

**UTILITY CONTROL**

**Ord. No. 453**

**Adopted: January 23, 1995**

An ordinance to regulate the construction and installation by public and private utilities of facilities within public roads, alleys, and streets of the Township.

THE TOWNSHIP OF FENTON , COUNTY OF GENESEE, MICHIGAN ORDAINS:

**SECTION 1. Definitions.**

**1. Utility Company:** Any public or private person, firm, political subdivision of the State of Michigan, municipality or corporation, whose purpose it is to maintain any appurtenance for use in the transmission of any Utility Service.

Desirable

**2. Utility Service:** A private or public entity, subject to governmental regulation, that provides to the public an essential commodity or service, or a commodity or service that is generally viewed as essential by the public. Utility Services shall include, but are not limited to: water, sewer, natural gas, electricity, telephone, cable television, telecommunications services and any video service provider as defined in the Uniform Video Services Local Franchise Act, (2006 PA 480; MCL 484.3301 and following, as amended from time to time).

**3. Street:** A public road, alley, street, or way within the Township.  
(Amended: Ord. No. 654, 12-5-05; Ord. No. 700, 8-4-08)

**SECTION 2. Regulations.**

Before entering upon any street or right-of-way for the purpose of constructing or installing any telegraph, telephone or power lines, pipelines, wires, cables, poles, conduits, sewers, telecommunications equipment, video service equipment and like structures upon, across, or under such street, (excluding cable television connections to individual locations), a utility company shall file with the Township Engineer two (2) sets of plans and specifications showing the nature of the proposed construction or installation, together with proof of approval of such construction or installation by the Board of County Road Commissioners of the County of Genesee, where necessary. Within twenty (20) days from, and after receipt of, such plan and specifications, the Township Engineer shall notify the utility company in writing of any objection of the Township to such proposed construction or installation, stating the reason for such objection, and upon receipt of such notice within such period, the utility company shall not proceed with such construction and installation until it has filed with the Township Engineer a plan and specifications to which the Township does not object under the terms of this Ordinance. If no notice of objection to the proposed construction or installation is given by the Township to the utility company within the twenty (20) day period herein provided, it shall be conclusively presumed that the Township has no objection to the proposed construction or installation. Provided, however, that in the event of an emergency which endangers person or property, the utility company may proceed to construct or install such facilities and shall notify the Township Engineer thereof as soon as may be practicable.

(Amended: Ord. No. 654, 12-5-05; Ord. No. 700, 8-4-08)

**SECTION 3. Penalty for Violation.**

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 528, 5-18-98; Ord. No. 570, 2-5-01)

**SECTION 4. Enforcement.**

The Township Engineer and the Ordinance Enforcement Officer are hereby designated as the enforcement officers of this Ordinance and it shall be their duty to perform all of the acts provided for in this Ordinance. The Township Board may designate some other person to serve at the pleasure of the Township Board as the Building Inspector under this Ordinance, in which case, such person shall act as the enforcement officer for this Ordinance and it shall be his duty to perform all of the acts provided for in this Ordinance.

(Amended: Ord. No. 654, 12-5-05)

**SECTION 5. Validity.**

This Ordinance and the various parts, sections, subsections, provisions, sentences, and clauses thereof are hereby declared to be severable, and if any part, section, subsection, provision, sentence or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of the Ordinance shall not be affected thereby.

**SECTION 6. Effective Date.**

This Ordinance shall be published as required by law and shall take effect immediately upon such publication.

**CEMETERIES  
Ordinance No. 549  
Adopted: June 7, 1999**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of cemeteries owned by the Charter Township of Fenton, Genesee County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:**

**SECTION 1. Title.**

This ordinance shall be known and cited as the Fenton Township Cemetery Ordinance.

**SECTION 2. Definitions.**

**Cemetery Lot.** A designated area sufficient to accommodate from one to six cemetery plots.

**Cemetery Plot.** A single burial space consisting of land area three and one-half (3½) feet wide and twelve (12) feet in length.

**Marker.** A stone or plaque either flush with or above the ground indicating the given and/or family name(s) of the individuals interred.

**Memorial.** See Marker.

**Monument.** A stone extending above the ground inscribed with the family name.

**Township.** The Charter Township of Fenton.

**SECTION 3. Sale of Cemetery Lots or Cemetery Plots.**

Hereafter, cemetery lots or cemetery plots shall be sold only to residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the cemetery lot or cemetery plot sold. Such form shall be executed by the Township Clerk.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or cemetery plots within the Township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

**SECTION 4. Purchase Price and Transfer Fees.**

The purchase price and transfer of any cemetery plot shall be determined by resolution of the Township Board.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the General Fund. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

**SECTION 5. Grave Opening Charges.**

The opening and closing of any cemetery plot, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.

