

Enforcement Response Procedure

MARCH 7, 2025



MERIDIAN CHARTER TOWNSHIP ENFORCEMENT RESPONSE PROCEDURE

If an illicit discharge is identified into the Township's MS4 system, the Township will investigate the potential source as described under the Township' IDEP plan. Once the source is identified, Meridian Charter Township will work to mitigate the illicit discharge by following procedures as set forth in several Township's regulatory mechanisms. The following procedure will also be followed in case regulatory mechanisms were not clear or specific to the pollutant causing the illicit discharge:

- Contact the party responsible by both verbal and written notifications to cease and desist illicit discharge immediately whether the party is Township affiliated or not.
- If the source could not be eliminated immediately, the Township will require immediate containment of the illicit discharge, or temporary plan to divert the discharge to an acceptable location away from the outfall. This action will be required to be in place within 24 hours of the source identification and will only be allowed to last no more than 72 hours. During the 72 hours, the party responsible will be required to provide a plan to implement a permanent corrective action to be completed within 30 days
- Once the corrective plan has been received, it will be reviewed to ensure compliance with all relevant local, county and state regulations.
- Implementation of the corrective plan will be inspected and documented for future tracking.
- Documentation of the violation and corrective actions will include location in MS4 system, date of violation discovery, responsible party, illicit material, communications, follow up inspections, corrective plan documents, permits, date of corrective action completion.

The Township will use the following regulatory mechanisms and ordinances to address enforcement and violations of the SWMP:

Sec. 22-217. – (Soil Erosion & Sedimentation Control)

Enforcement.

(a)

If the permittee fails to complete the work or fails to comply with the requirements, conditions and terms of the permit and/or subsequent requirements, the department shall issue a notice of deficiency. The issued notice shall provide a description of any deficiencies as well as the required corrective action(s). The permittee shall complete the required corrective actions within the time frame indicated on the issued notice. If permittee fails to comply with all requirements of the notice of deficiency, the department will issue a notice of violation and/or a stop work order.

(b)

If a notice of violation is issued, the department, not sooner than five days after the notice of violation has been mailed, may order such work as is necessary, not to exceed \$10,000.00, to stabilize the site and eliminate any danger to persons,

property or natural resources. If the cost exceeds \$10,000.00, the work shall not begin until at least ten days after the notice of violation has been mailed. Such work will be completed by an assigned agent of the department. The permittee and the surety executing the bond or person issuing the instrument of credit or making the cash deposit as required in section 22-205 shall be firmly bound under a continuing obligation for the payment of all costs and expenses that may be incurred by the township in causing any and all such work to be performed. In the case of a cash deposit, any unused portion thereof will be refunded to the permittee. If the financial guarantee is insufficient, the permittee shall deposit an amount equal to the deficiency.

(c)

If the department finds it necessary to issue a notice of violation to a permittee, the department may require a \$1,000.00 cash performance deposit for each subsequent single residential permit issued to that applicant. The amount of the performance deposit required for any other type of activity shall be determined by the department at the time of application.

(d)

Notwithstanding the existence or pursuit of any other remedy, the township may maintain an action in its own name in any court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this article.

(e)

Acceptance of the permit by permittee shall constitute permittee's consent that the department may enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigation of conditions and practices which may be a violation of the permit and/or this article.

(f)

Civil infractions.

(1)

In addition to remedies for a violation provided in this article, a person who violates this article, Part 91, or the rules promulgated under Part 91 as incorporated herein, shall be liable for payment of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$2,500.00.

(2)

A person who knowingly violates this article, Part 91, or the rules promulgated under Part 91, or who knowingly makes a false statement in an application for a permit or in the soil erosion and sedimentation control plan shall be liable for payment of a civil fine of not more than \$10,000.00 for each day of violation.

(3)

A person who knowingly violates this article, Part 91, or the rules promulgated under Part 91, after receiving a notice of deficiency shall be liable for payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation.

(4)

Civil fines collected pursuant to this section shall be deposited with the township.

(5)

A default in payment of a civil fine or a cost ordered under this section or installment of a fine or cost may be remedied by any means authorized under the Revised Judicature Act of 1961 (1961 PA 236; MCL 600.101 et seq.).

(6)

In addition to the other remedies provided in this article, Part 91, or the rules promulgated under Part 91, a person in violation of Part 91 may be liable for damages for injury to or destruction of or loss of natural resources resulting from said violation and may be subject to such injunctive orders as may be appropriate, including orders to cease and desist all such activities and/or to restore the area or the areas affected by the violation to their condition as said condition existed prior to the violation.

