

ENFORCEMENT RESPONSE PROCEDURE

*Saginaw Area Storm Water Authority
Saginaw County, Michigan*



Prepared on behalf of:

SAGINAW AREA STORM WATER AUTHORITY

Including the following members:

AGENCIES:

SAGINAW COUNTY- *Saginaw County Public Works Commissioner (SCPWC)*
SAGINAW COUNTY BOARD OF COMMISSIONERS
SAGINAW COUNTY ROAD COMMISSION

LOCAL MUNICIPALITIES:

BRIDGEPORT CHARTER TOWNSHIP
BUENA VISTA CHARTER TOWNSHIP
TITTABAWASSEE TOWNSHIP AND SCHOOL DISTRICT
CARROLLTON TOWNSHIP AND SCHOOL DISTRICT
CITY OF SAGINAW
THOMAS TOWNSHIP
SAGINAW CHARTER TOWNSHIP
CITY OF ZILWAUKEE

EDUCATIONAL INSTITUTIONS:

BRIDGEPORT-SPAULDING COMMUNITY SCHOOLS
SAGINAW INTERMEDIATE SCHOOL DISTRICT
SAGINAW TOWNSHIP COMMUNITY SCHOOLS
SWAN VALLEY SCHOOL DISTRICT
SAGINAW VALLEY STATE UNIVERSITY

Prepared By:



1. ENFORCEMENT OF PCC STANDARDS

Each municipality or township that has adopted these design standards or has their own design standards for stormwater must initiate the action of enforcement through their zoning regulations or another regulatory mechanism at their disposal as they determine is appropriate.

FOR NEW DEVELOPMENTS of 1 acre or more in area (*including projects less than an acre that are a part of a larger common plan of development or sale and discharge into the applicant's MS4*):

If a site is not in compliance with the design standards and has not completed the site review process successfully, the county will rely on the local building inspector to NOT issue an occupancy permit for the structure until it is in compliance with the standards. IF the local municipality has its own PCC standards in place then they will not issue a building permit until the site review process is completed per their historical established procedures.

FOR NEW DEVELOPMENTS or **RE-DEVELOPMENTS** of 1 acre or more in area (*including projects less than an acre that are a part of a larger common plan of development or sale and discharge into the applicant's MS4*):

If the site is already occupied then a letter will be issued from the municipality's zoning enforcement staff to bring the site into compliance within the specified period of time dictated on the letter. If the site is a High Priority site (*human health and safety hazard*) it must be brought into compliance immediately upon receiving either verbal or written notice. If the site is considered a Medium Priority (*flood and property damage hazard to nearby parcels/structures*) action must start within 5 days of receiving written or verbal notice and be completed within 10 days after action has started. If the site is Low Priority (*nuisance site, no imminent property damage can occur, no water quality issues*) the site must come into compliance within 30 days of receiving written or verbal notice.

2. Codes, Ordinances, Laws for Enforcement of PCC for pollution of surface waters or MS4

The municipal members of the SASWA have adopted or have the following as commercial / residential building enforcement procedures:

- 2012, 2015 Michigan Plumbing Code, R 408.30717 Duties and powers of code official; Section 104.1 and 104.5 (code official and right of entry defined)
- The International Property Maintenance Code of 2012. Section 104.1 and 104.3 identifies duties of code official and right of entry.
- 2009 Michigan Residential Code, NOTE: this has same right of entry as the above codes; SASWA is not paying to get access to this code, as we have established a code enforcement officer whom has right of entry.
(*See Appendix I for pertinent excerpts from these codes*)

These administrative procedures when adopted by a community provide the **“right of entry”** for the municipality's inspector, code enforcement staff, or their designee to enter private property if a violation of the code is witnessed, visible, or quantifiable evidence is present to suggest that a violation exists on the property. If access is denied, and evidence of violation is present, then staff will obtain a warrant for entry if necessary.