No cemetery plots shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the Genesee County Health Department.

**SECTION 6. Monuments, Markers or Memorials.**

All monuments, markers or memorials must be of stone or other equally durable composition. Any large upright monuments, markers or memorials must be located upon a suitable foundation to maintain the same in an upright position. No more than one marker or memorial shall be permitted per cemetery plot. The placement of a monument inscribed with the family name shall be approved by the Cemetery Sexton. The construction of a footing or foundation upon which any monument, marker or memorial must be placed shall be facilitated by the Township at cost to the owner of the burial right.

**SECTION 7. Interment Regulations.**

Only one person may be buried in a cemetery plot except for a mother and infant or two children buried at the same time.

Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the cemetery plot(s).

The appropriate permit for the cemetery plot involved, together with the appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Cemetery Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the cemetery plot is an authorized and appropriate one before any interment is commenced or completed.

All graves shall be located in an orderly and neat appearing manner within the confines of the cemetery plot involved.

**SECTION 8. Ground Maintenance.**

No grading, leveling or excavating upon a cemetery plot shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Cemetery Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers and flower containers must be removed or deposited in containers located within the cemetery.

**SECTION 9. Forfeiture of Vacant Cemetery Lots or Cemetery Plots.**

Cemetery lots or cemetery plots sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him/her of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his/her desire to retain said burial rights.

No written response to said notice indicating a desire to retain the cemetery lots or cemetery plots in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.

**SECTION 10. Repurchase of Cemetery Lots or Cemetery Plots.**

The Township will repurchase any cemetery lots or cemetery plots from the owner for the original price paid to the Township upon written request of said owner or his legal heirs or representatives.

**SECTION 11. Records.**

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

**SECTION 12. Vault.**

All burials shall be within a standard concrete or plastic vault installed or constructed in each cemetery plot before interment.

**SECTION 13. Cemetery Hours.**

The cemetery shall be open to the general public at all times. The township reserves the right to adopt a specific schedule for hours of operation if it is determined to be in the best interests of the township and the cemetery to do so.

**SECTION 14. Penalty for Violation.**

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 570, 2-5-01)

**SECTION 15. Severability.**

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

**SECTION 16. Effective Date.**

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 7<sup>th</sup> day of June, 1999.

**STORM WATER MANAGEMENT**

**Ordinance No. 574**

**Adopted: February 19, 2001**

An ordinance to regulate storm water systems and storm water discharge to minimize the negative effects of storm water runoff on the environment, prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat and integrate storm water management as an integral component of aesthetic site design and repeal existing Ordinance No. 262 of the Charter Township of Fenton, Genesee County, Michigan.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

**SECTION 1. Purpose.**

It is the intent of the Ordinance to encourage the use of Best Management Practices (BMPs) which are structural, vegetative, or managerial practices designed to treat, prevent or reduce degradation of water quality due to storm water runoff. All development projects, new residential construction and existing residential properties shall be designed, constructed and maintained using BMPs to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat and contribute to the aesthetic values of the project. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands and watercourses on the site to maximum extent feasible.

(Amended: Ord. No. 652, 11-21-05)

**SECTION 2. Acts Prohibited.**

It shall be unlawful for any person or legal entity:

- A. To construct, arrange, or continue to maintain any conduit, pipe or drain which collects runoff water, storm water or other waste water from their property or from their roof or from around the foundation of any structure on their property, concentrating the flow thereof and discharging such collected water onto the pavement of any paved public street or into the gutter of any street which has paved curb and gutter, unless such collected water is discharged directly into a storm sewer.
- B. Any storm water drainage from existing or new residential homes shall not be allowed to flow onto adjacent properties.
- C. Discharge untreated storm water to a wetland, lake, pond, stream or ground water recharge area.
- D. To use parking lot surfaces as detention basins unless it is determined that no reasonable alternative exists.