(7)

Persons authorized by the township board to enforce municipal civil infractions within the township are authorized to enforce the provisions of this article.

(Ord. No. 2010-01, § 1, 3-23-2010)

Sec. 62-149. – (Land Division)

Enforcement.

The township supervisor, township manager, director of community planning and development and director of public works and engineering or their designees are hereby designated as authorized township officials to investigate alleged violations of this chapter and to take appropriate action. Such action may include an order to correct the violation, issuance of an appearance ticket pursuant to the Land Division Act (MCL 560.101 et seq., as amended) or other actions as provided for by state law and township ordinances.

(Ord. No. 2006-03, § 9, 8-1-2006)

Sec. 62-150. - Penalties.

A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of \$75.00, plus costs which may include all direct and indirect expenses to which the township has been put in connection with the municipal

civil infraction as provided in chapter 124. However, in no case shall costs of less than \$9.00 or more than \$500.00 be ordered. Repeat offenses under this chapter shall be subject to increased fines as provided by section 124-6 of chapter 124 and section 125-11 of chapter 125. Each act of violation and every day upon which such violation should occur shall constitute a separate offense. Abatements shall not be considered as payment or part of a violation's penalty.

(Ord. No. 2006-03, § 9, 8-1-2006)

Sec. 62-151. - Other remedies.

In addition to all other remedies, including the penalties provided in [section 62-150](#) of this chapter, the Charter Township of Meridian may commence and prosecute appropriate actions in the circuit court for the County of Ingham or any other court having jurisdiction to restrain or prevent any noncompliance with or violation of any of the provisions of this chapter, or to correct, remedy or abate such noncompliance or violation.

(Ord. No. 2006-03, § 9, 8-1-2006)

Sec. 62-152. - Pending prosecutions

Any prosecution arising from a violation of ordinances or regulations repealed herein, which prosecution may be pending at the time this chapter shall become effective, or any prosecution which may be commenced in the future for any offenses committed before the effective date of this chapter, may be instituted, tried and determined in accordance with the provisions of such ordinances or regulations in effect at the time of the commission of the offenses.

Sec. 78-245. – (Sanitary Sewer)

Enforcement.

Except as otherwise provided herein, the township director of public works and engineering shall, acting under the supervision of the township superintendent, administer, implement, and enforce the provisions of this division.

(Code 1974, § 111B-1(1.1))

Sec. 78-246. - Penalties and costs

(a)

Civil penalties. Any user who is found responsible for having violated an order of the township board or who willfully or negligently failed to comply with any provision of this division, and the orders, rules, regulations and permits issued hereunder, shall be liable for a civil fine of not less than \$100.00 nor more than \$500.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a

separate and distinct offense. In addition to the penalties provided herein, the township may recover its actual costs incurred for any cleaning, repair, or replacement work caused by a violation and reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this division or the orders, rules, regulations, and permits issued hereunder.

(b)

Criminal penalties. In addition to any other penalty or legal remedy available to the township, any person who violates any provision of this division, or any rule or regulation adopted or issued in pursuance hereof, or fails to comply with any proper order issued by the township hereunder within the time limits specified therein, shall, upon conviction of such violation, be punished by a fine of not more than \$500.00 and costs of prosecution or by imprisonment for not more than 90 days or both such fine and imprisonment as provided by local and state law. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense punishable by a like penalty.

(c)

Operations upset deemed affirmative defense. An operations upset shall constitute an affirmative defense to any action brought by the township for noncompliance with the categorical pretreatment standards of this division, if the following demonstration and requirements are met:

(1)

The industrial user shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a.

An upset occurred and the industrial user can identify the specific cause of the upset.

b.

The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedure.

c.

The industrial user has submitted to the director the oral and written notifications required by section 78-285.

(2)

In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(3)

In case of upset the industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction loss or failure of its treatment facility until the

facility is restored or an alternative method of treatment is provided. This requirement shall apply in the situation where, among others, the primary source of power of the facility is reduced, lost, or fails.

(Code 1974, § 111B-6.0)

Violations Tracking Process:

The Township's tracking process mainly involves the use the BS&A software. Field inspection data for each violation will be added to the software data base which include the parcel number, address, owner's name, date of violation, type of violation, required remedial action including deadline for completion. A follow up protocol is built in the software to ensure proper tracking and resolution of the violation.