Enforcement Venues for Townships, Cities and Villages:

PA245-1999 which amended PA230-1972 (the Stille-Derossett-Hale Single State Construction Code Act) established the “Single State Construction Code” whereby the entire state of Michigan is subject to a single “family” of construction codes **without** exception. This means that every portion of the State is subject to the 2012 Michigan Plumbing Code and the 2009 Michigan Residential Code enforced either locally (as an authorized enforcing agency) or by the State Bureau of Construction Codes (BCC).

Since Code Enforcement and Property Maintenance is not a function enabled by PA230-72 and not otherwise mandated by state law, a local governmental unit would have to locally adopt the International Property Maintenance Code (IPMC) to lawfully enforce its provisions. If a municipal member has adopted, by ordinance, the IPMC and enforces it through its Code Enforcement Program the chart below is marked appropriately.

Additionally, if the municipality has a Code Enforcement Log that is marked below also. The Code Enforcement Log is a tracking mechanism used by communities to track violations and their outcome and will be used by that community as its tracking mechanism.

Enforcement Venues for County Agencies/Departments:

The Saginaw County Road Commission (SCRC) and the Saginaw County Public Works Commissioner (SCPWC) do not have ordinance authority. However, the SCPWC has some authority to control water pollution in county drains provided by the state Drain Code of 1956. Also, the county agency can work with the local jurisdictions code enforcement staff on some PCC issues.

The SCRC has a Service Request System which it uses to document and track all complaints, violations, and work orders. This system also has a final outcome section. The SCRC will work with local government as necessary for proper enforcement.

The following are pertinent excerpts.

The Michigan Drain Code Public Act 40 of 1956 states:

Sec. 423. (1) A person shall not continue to discharge or permit to be discharged into any county drain or inter-county drain of the state any sewage or waste matter capable of producing in the drain detrimental deposits, objectionable odor nuisance, injury to drainage conduits or structures, or capable of producing such pollution of the waters of the state receiving the flow from the drains as to injure livestock, destroy fish life, or be injurious to public health.

(10) Failure to comply with any of the provisions of this section subjects the offender to the penalties described in section 602.

Sec. 602. If any person shall willfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100.00 and the costs of prosecution, or in default of the payment thereof, by imprisonment in the county jail not exceeding 90 days.

The SCRC has limited authority under state law to control water pollution in statutory road right-of-ways. When evidence of an illicit discharge to a Road Commission ditch or drain is found, and voluntary correction is not forthcoming, the SCRC will contact the appropriate agency, depending on the nature of the illicit discharge, and work with the Saginaw County Public Works Commissioner, the County Health

Department, the local unit of government, the local policing authority and/or the Michigan Department of Environmental Quality (MDEQ) to require elimination. The MDEQ has broad authority to control pollution, either directly or indirectly, to waters of the state provided by Part 31 of Act 451 of 1994.

Additionally, the Saginaw County Health Department has an enforceable County Public Health Code, as follows:

Excerpts from the SAGINAW COUNTY PUBLIC HEALTH CODE:

Section 2 — Authority, Jurisdiction and Administration

2.1 Authority. By virtue of the power vested in the Saginaw County Department of Public Health under Act 368, P.A. 1978, as amended, there are hereby provided regulations affecting the public health, safety, welfare and environmental quality of Saginaw County, including the provisions for violations of said regulations.

2.2 Jurisdiction. The Saginaw County Department of Public Health shall have jurisdiction throughout the County of Saginaw, including all cities, villages and townships in the administration and enforcement of these regulations and relevant State Laws including all regulations or amendments hereafter adopted unless otherwise specifically stated.

2.3 Enforcement. All premises affected by the requirements of these regulations shall be subject to the inspection by the Health Officer and the Health Officer may collect such samples for laboratory examination, make tests or take such photographs as he deems necessary for the enforcement of these regulations.