(Amended: Ord. No. 652, 11-21-05)

**SECTION 3. General Standards**

- A. Storm water facilities shall be adequate to handle any increased water runoff, which will be minimized through the use of storm water retention/detention facilities with provisions for filtration.
- B. The site shall be designed to ensure that there is no increase in runoff to adjacent sites and that no existing drainage patterns are harmed.
- C. All storm water drainage and erosion control plans shall, to the maximum extent feasible, utilize nonstructural techniques including but not limited to:
  - 1. Limitation of land disturbance and grading
  - 2. Maintenance of vegetated buffers and natural vegetation
  - 3. Minimization of impervious surfaces
  - 4. Use of terraces, contoured landscapes, runoff spreaders, grass or rock lined swale
  - 5. Use of filtration devices

- D. Storm water management systems shall be designed to prevent flooding and degradation of water quality related to storm water runoff and soil erosion from proposed development.
- E. All properties which are subject to this Ordinance shall provide for on-site storage of storm water. Facilities shall be designed to provide a volume of storage and discharge rate which meets the Genesee County Drain Commissioner's standards or the standards of Fenton Township whichever are stricter.
- F. Surface water runoff shall not exceed the rate that occurs under existing undeveloped conditions.
- G. Priority shall be placed on site design that maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners.
- H. The use of swales and buffer strips vegetated with native materials is encouraged as a method of storm water conveyance so as to decrease runoff velocity, allow for biofiltration, allow suspended sediment particles to settle and remove pollutants.
- I. Drainage systems shall be designed to be visually attractive. The integration of storm water conveyance systems retention and detention ponds in the overall landscape concept is recommended. Ponds with a naturally contoured design and appearance shall be encouraged.

**SECTION 4. Use of Wetlands.**

Wetlands may be used for storm water management if all the following conditions are met:

- A. All runoff from the development will be pre-treated to remove sediment and other pollutants prior to discharge to a wetland. Such treatment facilities shall be constructed before property grading begins. Storm water runoff discharged to wetlands must be diffused to non-erosive velocities before it reaches the wetland.
- B. Wildlife, fish or other beneficial aquatic organisms and their habitat within the wetland will not be impaired.
- C. The wetland has sufficient holding capacity for storm water, based upon calculations prepared by the proprietor and reviewed and approved by the Township engineer.
- D. Adequate on-site erosion control is provided to protect the natural functioning of the wetland.
- E. Adequate private restrictions are established to insure the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
- F. Applicable permits from the Michigan Department of Environmental Quality are obtained.

**SECTION 5. Maintenance.**

Whenever a landowner is required to provide on-site storm water detention, retention, and /or surface drainage to wetland, or whenever other protective environmental measures including filtration systems or monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide satisfactory assurance to the Township that the landowner will bear the responsibility for providing and maintaining such methods or facilities.

**SECTION 6. Penalty for Violation.**

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

**SECTION 7. Repeal of Previous Ordinance.**

Ordinance No. 262 of the Charter Township of Fenton is hereby repealed.



**SECTION 8. Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 9. Effective Date.**

This ordinance shall be published as required by law and shall take effect thirty (30) days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 19<sup>th</sup> day of February 2001.

**SEWER SYSTEM  
Ord. No. 615  
Adopted: February 2, 2004**

An ordinance providing for the operation of public sewers and sewer systems within the Charter Township of Fenton, connections thereto, and rates and charges for connections thereto and use thereof; providing penalties for violations; and providing for other related matters, to promote the public welfare and health of Fenton Township.

**ARTICLE I  
DEFINITIONS**

**SECTION 1. The following rules of interpretation shall apply:**

- A. "Shall" is mandatory; "May" is permissive.
- B. In circumstances where particular provisions or requirements conflict with general provisions or requirements, the particular provisions or requirements shall apply.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
- D. A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- F. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- G. Terms not herein defined shall have the meaning customarily assigned to them.

**SECTION 2. Defined terms.**

The following terms shall, for purposes of this ordinance have the meanings stated below, unless the context indicates that a different meaning was intended:

- A. Board - shall mean the Township Board of the Charter Township of Fenton.
- B. B.O.D." (denoting Biochemical Oxygen Demand) - shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.
- C. County - shall mean Genesee County, Michigan.

