to the existing or natural flow of water within drainage ditches, natural water courses, or government maintained drains, unless evidence of a feasible alternate method of drainage is presented.

(F) *Consideration of deed restrictions.* The effect of proposed division or partitioning of land on deed restrictions shall be considered by the Village Manager, Planning Commission and Village Council in their review of the application. However, such deed restrictions shall not be binding upon the village under this subchapter.

(G) *Consent of the title holder.* No division or partitioning of land shall be approved without the consent of the title or deed holder of the subject parcel.

(H) *Character of surrounding development.* In reviewing an application for division or partitioning of land, the Village Manager, Planning Commission and Village Council shall consider the impact of subsequent construction on the character of surrounding development. In evaluating character of surrounding development, the Village Manager, Planning Commission and Village Council shall consider the size, dimensions, and proportions of existing surrounding parcels.

(I) *Parking requirements.* An application for division or partitioning of land shall not be approved if it would result in a loss of parking such that development on any of the resulting parcels would be unable to comply with the minimum parking requirements in the Zoning Ordinance.

(J) *Access.* An application for division or partitioning of land shall not be approved unless all parcels created as a result of such division or partitioning have direct frontage upon a paved public road or a private road. Accessibility to each newly created parcel must be directly from the public or private road and not by easement across another parcel or lot.

(K) *Public facilities.*

(1) An application for division or partitioning of land shall not be approved unless the resulting parcels are served by public facilities, including, but not limited to, water, sanitary sewer, and paved rights-of-way.

(2) As a condition of approval, the Village Council may require the applicant to install public facilities in accordance with specifications established by the village, or to guarantee the installation of public facilities in the form of a cash performance bond or an irrevocable letter of credit running in the favor of the village, in the amount of the estimated cost of the installation of the public facilities, together with the estimated cost of the review by the Village Engineers of the applicant's proposed plans for the installation of the public facilities. The entire cost of installation of public facilities, including the cost of the Village Engineers review plans and inspection of construction, shall be the responsibility of the applicant.

(3) In extraordinary situations, as determined by the Village Council, where properties cannot feasibly be served by public facilities, and the Village Council issues a waiver of the requirement of resulting parcels being served by public facilities, then the minimum width and area of resulting parcels as required in Section 186 of the Subdivision Control Act of 1967, as amended, being M.C.L.A. § 560.186, shall apply.

(Ord. 25.01, passed 9-9-85; Am. Ord. 25.02, passed 1-10-94)

§ 157.26 RECORDING OF FINAL ACTION.

An approved division or partitioning of land shall be noted upon the Township assessment roll, and thereafter, each separate parcel shall be considered to be a single lot, outlot or parcel for tax assessment and other purposes. In addition, the approved division or partitioning of land shall be recorded in the office of the Oakland County Register of Deeds in accordance with Public Act 132 of 1970, as amended by Public Act 280 of 1972, being M.C.L.A §§ 54.211 through 54.213.

(Ord. 25.01, passed 9-9-85; Am. Ord. 25.02, passed 1-10-94)

§ 157.27 FEES.

Each application filed for division or partitioning of land shall be accompanied by the payment of a non-refundable fee as established by Resolution of the Village Council.

(Ord. 25.01, passed 9-9-85; Am. Ord. 25.02, passed 1-10-94)

§ 157.28 VIOLATIONS.

Any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of § 10.99(A)(2).

(Ord. A-3, passed 1-13-97)

CHAPTER 158: ZONING CODE

Section

158.01 Adoption of Zoning Code

158.02 Violations

Cross-reference:

Lot splits and subdividing, see Ch. 157

Planning Commission, see §§ 30.15 through 30.22

Sign regulations, see Ch. 155

§ 158.01 ADOPTION OF ZONING CODE.

The Zoning Ordinance of the village, including text and Zoning Map, which is a compilation of Ordinances 26.01 through 26.64 and all amendments thereto, is hereby adopted into this chapter as if fully set forth herein. Copies of the Zoning Ordinance and said amendments can be found at the Village Clerk's office.

§ 158.02 VIOLATIONS.

Any person, firm or corporation determined to have been in violation of the provisions of the zoning ordinance of the Village adopted by reference in § 158.01 of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of § 10.99(A)(2).

(Ord. A-3, passed 1-13-97)