2.4 Right of Entry. No person shall refuse to permit the Health Officer, after proper identification, to inspect as deemed necessary in the enforcement of this Code, any property, public or private, located in the County of Saginaw for the purpose of obtaining information, conducting surveys or inspections, collecting samples, inspecting sewage disposal or water supply systems, or evaluating a premise to ensure compliance with any permits, standards, codes, regulations, and enforcement actions at reasonable times nor shall any person molest, interfere, or resist the Health Officer in the discharge of his duty.

2.5 Abatement of Nuisances. Nothing stated in these regulations shall be construed to limit the power of the Health Officer toward the immediate abatement of a public nuisance or menace to the public health or of a condition, which in the opinion of the Health Officer may become a menace to the health of the community.

2.6 Interference with Notices. No person shall remove, mutilate, or conceal any notice or placard posted by the Health Officer, except by written permission of the Health Officer.

2.7 Validity. If any section, subsection, clause or phrase of these regulations is for any reason adjudged unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected.

CHAPTER II Penalties Section 1 — Penalties

1.1 Any person who shall intentionally fail to comply with the provisions of these regulations as set forth in the Code or any part thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of \$200 or by imprisonment in the County jail, not

exceeding 30 days or both such fine and imprisonment at the discretion of the Court. Each day a violation is permitted to exist shall constitute a separate and distinct violation.

CHAPTER IV. – Sewage (wastewater) Disposal Regulations

Under Section 2 - Definitions:

2.10 Nuisance. “Nuisance” shall include but not be limited to any condition where effluent from any sewage disposal facilities is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses or health of persons or when it shall obstruct the comfortable use or sale of adjacent property.

Section 6. – Individual Sewage Disposal Systems:

6.3 In the event of a failure of an existing onsite sewage disposal system, the Health Officer must be notified of the failure. Upon investigation of the cause of failure, the Health Officer may require repair specifications necessary to correct the problem and upgrade the system to be in compliance with this Code. At the discretion of the Health Officer, modifications to the required isolation distances, materials or size as stated in this Code may be applied if local conditions warrant and in cases where dimensions, site development, features or site suitability create a challenge to comply with the standards of this Code. In such event, modifications will be applied if the Health Officer finds that the public health would not be jeopardized.

Section 9 – Sewage of Unknown Origin

9.1 Whenever the Health Officer shall determine that improperly treated sewage is flowing or is being discharged from the outlet of any public or private drain into any public drainage system or surface water body so as to create a public health hazard, water pollution or nuisance, he shall notify in writing the person owning, leasing or residing on such premises from which such sewage originates to connect such sewage flow to a sewage disposal system which complies with these regulations. At the end of such reasonable time as specified in the written notice, which has been served on the owner, leasee or resident, the Health Officer shall cause the outlet of such drain carrying sewage to be plugged until such time as the source(s) of sewage have been eliminated or the sewerage system complies with the provisions of this Code.

Section 11 – Injunction

11.1 Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in the name of the County for injunction or other process against any person, firm or corporation to restrain or prevent the construction, enlargement, or alteration of a sewage disposal system without a permit therefore, or the operation or conduct of a residence of a habitable building, structure or premise contrary to this regulation or the discharge of waste actually or potentially unsafe or hazardous to public health, life, property values or the public welfare into public stream, county drain, road ditch or upon the ground surface, creating a health hazard or nuisance.

Other Enforcement Options:

County Agencies can also work cooperatively with the local jurisdiction and ask for assistance with enforcement of issues that relate to enforcement of the Post Construction Controls as may be pertinent or necessary. The specific code enforcement aspect can be obtained from the use of the appropriate building

codes. The State must recognize there are limitations placed on county agencies enforcing this program locally.

STATE OF MICHIGAN - Responsibility

Public Act 451 of 1994 (NREPA) – Part 31 Water Resources

324.3103 Department of environmental quality; powers and duties generally; rules; other actions.

Sec. 3103.