**SECTION 8 – PUBLIC WORKS & UTILITIES**

- D. County Agent - shall mean the Genesee County Drain Commissioner and his or her designees.
- E. County Interceptor - shall mean the Genesee County Sanitary Sewage Disposal System No. 3, or any other sewer constructed by the County and in the possession, control and the operating responsibility of which is not vested in the Township.
- F. Garbage - shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and the handling, storage, and sale of produce.
- G. Industrial Wastes - shall mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.
- H. Natural Outlet - shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- I. Normal domestic sewage - means sanitary sewage with a concentration of 200 mg/l of 5 day BOD and 200 mg/l of suspended solids.
- J. Operation and Maintenance - means all work, material, equipment, utilities, administration and other efforts required to operate and maintain the sewage treatment works and sanitary sewer system consistent with insuring adequate treatment to produce an effluent in compliance with the NPDES permit and other applicable State and Federal regulations and includes the cost of replacement.
- K. Person - shall mean any individual, firm, company, association, society, corporation, or group, public or private.
- L. pH - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- M. Premises - A lot, together with all of the buildings, structures on it and other improvements.
- N. Properly Shredded Garbage - shall mean wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and no particle greater than 1/2 inch in any dimension.
- O. Public Sewer - shall mean any County Sewer or Township Sewer located within the Township.
- P. Replacement - means the replacement in whole or in part of any equipment, machinery and appurtenances in the wastewater transportation or treatment system to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable State and Federal regulations.
- Q. Residential user - shall mean a user of the sewer system whose premises or buildings are used primarily as a domicile for one or more person including dwelling units such as detached, semi-detached or row houses, mobile homes, apartments or permanent multi-family dwellings (transit lodging is not included as is considered commercial).
- R. Sanitary Sewer - shall mean a sewer that carries sewage and which at no time storm, surface, and ground waters are intentionally admitted.
- S. Sewage - shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.
- T. Sewage Treatment Plant - shall mean a facility used for treating sewage.

- U. Sewage Works - shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- V. Sewer - shall mean a pipe or conduit for carrying sewage.
- W. Sewer Lead- shall mean the extension from the building drain to the public sewer.
- X. Sewer Main – shall mean gravity sanitary sewer 8” or larger in diameter, or any size force main.
- Y. Storm Drain - shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Z. Structure - means a building in which toilet, kitchen, laundry, bathing or other facilities that generate water-carried sanitary sewage.
- AA. Suspended Solids - shall mean solids that either float on the surface of, or are suspended in water, sewage, or other liquids, and which are removable by laboratory filtering.
- BB. Township - shall mean the Charter Township of Fenton, Genesee County, Michigan.
- CC. Township Sewer - shall mean any sewers that the Township has or will have possession, control and operating responsibility.
- DD. Unit - shall mean that measure of potential sewage production which is equivalent to the quantity of sewage produced by or emanating from a single- family residence occupied by an average family. The number of units assigned to premises of various types shall be as set forth in the “Table of Unit Factors” in **Sewer Connection and Sewer Use Regulations And Table of Unit Factors** entered into 9/1/64 between the County Drain Commission and Fenton Township.
- EE. User - shall mean any premises connected to a public sewer and includes appurtenant land and improvements
- FF. User Charge - means a charge levied on users of the treatment works for the cost of operation and maintenance of the District No. 3 Sewage Disposal System pursuant to Section 204 (b) of P.L. 92-500 as amended and includes the cost of replacement.
- GG. “Sewage Treatment Charges” means the sum of all applicable user charges, purchases and debt service charges.
- HH. Watercourse - shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**ARTICLE II**

**PUBLIC SEWERS AND CONNECTIONS**

**SECTION 1. Permit; fees.**

Neither the Township nor any other person shall connect any public sewer system to any County Sewer, or to any Township Sewer, which is connected directly or indirectly to any County Sewer, without first obtaining a permit therefore from the County. Each such connection permit shall show the location and extent of the work, information regarding the owner, the contractor and the engineer, and any other pertinent information as shall be determined to be necessary. The County permit shall be obtained from the office of the County Agent for which a fee will be charged by the County to cover the cost of inspection of the connection and to verify the results of the infiltration test.

**SECTION 2. Water infiltration test.**

A test for water infiltration into such public sewer or system of public sewers shall be performed by the owner or contractor, after completion of connection to the sewer system thereof, in accordance with procedures established by the County Agent. The Township will receive a copy of any video taken as part of the test and a copy of the as-built drawings of any lines constructed within 30 days of the connection to the sewer.

**ARTICLE III**

**DESIGN AND CONSTRUCTION OF SEWERS**

**SECTION 1. Design and Construction Standards.**

The Township Board shall have the authority to create and adopt area sewer plans that outline the basic engineering layout for sewers in the subject area. All sewers and connections to sewers shall be designed and constructed according to the standards of the Genesee County Drain Commissioner's Division of Water and Waste, the **GENERAL CONSTRUCTION STANDARDS FOR SANITARY SEWERS** for the Charter Township of Fenton, and any area sewer plan adopted by the Township Board.

**SECTION 2. Review and Approval.**

Prior to construction of sewers in the Township, a set of engineering plans, meeting the **GENERAL CONSTRUCTION STANDARDS FOR SANITARY SEWERS** for the Charter Township of Fenton, and in compliance with any adopted area sewer plans, shall be reviewed and approved by the Township's consultant. Construction observation during installation shall be conducted by the Township's consultant and Genesee County Drain Commissioner's Division of Water and Waste. All cost of the inspections shall be paid by the developer. Following construction of the sewer, the developer shall provide a set of as-built drawings of the sewer lines sealed by a professional engineer, and including rim elevations and inverts. The developer shall also provide video of the installed line and a performance bond lasting one year from the date of Township approval of the line equal to the value of sewer replacement. Building permits shall not be granted to a premises required to connect to a sewer under the terms of this ordinance until the sewer is approved by the Township's consultant.

(Amended: Ord. No. 657, 3-6-06)

**ARTICLE IV**

**DISCHARGE INTO SEWERS**

**SECTION 1. Storm, surface, ground water.**

No person shall connect or cause to be connected any downspouts, foundation drains, yard drains, areaway drains, catchbasins, weep tile, perimeter drains, or other sources of storm, surface runoff or ground water to any public sanitary sewers or to any building sanitary sewer or drain which is connected to a public sanitary sewer nor shall any person discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water into any public sanitary sewer or into any building sanitary sewer or drain which is connected to a public sanitary sewer.

**SECTION 2. Discharge of unpolluted drainage.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the County Agent and the Township. Industrial cooling or unpolluted process waters may be discharged, upon approval of the County Agent and the Township, to a storm sewer, or natural outlet.

**SECTION 3. Discharging of waters or wastes.**

No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity (either singly or by interaction with other wastes) to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create any hazard in the receiving waters of the sewage treatment plant (including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer).
- C. Any waters or wastes having a pH lower than (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**SECTION 4. Discharge restrictions.**

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the County Agent or the Township that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance:

- A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
- B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l; or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage shredder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the County Agent and the Township.
- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the County Agent or the Township for such materials.
- F. Any waters or wastes, containing phenols or other taste or odor producing substances, in such concentrations, exceeding limits which may be established by the County Agent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the County Agent in compliance with applicable State or Federal regulations.
- H. Any wastes or waters having a pH in excess of 9.5.

- I. Materials which exert or cause:
  - 1. Unusual concentrations of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
  - 2. Excessive discoloration (such as but not limited to dye wastes, vegetable tanning solutions).
  - 3. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**SECTION 5. Pretreatment, control or rejection of discharges.**

If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the County Agent or the Township may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the County Agent may:

- A. Reject the wastes.
- B. Require pre-treatment to an acceptable condition for discharge to the public sewers.
- C. Require control over the quantities and rates of discharge.
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes and sewer charges.
- E. If the County Agent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the County Agent.

**SECTION 6. Control manhole, meters.**

When required by the County Agent or the Township, the owner of any property serviced by building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such a manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the County Agent. The manhole shall be installed by the owner at their expense, and shall be maintained by them so as to be safe and accessible at all times.

**SECTION 7. Measurements, tests, analyses.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which a building sewer is connected.

**SECTION 8. Industrial waste, special agreement.**

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the County and the Township and any industrial waste of unusual strength or character may be accepted by the County for treatment, subject to payment therefore, by the industrial concern.

**ARTICLE V**

**INSPECTION AND PROTECTION OF SEWERS**

**SECTION 1. Right of entry; identification.**

The County Agent and other duly authorized employees of the County Agent or the Township bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, to promote the public welfare and health of Fenton Township.

**SECTION 2. Owner indemnification.**

While performing the necessary work on private properties referred to in Article V, Section 1 above, the duly authorized employees of the County or the Township, shall observe all safety rules applicable to the premises established by the owner or proprietor, who shall be held harmless for injury or death to such employees, and the County or the Township shall indemnify such owner or proprietor against loss or damage to his property by such employees and against liability claims and demands for personal injury or property damage asserted against such owner or proprietor and growing out of the gauging and sampling operating, except as such as may be caused by negligence or failure of such owner or proprietor to maintain safe conditions as required in Article IV, Section 6.

**SECTION 3. Destruction of structure or equipment.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the County or the Township System.

**SECTION 4. Installation permit; fee; certificates of insurance.**

All persons or contractors installing “sewer leads” within the Township shall obtain a permit to engage in or work at the business of installing “sewer leads”. Charge for such permit shall be set forth in a schedule of fees adopted by the Township Board and to be renewed each year thereafter.