(1) The department shall protect and conserve the water resources of the state and shall have control of the pollution of surface or underground waters of the state and the Great Lakes, which are or may be affected by waste disposal of any person. The department may make or cause to be made surveys, studies, and investigations of the uses of waters of the state, both surface and underground, and cooperate with other governments and governmental units and agencies in making the surveys, studies, and investigations. The department shall assist in an advisory capacity a flood control district that may be authorized by the legislature. The department, in the public interest, shall appear and present evidence, reports, and other testimony during the hearings involving the creation and organization of flood control districts. The department shall advise and consult with the legislature on the obligation of the state to participate in the costs of construction and maintenance as provided for in the official plans of a flood control district or inter-county drainage district.

(2) The department shall enforce this part and may promulgate rules as it considers necessary to carry out its duties under this part. However, notwithstanding any rule-promulgation authority that is provided in this part, except for rules authorized under section 3112(6), the department shall not promulgate any additional rules under this part after December 31, 2006.

(3) The department may promulgate rules and take other actions as may be necessary to comply with the federal water pollution control act, 33 USC 1251 to 1387, and to expend funds available under such law for extension or improvement of the state or interstate program for prevention and control of water pollution. This part shall not be construed as authorizing the department to expend or to incur any obligation to expend any state funds for such purpose in excess of any amount that is appropriated by the legislature.

(4) Notwithstanding the limitations on rule promulgation under subsection (2), rules promulgated under this part before January 1, 2007 shall remain in effect unless rescinded.

History: 1994, Act 451, Eff. Mar. 30, 1995; -- Am. 2004, Act 91, Imd. Eff. Apr. 22, 2004; -- Am. 2005, Act 33, Imd. Eff. June 6, 2005

Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of the Environmental Assistance Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities of the Surface Water Quality Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled MCL 324.99901 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled

Laws.

Popular Name: Act 451

Popular Name: NREPA

Admin Rule: R 323.1001 et seq. and R 323.2101 et seq. of the Michigan Administrative Code.

1. ILLICIT DISCHARGE ELIMINATION PROGRAM

Table 1. Participating Communities with an IDEP Ordinance or Regulatory Mechanism

Community/County Agency	Building Code/Ordinances/ Code Enforcement	Code Enforcement Log	Ordinance or Code
<i>Municipalities</i>			
Bridgeport Charter Township	Yes	Yes	Chap. 8, 14, 20, 32 http://www.bridgeportmi.org/index.php/code-of-ordinances?task=document.viewdoc&id=99
Buena Vista Charter Township	Yes	Yes	http://www.bvct.net/wp-content/uploads/2015/03/ord-inter-prop-code.updated.1.23.15.pdf Chapter 34
Carrollton Township & School District	Yes	Yes	https://www.municode.com/library/mi/carrollton_township_(saginaw_co.)/codes/code_of_ordinances Section 14 & 58
City of Saginaw	Yes	Yes	http://library.amlegal.com/nxt/gateway.dll/Michigan/saginaw/cityofsaginawcodeofordinances?f=templates\$fn=default.htm\$3.0\$vid=amlegal:saginaw_mi Chapter 51, 52, 94
City of Zilwaukee	Yes	Yes	https://www.municode.com/library/mi/zilwaukee/codes/code_of_ordinances?nodeId=COO_RZIMI Chapters 6, 10, 30
Saginaw Charter Township	Yes	Yes	https://www.municode.com/library/mi/saginaw_charter_township_(saginaw_co.)/codes/code_of_ordinances Chapters 2, 14, 26, 78
Thomas Township	Yes	Yes	https://www.municode.com/library/mi/thomas_township_(saginaw_co.)/codes/code_of_ordinances Title 1, 8 and 9 (chap.8)
Tittabawassee Township & School District	Yes	Yes	http://www.tittabawassee.org/code-of-ordinances.html Chap. 14, 38,42, 66
Saginaw County / SCPWC	Yes, at local level	Yes, at local level	Use of Local Ordinance, Drain Code, or County Health Code

	<i>Yes, at local level</i>	<i>Yes, at local level</i>	<i>Use of Local Ordinance or County Health Code</i>
Saginaw County Road Commission			
<i>Educational Institutions*</i>			
Bridgeport-Spaulding School District	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Saginaw ISD	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Saginaw Township Community Schools	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Saginaw Valley State University	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Swan Valley School District	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>

NOTE: Educational Institutions come under State Building Guidelines and enforcement. However, local MS4s may restrict flows to their systems as deemed by the design standards. The local educational systems understand this and also understand the need for water quality standards on their site development projects.