All persons or contractors engaged in the business of installing “sewer leads” shall post and file with the Township certificates of insurance for the following:

- A. Minimum Limits for Liability Insurance shall be \$100,000.00 for injury to one person, \$300,000.00 for injury to more than one person and \$100,000.00 for property damage.
- B. Workmen’s Compensation Insurance: The Contractor and all Sub-contractors shall accept the provisions of the Workmen’s Compensation Act for the State in which the work is to be performed and shall procure Workmen’s Compensation Insurance covering all employees and keep same in full force and effect.
- C. Each person or contractor shall file with the Township a surety bond in the amount of \$10,000.00 for the performance of his work.

**SECTION 5. Manholes**

- A. No person shall remove a manhole cover from a Township Sewer without also first obtaining written approval therefore from the Township.



- B. No person shall bury, cover or otherwise obstruct access to any manhole on the Township Sewer. In the event that a Township Sewer manhole is found to be buried or covered, the Township shall take immediate action to uncover and/or raise said manhole to the appropriate grade. The owner of the property on which the manhole is located shall be responsible for any and all costs associated with the action taken by the Township to uncover and/or raise the manhole.
- C. No person shall park any vehicle or place any object in a manner that blocks or impedes vehicular access to a sewer pump station.  
(Amended: Ord. No. 628, 10-4-04; Ord. No. 634, 2-21-05)

**ARTICLE VI**

**CONNECTION FEES**

**SECTION 1.** Unit Factors are assigned based on Table of Unit Factors found in **Sewer Connection and Sewer Use Regulations And Table of Unit Factors** entered into 9/1/64 between the Genesee County Drain Commissioner and the Township.

**SECTION 2. Indirect connection fees and direct connection fees.**

Each user whose premises are hereafter connected directly to a public sewer shall pay the Township connection fee as provided in this Article based on the unit factors.

- A. An indirect connection fee shall be charged for each unit connected to any Sewer Main that was constructed and paid for by any Person other than the Township, which is connected directly to any Township Sewer.
- B. A direct connection fee shall be charged for each unit connected directly to any Township Sewer, which does not fit the criteria in Section 2(A) above.

The Fenton Township Board shall from time to time establish by resolution the cost of indirect connection fees and direct connection fees.

**SECTION 3. Lien.**

All indirect connection fees and direct connection fees and all installments thereof, together with interest, fees and penalties, shall constitute a lien upon the premises connected to the sewer and such lien shall be enforced in the same manner as are liens for Township taxes.

(Amended: Ord. No. 628, 10-4-04)

**ARTICLE VII**

**USER CHARGES**

**SECTION 1. User charges.**

Each user whose premises are heretofore to hereafter connected to a public sewer shall pay to the township a monthly or quarterly user charge for sewage disposal and treatment as provided in this Article.

**SECTION 2. Allocation of user charges.**

The total charge for sewage transportation and treatment for each customer of the system shall be determined by taking the sum of the charge listed below:

- B. The rate for Township Debt Service and Operation, Maintenance & Replacement, for both metered and unmetered users, shall be set forth in a schedule of fees adopted by the Township Board.

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**SECTION 8 – PUBLIC WORKS & UTILITIES**

- B. The rate for County Operation, Maintenance & Replacement, for both metered and unmetered users, shall be set forth in a schedule of fees adopted by the Township Board.
- C. Industrial pollutant loading charges shall be assessed against the responsible user(s) when industrial waste strength exceeds 200 mg/l of BOD and/or 200 mg/l of suspended solids as established by the County Agent.
- D. Any person who is responsible for discharging prohibited materials shall be charged the actual expense incurred by the County Agency for the handling, treatment and/or removal of said materials from the system plus any penalty assessed under the terms of Article VIII, Section 3 of this ordinance.
- E. Any person who is responsible for damage to the system shall be charged the full cost of repairs of the damage. The costs shall include but not be limited to labor, equipment, materials, administrative expense, interest on borrowed funds, engineering, legal or other professional fees, and charges to the County Agency or Township by other utilities.
- F. Annual Audit. The above charges are user charges used to pay the cost of debt service, operation, maintenance and replacement of the system and they are the same for all customers. The equality of rates for all users of the system shall be maintained in any future modification of rates for user charges.

The rates set are estimated to be sufficient to provide for the expense of operating, maintaining and replacement of the system and are necessary to preserve the system in good repair and working order. Such rates shall be revised from time to time as may be necessary. Rates for user charges shall be reviewed annually and revised as necessary by the Township Board by resolution to meet the system expenses and to insure that all user classes pay their proportionate share of debt service, operation, maintenance and replacement costs.

- H. Annual Notification. All customers of the system shall receive an annual notification which will show the breakdown of the sewer bill into its components for Township debt service, operation, maintenance and replacement and for County operation, maintenance and replacement.

**SECTION 3. Lien.**

All user charges, together with any fees and penalties, shall constitute a lien upon the premises connected to the sewer and such lien shall be enforced in the same manner as are liens for Township taxes.

**SECTION 4. Multiple tap-ins; individual meters; rates.**

Owners of premises which have multiple tap-ins shall have the right to install individual meters. Property owners shall purchase such meters from Genesee County, and the purchase price thereof as well as the cost of installing the same shall be borne by property owners. The Township and the County shall have access to the meter for the purpose of reading and testing. No persons other than authorized employees or agents of the Charter Township of Fenton or the County of Genesee shall break or injure the seal on or alter the same as installed. The Township Board shall establish by resolution from time to time rates to be charged for metered sewage disposal and treatment service.

(Amended: Ord. No. 628, 10-4-04)

**ARTICLE VIII  
GENERAL PROVISIONS**

**SECTION 1. When system becomes available; mandatory connection.**

All premises in Fenton Township upon which there exists a structure, or upon which a structure is hereafter built, and is within 300 feet of a public sanitary sewer, shall be connected to a public sanitary sewer system. If the existing premises has a functioning septic system, the premises is not required to connect to the available sewer line until that system fails.

A public sewer shall be deemed to be available to any premises if it is located in a right of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the premises, said premises extending in the case of lots in recorded plats to the depth of the rear lot lines thereof, and in the case of all other lands to the depth of the property held by the abutting owner, such depth of not to exceed 300 feet.

Sewer connection fee, and assessment, if applicable, shall be paid in full pursuant to the provisions of Article VI, at the same time that a building permit is issued to any person for construction of any structure upon property to which a public sanitary sewer system is available

No plat of a new subdivision or site condominium shall hereafter be approved where sewers are within 300 feet unless the developer or subdivider shall agree to install in such subdivision, at his own expense, an approved system of lateral sewers and to connect the same to an available public sanitary sewer system. In the case of a multi lot development, the Township may issue one building permit for a model home/sales office prior to approval of the developments sewer system, as authorized in the Township Zoning Ordinance.

**SECTION 2. Compliance with ordinance regulations.**

Compliance by any owner of any premises or by any other person with any requirements or regulations of the County Agent or with the terms of any permit issued by the County Agent shall not relieve such owner or other person of the obligation of complying with all requirements and regulations of the Township even though the latter may be more restrictive than those of the County Agent.

**SECTION 3. Waiver.**

The Township Supervisor, after review and recommendation by the Township Sanitary Sewer Committee, may grant a waiver from a requirement of this ordinance following submission of an application by the property owner and payment of the required fee established by the Township Board by resolution to the Township Clerk. The Township Supervisor may not grant a waiver from a standard required by another board or government agency such as Genesee County Drain Commissioner's Division of Water and Waste. The Township Supervisor shall grant a waiver if he/she determines that:

- A. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable, and
- B. That the granting of the specified waiver will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

(Added: Ord. No. 756, 4-22-13)

**SECTION 4. Appeals.**

A person, corporation or firm directly affected by an administrative decision made by a township employee in implementation of this ordinance including a waiver request outlined in Section 3 above, may appeal that decision to the Township Zoning Board of Appeals by submitting an application and required fee established by the Township Board by resolution to the Township

Clerk. The Township Zoning Board of Appeals may uphold, revise or reverse the decision following a public meeting if they determine that the decision conflicts with the provisions of this ordinance.

(Added: Ord. No. 756, 4-22-13)

**SECTION 5. Sanctions for Violation.**

Every person, corporation or firm who violates disobeys or omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township issued in pursuance of this Ordinance shall be guilty of a misdemeanor. The owner of record or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. Upon conviction thereof before any court of competent jurisdiction, they shall be subject to punishment by a fine not to exceed five hundred (500) dollars, or by imprisonment not to exceed ninety (90) days, or both, and, in addition, shall pay all costs of prosecution. Each day during which a violation continues shall be deemed to be separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

**SECTION 6. Validity.**

Each section of this ordinance, and each provision of each section, is hereby declared to be separable, and the holding of any section or provision thereof to be invalid or unenforceable shall not effect the validity or enforceability of any other section or provision.

**SECTION 7. Repeal.**

All other ordinances or resolutions, including Ordinance No. 214, insofar as the same or any part thereof may be inconsistent with any provision of this ordinance, are hereby repealed.

**SECTION 8. Effective date.**

This ordinance shall take effect thirty (30) days following publication.