- 2012 Michigan Plumbing Code, R 408.30717 Duties and powers of code official; Section 104.1 and 104.5 (code official and right of entry defined)
- The International Property Maintenance Code of 2012. Section 104.1 and 104.3 identifies duties of code official and right of entry.
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(*See Appendix I for pertinent excerpts from these codes*)

These administrative procedures when adopted by a community provide the “**right of entry**” for the municipality’s inspector, code enforcement staff, or their designee to enter private property if a violation of the code is witnessed, visible, or quantifiable evidence is present to suggest that a violation exists on the property. If access is denied, and evidence of violation is present, then staff will obtain a warrant for entry if necessary.

Each set of ordinances or other regulatory mechanisms:

1. Regulate the contribution of pollutants to the MS4, owned by the permittee.
2. Prohibit illicit discharges, including the direct dumping or disposal of materials, into the MS4, owned by the permittee.
3. Establish the authority to investigate, inspect, and monitor suspected illicit discharges into the MS4, owned by the permittee.
4. Require elimination of illicit discharges and connections into the MS4, owned by the permittee.

Enforcement Venues for Townships, Cities and Villages:

PA245-1999 which amended PA230-1972 (the Stille-Derossett-Hale Single State Construction Code Act) established the “Single State Construction Code” whereby the entire state of Michigan is subject to a single “family” of construction codes **without** exception. This means that every portion of the State is subject to the 2012 Michigan Plumbing Code and the 2009 Michigan Residential Code enforced either locally (as an authorized enforcing agency) or by the State Bureau of Construction Codes (BCC).

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Additionally, if the municipality has a Code Enforcement Log that is marked above also. The Code Enforcement Log is a tracking mechanism used by communities to track violations and their outcome and will be used by that community as its tracking mechanism.

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The **Saginaw County Road Commission (SCRC)** and the **Saginaw County Public Works Commissioner (SCPWC)** do not have ordinance authority; however, the SCPWC has some authority to control water pollution in county drains provided by the state Drain Code of 1956. County Agencies can also use the County’s Public Health Code and obtain enforcement through the Public Health Department to obtain compliance in issues which involve public health and safety as it is related to the Illicit Discharge Elimination program.

The SCRC has a Service Request System which it uses to document and track all complaints, violations, and work orders. This system also has a final outcome section. The SCRC will work with local government as necessary for proper enforcement.

The following are pertinent excerpts.

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(10) Failure to comply with any of the provisions of this section subjects the offender to the penalties described in section 602.

Sec. 602. If any person shall willfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100.00 and the costs of prosecution, or in default of the payment thereof, by imprisonment in the county jail not exceeding 90 days.

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voluntary correction is not forthcoming, the SCRC will contact the appropriate agency, depending on the nature of the illicit discharge, and work with the SCPWC, County Health Department, local unit of government, local policing authority and/or the Michigan Department of Environmental Quality (MDEQ) to require elimination. The MDEQ has broad authority to control pollution, either directly or indirectly, to waters of the state provided by Part 31 of Act 451 of 1994.

Additionally, Saginaw County Health Department has an enforceable County Public Health Code, as follows:

Section 2 — Authority, jurisdiction and administration:

2.1 Authority. By virtue of the power vested in the Saginaw County Department of Public Health under Act 368, P.A. 1978, as amended, there are hereby provided regulations affecting the public health, safety, welfare and environmental quality of Saginaw County, including the provisions for violations of said regulations.