Enacted at a regular meeting of the Charter Township of Fenton Board of Trustees held on the 2<sup>nd</sup> day of February 2004.

**Illicit Discharge and Connection Stormwater Ordinance  
Ordinance No. 769  
Adopted September 8, 2014**

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN ORDAINS:

**SECTION 1. Purpose**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Charter Township of Fenton through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance 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 ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

**SECTION 2. Definitions**

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

**Authorized Enforcement Agency.** Employees or designees of the director of the municipal agency designated to enforce this ordinance.

**Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house keeping 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. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Stormwater Phase II permits will be required for construction projects resulting in land disturbance of 1 acre 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 non-stormwater discharge to the storm drain system, except as exempted in Section X of this ordinance.

**Illicit Connections.** An illicit connection is defined as either of the following:

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 non-stormwater 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 an authorized enforcement agency

or

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 an authorized enforcement agency.

**Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14)

**National Pollutant Discharge Elimination System (NPDES) Discharge Permit.** A permit issued by 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.

**Non-Stormwater 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; non-hazardous 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 strips.

**Storm Drainage System.** Publicly-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.

**SECTION 3. Applicability**

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

**SECTION 4. Responsibility For Administration**

The Charter Township of Fenton (“Township”) and/or the Township Engineer shall be the authorized enforcement agency and shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

**SECTION 5. Severability**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

**SECTION 6. Ultimate Responsibility**

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

**SECTION 7. Discharge Prohibitions**

**Prohibition of Illegal Discharges.**

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.

The commencement, conduct or continuance of any non authorized discharge to the storm drain system is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this ordinance, provided they are not identified as a significant contributor to violations of Water Quality Standards: water line flushing or other potable water sources; landscape irrigation or lawn watering, and irrigation waters; diverted stream flows and flows from riparian habitats and wetlands; rising ground water and springs; uncontaminated ground water infiltration and seepage; uncontaminated pumped ground water except for groundwater cleanups specifically authorized by NPDES permits; foundation drains, water from crawl space pumps, footing drains and basement sump pumps (not including active groundwater dewatering systems); air conditioning condensation; waters from non-commercial washing of vehicles; street wash water; dechlorinated swimming pool water from single, two, or three family residences; firefighting activities;

(Amended: Ord. No. 776, 2-2-15)

- B. Dye testing done under the authorization of the MDEQ (general Rule 97) is an allowable discharge, but requires a complete Notice of Intent to the MDEQ prior to the time of the test.
- C. The prohibition shall not apply to any non-stormwater 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.

**Prohibition of Illicit Connections.**

- D. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- E. 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.
- F. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**SECTION 8. Suspension of MS4 Access**

**Suspension due to Illicit Discharges in Emergency Situations**

The Township Engineer 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.

**Suspension due to the Detection of Illicit Discharge**

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Township Engineer 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 Township.

**SECTION 9. 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.

**SECTION 10. 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 Township shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. 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 Township 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 Township 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 Township 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 Township and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Township access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. 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 ordinance.
7. If the Township has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, 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 ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Township may seek issuance of a search warrant from any court of competent jurisdiction.

**SECTION 11. Requirement to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices**

The Township will 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 non-structural 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 non-structural 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.

**SECTION 12. 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.

**SECTION 13. 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 non-hazardous materials, said person shall notify the Township 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 Township 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.

**SECTION 14. Enforcement**

Notice of Violation.

Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Township Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;

- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

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.

**SECTION 15. Appeal of Notice of Violation**

Any person receiving a Notice of Violation may appeal the determination of the Township Engineer. The notice of appeal must be received within seven (7) days from the date of the Notice of Violation. Hearing on the appeal before the Township Board shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Township Board shall be final.

**SECTION 16. Enforcement Measures After Appeal**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the Township Board upholding the decision of the Fenton Township Engineer, then representatives of the Township shall 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. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Township or designated contractor to enter upon the premises for the purposes set forth above.

**SECTION 17. Cost of Abatement of the Violation**

Within fifteen (15) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within five (5) days. If the amount due is not paid within a timely manner as determined by the decision of the Township Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

**SECTION 18. Injunctive Relief**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, 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.

**SECTION 19. 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 Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, 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.

**SECTION 20. Criminal Prosecution**

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

The Township may recover all attorneys' fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**SECTION 21. Remedies Not Exclusive**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Township to seek cumulative remedies.

**SECTION 22. Severability.**

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

**Section 33. Effective Date**

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication. Enacted at a regular meeting of the Fenton Township Board held on the 8th day of September 2014.