2.2 Jurisdiction. The Saginaw County Department of Public Health shall have jurisdiction throughout the County of Saginaw, including all cities, villages and townships in the administration and enforcement of these regulations and relevant State Laws including all regulations or amendments hereafter adopted unless otherwise specifically stated.

2.3 Enforcement. All premises affected by the requirements of these regulations shall be subject to the inspection by the Health Officer and the Health Officer may collect such samples for laboratory examination, make tests or take such photographs as he deems necessary for the enforcement of these regulations.

2.4 Right of Entry. No person shall refuse to permit the Health Officer, after proper identification, to inspect as deemed necessary in the enforcement of this Code, any property, public or private, located in the County of Saginaw for the purpose of obtaining information, conducting surveys or inspections, collecting samples, inspecting sewage disposal or water supply systems, or evaluating a premise to ensure compliance with any permits, standards, codes, regulations, and enforcement actions at reasonable times nor shall any person molest, interfere, or resist the Health Officer in the discharge of his duty.

2.5 Abatement of Nuisances. Nothing stated in these regulations shall be construed to limit the power of the Health Officer toward the immediate abatement of a public nuisance or menace to the public health or of a condition, which in the opinion of the Health Officer may become a menace to the health of the community.

2.6 Interference with Notices. No person shall remove, mutilate, or conceal any notice or placard posted by the Health Officer, except by written permission of the Health Officer.

2.7 Validity. If any section, subsection, clause or phrase of these regulations is for any reason adjudged unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected.

CHAPTER II Penalties Section 1 — Penalties

1.1 Any person who shall intentionally fail to comply with the provisions of these regulations as set forth in the Code or any part thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of \$200 or by imprisonment in the County jail, not exceeding 30 days or both such fine and imprisonment at the discretion of the Court. Each day a violation is permitted to exist shall constitute a separate and distinct violation.

CHAPTER IV. – Sewage (wastewater) Disposal Regulations

Under Section 2 - Definitions:

2.10 Nuisance. “Nuisance” shall include but not be limited to any condition where effluent from any sewage disposal facilities is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses or health of persons or when it shall obstruct the comfortable use or sale of adjacent property.

Section 6. – Individual Sewage Disposal Systems:

6.3 In the event of a failure of an existing onsite sewage disposal system, the Health Officer must be notified of the failure. Upon investigation of the cause of failure, the Health Officer may require repair specifications necessary to correct the problem and upgrade the system to be in compliance with this Code. At the discretion of the Health Officer, modifications to the required isolation distances, materials or size as stated in this Code may be applied if local conditions warrant and in cases where dimensions, site development, features or site suitability create a challenge to comply with the standards of this Code. In such event, modifications will be applied if the Health Officer finds that the public health would not be jeopardized.

Section 9 – Sewage of Unknown Origin

9.1 Whenever the Health Officer shall determine that improperly treated sewage is flowing or is being discharged from the outlet of any public or private drain into any public drainage system or surface water body so as to create a public health hazard, water pollution or nuisance, he shall notify in writing the person owning, leasing or residing on such premises from which such sewage originates to connect such sewage flow to a sewage disposal system which complies with these regulations. At the end of such reasonable time as specified in the written notice, which has been served on the owner, leasee or resident, the Health Officer shall cause the outlet of such drain carrying sewage to be plugged until such time as the source(s) of sewage have been eliminated or the sewerage system complies with the provisions of this Code.

Section 11 – Injunction

11.1 Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in the name of the County for injunction or other process against any person, firm or corporation to restrain or prevent the construction, enlargement, or alteration of a sewage disposal system without a permit therefore, or the operation or conduct of a residence of a habitable building, structure or premise contrary to this regulation or the discharge of waste actually or potentially unsafe or hazardous to public health, life, property values or the public welfare into public stream, county drain, road ditch or upon the ground surface, creating a health hazard or nuisance.

Public Act 451 of 1994 (NREPA) – Part 31 Water Resources

324.3103 Department of environmental quality; powers and duties generally; rules; other actions.

Sec. 3103.

(1) The department shall protect and conserve the water resources of the state and shall have control of the pollution of surface or underground waters of the state and the Great Lakes, which are or may be affected by waste disposal of any person. The department may make or cause to be made surveys, studies, and investigations of the uses of waters of the state, both surface and underground, and cooperate with other governments and governmental units and agencies in making the surveys, studies, and investigations. The department shall assist in an advisory capacity a flood control district that may be

authorized by the legislature. The department, in the public interest, shall appear and present evidence, reports, and other testimony during the hearings involving the creation and organization of flood control districts. The department shall advise and consult with the legislature on the obligation of the state to participate in the costs of construction and maintenance as provided for in the official plans of a flood control district or inter-county drainage district.

(2) The department shall enforce this part and may promulgate rules as it considers necessary to carry out its duties under this part. However, notwithstanding any rule-promulgation authority that is provided in this part, except for rules authorized under section 3112(6), the department shall not promulgate any additional rules under this part after December 31, 2006.

(3) The department may promulgate rules and take other actions as may be necessary to comply with the federal water pollution control act, 33 USC 1251 to 1387, and to expend funds available under such law for extension or improvement of the state or interstate program for prevention and control of water pollution. This part shall not be construed as authorizing the department to expend or to incur any obligation to expend any state funds for such purpose in excess of any amount that is appropriated by the legislature.

(4) Notwithstanding the limitations on rule promulgation under subsection (2), rules promulgated under this part before January 1, 2007 shall remain in effect unless rescinded.

History: 1994, Act 451, Eff. Mar. 30, 1995; -- Am. 2004, Act 91, Imd. Eff. Apr. 22, 2004; -- Am. 2005, Act 33, Imd. Eff. June 6, 2005

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Popular Name: Act 451

Popular Name: NREPA

Admin Rule: R 323.1001 et seq. and R 323.2101 et seq. of the Michigan Administrative Code.

Other Enforcement Options:

County Agencies can also work cooperatively with the local jurisdiction and ask for assistance with enforcement of issues that relate to enforcement of the Illicit Discharge Elimination program, as is appropriate or necessary. The specific code enforcement aspect can be obtained from the use of the appropriate building codes or local ordinances.

APPENDIX I

2012, 2015 Michigan Plumbing Code Excerpts

International Property Maintenance Code of 2012 Excerpts

2009 Michigan Residential Code Excerpts

(NOTE: SASWA is not paying to get access to this code, as we have established a code enforcement officer has right of entry.)

Michigan Plumbing Code – 2012 / 2015

R 408.30717 Duties and powers of code official.

Rule 717. Sections 104.1 and 104.5 of the code are amended to read as follows:

104.1 General. The code official shall enforce all of the provisions of the code and shall act on any question relative to the installation, alteration, repair, maintenance, or operation of all plumbing systems, devices, and equipment except as specifically provided for by statutory requirements or as provided for in sections 104.3 through 104.8.

104.5. Right of entry. In the discharge of duties, the code official may enter any building, structure, or premises in the jurisdiction to enforce the provisions of the act and the code.

History: 1982 AACCS; 1985 AACCS; 1998-2000 AACCS; 2001 AACCS; 2003 AACCS; 2007 AACCS.

2012 International Property Maintenance Code

Available at: <https://law.resource.org/pub/us/code/ibr/icc.ipmc.2012.html>

2012 International Property Maintenance Code®

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by

INTERNATIONAL CODE COUNCIL, INC.

Relevant Sections:

[A] 102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

[A] 102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] 103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

[A] 103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

[A] 103.4 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] 104.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

[A] 104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 506 SANITARY DRAINAGE SYSTEM

[P] 506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

[P] 507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.